Violence at the Borders:
Nomadic Solidarity and Non-Status Migrant Resistance

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Abstract.
This paper argues that borders and violence against migrants no longer takes place exclusively at the geographical space between two sovereign territories. Instead border violence today has become much more normalized and diffused into society itself. An entire privatized industry now capitalizes on the cycle of transporting, incarcerating, hiring, and releasing non- status migrants. Similarly, however, resistance to this violence is also shifting from the older confrontation with sovereignty and the demands for rights to the larger aim of making the non- status migrant or nomad the new figure of political belonging and solidarity: demanding equality for an regardless of status.

Introduction.
In the present political climate of terror and securitization it has become increasingly apparent that borders no longer exist as phenomena taking place largely in the geographical space between two sovereign territories.[1] As local police enforcement, social service providers, private companies, airports, and individuals begin to increasingly monitor and strategically report non-status persons, "the border" today has become something much more multiple and polymorphic. Borders function not only in order to exclude some and include others (although this does occur), but primarily to effect a specific stabilized circulation of desired social and economic effects: profit, property, racial division, etc. Similarly, the exceptional border violence and detention that once took place mostly along or between territorial borders, has today become increasingly diffused into society itself. The violence of the border is now, more than ever, directed against a highly malleable and unspecified enemy: migratory life in general.[2]

Following this transformation, this paper argues three theses. First, that the structure of systemic border violence today should be conceived not only as the effect of the operative paradox of state sovereignty, as Giorgio Agamben argues, but increasingly as a function of micropolitical borders that create and sustain a diffuse social violence against migrants across multiple sectors of society. For many migrants, all of society increasingly functions "like a border," where surveillance is a constant. In particular, I argue we can see this kind of increasing social border violence operative in the highly profitable cycle of forced migration, incarceration, work, and deportation exemplified in the case of the U.S.-Mexico border wall.

Second, I argue that this transformation of contemporary borders requires a shift in strategies of resistance: from bare life and the confrontation with sovereignty, as Agamben argues, to the concept of a radically inclusive solidarity beyond nations, states, and corporations. It is not enough to simply reject sovereignty or borders as such in favor of differential "forms-of-life."

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[2] I do not mean to suggest that border violence and enforcement used to exist *only* at the territorial border and today it does not. Rather, I am arguing that it is a matter of degree. Border enforcement today is *vastly* more socially diffused and integrated into daily life than it has been in the past. I think this calls for a new focus in our political analysis of borders.

Rather, I argue, borders must become democratized and fortified against the forces of capital on the one hand and directed toward economic and social solidarity on the other. What is required to accomplish this is, in part, a new theory of solidarity no longer based on the figure of the citizen (defined by the nation-state) or the migrant (defined by the movement from one nation state to another) but on the figure of the nomad (or non-status migrant; who never stops moving and is not at all defined by the nation or the state).

Third, I argue that we can locate a practical articulation of this new form of migrant resistance and solidarity in the Canadian migrant justice organization No One Is Illegal. The goals of this organization are not only to defend the "rights" of migrants in Canada though legal means, but also to build solidarity among more nomadic and irregular migrants. In particular, No One Is Illegal proposes to build a new politics based on the figure of the nomadic migrant instead of the citizen; that is, to reorganize society such that everyone, regardless of status, has full political standing (access to services, political agency, protections, liberties, etc.). Concretely, this effort in Toronto, Montréal, and Ottawa is creating a network of social service providers, migrants, and others sufficient to extend services and sanctuary to people regardless of status as well as help them protect themselves from Federal immigration enforcement in daily life.

Far from demonstrating that non-status migrants exemplify a form of depoliticized bare life, this paper argues that their distinctly *political* efforts, along with others, to democratize their cities against the forces of capital and border enforcement at every level must be central to any theory of inclusive resistance and solidarity happening today against the politics of exception and border violence.

I. Borders, Violence, and Biopower.

If citizenship and legal status are the conditions under which liberal democracies understand the political agency and rights of a people, what does this mean for the millions of people living today without status in these democracies? They suffer the violence of being inclusively excluded from political life: of being "illegal." In democracies liberty is said to be universal, applied equally to all without bias, but if political universality is structurally limited to citizenship in a territorial nation-state then there seems to be a tension here. How can liberty be universal and inalienable and yet only for "citizens?" What about those without any status at all? This exclusionary dilemma of territorial nation-state based citizenship is not necessarily a new problem, and uncovering its structural paradox has not done it any harm.[3]

Far from destroying the nation-state, the contemporary phenomena of extra-national affinity, migration, and political states of emergency have only exacerbated the paradox of exclusion. Rather than weakening exclusionary models of power, the logical structure of exceptionalism has taken on an increasingly multiple, decentralized, and permanent formulation under modern capitalism—all the more powerful for its suppleness and contradiction. The power of political exclusion today as Balibar writes, does "not only take place at the territorial borders of the nation-state" but has become diffused into much more flexible border structures that have made *life itself* (not merely the citizen) the site of multiple intersecting forms of power.[4] Today, juridico-political suspensions of laws and rights are invoked toward the ends of increased security against an unidentified enemy (terror). Multinational corporations are allowed to pass freely across national-

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[3] Agamben in particular has explored this paradox in depth. See Giorgio Agamben, *The coming community*, trans. Michael Hardt (Minneapolis: University of Minnesota Press, 1993). Giorgio Agamben, "Unrepresentable Citizenship," in *Radical Thought in Italy: A Potential Politics*, ed. Paolo Virno and Michael Hardt (Minnesota: University of Minnesota Press, 1996). Giorgio Agamben, *State of Exception*, trans. Kevin Atell (Chicago: University of Chicago Press, 2005).

[4] Étienne Balibar, *Politics and the Other Scene*, trans. Christine Jones, James Swenson, and Chris Turner (New York: Verso, 2002), 75–86.

territorial borders, while the poor and undesirable are "refused" entry. States and corporations have thus mobilized an advanced structural invisibility or exceptionalism.[5]

Borders are a modern political expression of this mobilized exception. A border-*dispositif,* or border apparatus, today excludes and includes less like a *barricade or wall* than like a passageway or *sieve* for capital to pass through (for profit, control, security, etc.), and for others to get stuck in (the poor, refugees, people of color). Borders today are becoming something much less rigid and much more "self-regulating" and "self-transmuting" for those in power.[6] That is, borders have become modulating constraints not just to block all external movement, but also to regulate and stabilize specific populations to a certain degree within a largely unpredictable environment. "The sovereign" may be "he who decides on the exception," as Carl Schmitt says, but this is true today only insofar as sovereignty itself has become increasingly multiple and flexible.[7]

This type of power to statistically manage unpredictable forces is what Michel Foucault calls *securitization* or *biopower.* Biopower is a third type of power distinct from both sovereign and disciplinary power, whose aim is not to establish an exclusive juridical territory or control individual behavior, but to secure an unpredictable population "within socially and economically acceptable limits."[8] The goal of biopower is not to deny movement but to create "an average that will be considered as optimal for a given social functioning."[9] Instead of strictly prohibiting or permitting in a binary fashion, or disciplining bodies in an institutional-grid fashion, biopower, according to Foucault, "plans a[n] [uncertain] milieu in terms of possible events regulated in a transformable framework."[10] One type of this transformable framework is what I call a border-*dispositif* and can be seen in the case of the U.S.–Mexico border wall.

The U.S.–Mexico Border Wall
Despite the original stated goal of its construction by U.S. Homeland Security, every study done shows that the giant security wall built on the U.S.–Mexico border has not substantially stopped non-status migrants from crossing the border into the U.S. Why then does it continue to receive funding, political, and "popular" support? Because power is not merely negative or repressive; it is productive and, in this case, bio-political. One can critique the border wall by locating the so-called "secondary" or "negative" effects that demonstrate its "failure," but I argue instead that its "failures" are precisely where the wall is most successful. In other words, there are not primary and secondary effects; there

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[5] While there may be a structural exclusion and multiplicity necessary to law itself, there are certainly degrees of mobilizing this combination. Modern nation-states, as Hannah Arendt feared, have succumbed to the temptation to increasingly deploy this exceptionalism. "The clearer the proof of their inability to treat stateless people as legal persons and the greater the extension of arbitrary rule by police decree, the more difficult it is for states to resist the temptation to deprive all citizens of legal status and rule them with an omnipotent police" Hannah Arendt. *The Origins of Totalitarianism* (New York: Harcourt, Brace and World [1951] 1966), 290.

[6] Gilles Deleuze, *Pourparles 1972–1990* (Paris: Minuit, [1990] 2003), 243; idem. Gilles Deleuze, *Negotiations, 1972–1990*, trans. Martin Joughin (New York: Columbia University Press, 1995), 179.
From here on (where both French and English pagination is cited) I cite the French first, followed by the English.

[7] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: The University of Chicago Press, 2005), 5.

[8] Michel Foucault, *Sécurité, territoire, population: cours au Collège de France, 1977–1978*, ed. Michel Senellart, François Ewald, and Alessandro Fontana (Paris: Seuil, 2004), 22; idem. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978,* trans. Graham Burchell (Basingstoke: Palgrave Macmillan, 2007), 20.

[9] Foucault, *Sécurité, territoire, population*, 22/20.

[10] Foucault, *Sécurité, territoire, population*, 37/35.

are only effects of power. The U.S.–Mexico border apparatus works not *in spite of*, but precisely *because of* the fact that it lets people through "illegally." The important question is thus, "what kind of power is at work in this case, and how does it function?" Under what conditions and optimal limits does it let "illegal" persons through? Thus, drawing on Foucault's conception of biopower, I want to look at how this type of violence functions in the case of the U.S.–Mexico border wall.

The wall actively sustains a structural violence on migrant populations *within a permanent state of exception* in three ways: (1) by increasing the number of *indirect* border crossing deaths via the suspension of human rights laws,[11] (2) by destabilizing/militarizing the natural *milieu* (animals, water, vegetation, migration, etc) where migration takes place via the suspension of more than 30 environmental laws, and (3) by allowing an acceptable percentage of precarious persons into the country for economic exploitation via the suspension of labor laws.[12]

The border wall is thus not merely a physical barrier, deterrent, or part of a disciplinary series, but is also part of a larger process of managing uncertainties and effectively enforcing environmental controls and transformations. The task of eliminating "*all* unlawful entry, by *any* means necessary," as was the stated goal of Michael Chertoff's six years as Secretary of the DHS, is as financially irresponsible as it is arcane and physically impossible. The properly biopolitical problematic of borders instead begins from the presupposition of the impossibility of total control. Biopower accepts incomplete knowledge and instead aims to achieve an optimal outcome in the most efficient way possible. It does this through the control of general environment factors.

Concretely, we can see this in the following biopolitical border tactics. Three major contractors were hired by the U.S. government not to keep *all* migrants out of the U.S., but to profitably maximize the management of what the RAND corporation calls the "security environment" and circulate what is inherently an unpredictable and unstoppable flow of migrants. (1) The Boeing corporation was contracted to build a "virtual fence" for $850 million including vehicle barriers, radar, satellite phones, computer-equipped border control vehicles, underground sensors, 98-foot tall towers with high-powered cameras (including infrared cameras) and unmanned aerial vehicles.[13] (2) G4S/Wackenhut was contracted for five-years at $250 million for the daily transport of thousands of migrants using 100 secure motor coach buses with state of the art confinement systems, on-board digital/video surveillance, GPS tracking and over 270 armed security personnel.[14] (3) Finally, Corrections Corporation of America (CCA) and the GEO Group, Inc.–two of the largest Private Prison Corporations–were contracted to build and house immigrant detainees, charging up to $200/a day per bed.

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[11] "The Border Patrol's policy of "prevention through deterrence" has resulted in the purposeful displacement and diversion of migrants into more treacherous and dangerous zones to cross such as deserts, rivers, canals, and rugged terrain, which from 1993 to 2008 resulted in more than 5,000 deaths along the US/Mexico border, a doubling in the number of deaths of border crossers." US Government Accountability Office, "Illegal Immigration: Immigration Border-Crossing: Deaths Have Doubled Since 1995; Border Patrol's Efforts to Prevent Deaths Have Not Been Fully Evaluated," 2009, accessed March 15, 2011, www.gao.gov/new.items/d06770.pdf.

[12] The concept of exclusion thus remains adequate for an analysis of capitalism to the extent that capitalism still requires border-*dispositifs* to regulate the flow of labor and capital between nation-states and keep the global south from migrating to the global north and receiving better living and working conditions.

[13] Brian Bennett, "Government Pulls Plug on Virtual Border Fence: High-tech Boeing Project Beset with Problems," *Tribune Washington Bureau*, Oct 22, 2010, accessed March 15, 2010, www.spokesman.com/stories/2010/oct/22/government-pulls-plug-on-virtual-border-fence/

[14] Brenda Norrell, "Privatizing Misery, Deporting and Imprisoning Migrants for Profit: The Hidden Agenda of the Border Hype: Security Guards and Prisons in the Dollars-For-Migrants Industry," *The Narco News Bulletin*, 2007, accessed March 15, 2011, www.narconews.com/Issue46/article2769.html

The flourishing of these companies *relies on and ensures* the permanent circulation of migrant bodies from one side of the border to the other and back again, and from one institution to the next; each time extracting a profit. The death or permanent detention of migrants is not nearly as profitable or as possible as their optimal circulation through a secured border "environment." Migrants are economically forced across the border; if they are caught, they are transported, incarcerated, and returned close to the Mexican border to try again. Each cycle through brings another round of profit for these privately contracted companies.

Similarly, the ecological securitization of the border wild lands operates at the level of circulating uncertain populations. Where sovereignty acts on the territory and discipline on the individual, biopower, Foucault says, acts on the population as a whole to maximize positive elements in a "transformable framework."[15] In the case of the border environment, we can see this in the clear and active management of the environment itself and its natural givens, its rivers, marshes, hills, vegetation, etc. to yield certain effects for migrants, both human and animal. Biopower, Foucault, says, "aims to plan a *milieu*" as the medium in which circulation takes place.[16] This is especially true in the case of the Environmental Defense Fund, backed by the Weeden Group, who has proposed several ways to "improve" the environment *and* secure the border. "Clearing the river corridor to remove dense thickets of nonnative salt cedar," they say "and replacing them with native vegetation, can improve sight-lines and bolster the Border Patrol's ability to enforce the law." "Creating backwater channels (ravine wetlands)," they say, "can help impede illegal border crossings while providing significant benefit to birds and wildlife."[17] Acting directly on the border environment does not deter or discipline individuals, rather it accepts the uncertainty and inevitability of their movements, and invests in their optimal and controlled circulation *through the milieu*.

The chosen placement of the wall along the border is another such biopolitical tactic. It cuts through precarious habitat and the private property of those without the finances to fight it, while carefully building around well-financed golf courses. The wall cuts through public parks, schools, low-income housing areas, industrial parks, and urban and rural watersheds causing flooding. This is not merely a matter of environmental devastation, classism, or racism, etc., it is a productive investment opportunity for new real estate and the gentrification of the built environment. The goal, Foucault says, is to break up crowds and ensure hygiene, ventilation, and commerce.[18] Without direct punishment, or disciplinary action, the wall as a piece of the environment shapes the environmental conditions under which water, plants, animals, and people circulate and gather.

The paradox of maintaining an exclusionary territorial-state is revealed in the figure of the citizen who is neither inclusive nor universal. In the beginning of the eighteenth century, according to Foucault, the state began to accept this failure but still needed to develop another mode of power to deal with the proliferation of non-citizen subjects. At this time there emerged a new form of power that was able to act much more indirectly and statistically on what were previously considered "non-political" phenomena: the physical environment and the population as a whole. Biopolitical border-*dispositifs* are thus not simply an expression of state violence but rather the flourishing of a whole host of governmentalities (*gouvernementalités multiples*), or practices of government—economic,

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[15] Foucault, *Sécurité, territoire, population*, 22/20.

[16] Foucault, *Sécurité, territoire, population*, 22–23/20–21.

[17] Environmental Defense Fund, "When Fences Make Bad Neighbors: Rare wildlife could be a casualty of border security efforts," 2008, accessed March 15, 2011, www.edf.org/article.cfm?contentID=7966

[18] Foucault, *Sécurité, territoire, population*, 20/18.

environmental, domestic, social, private, etc.[19]—that carry out an equally violent delimitation of phenomena "within the borders (*limites*) of a territory" and within economically and politically profitable flows of migration.[20]

Universal Singularity
But if the exclusionary character of the territorial nation-state has been increasingly transformed into the more multiple and heterogeneous exceptionalism of biopolitics, what, if any, opportunities does this open up for a new theory of inclusive politics? Giorgio Agamben argues that the decline of nation-state based citizenship has revealed the figure of the refugee as the starting point for a new theory of political affinity. It is worth quoting him here at length,

> Given the by now unstoppable decline of the Nation-State and the general corrosion of traditional political-juridical categories, the refugee is perhaps the only thinkable figure for the people of our time and the only category in which one may see today—at least until the process of dissolution of the Nation-State and its sovereignty has achieved full completion —the forms and limits of a coming political community. It is even possible that, if we want to be equal to the absolutely new tasks ahead, we will have to abandon decidedly, without reserve, the fundamental concepts through which we have so far represented the subjects of the political (Man, the Citizen and its rights, but also the sovereign people, the worker, and so forth) and build our political philosophy anew starting from the one and only figure of the refugee.[21]

While the "unstoppable decline of the Nation-State" is far from certain at this point, Agamben's insight here is to highlight the site of such a potential unhinging: the refugee. Insofar as the figure of the refugee "unhinges the old trinity of State-nation-territory" and expresses the disjunction between the human and the citizen, between nativity and the nation, Agamben argues, "it brings the originary fiction of sovereignty to crisis" and allows "the citizen [to] be able to recognize the refugee that he or she is".[22]

If biopolitics has truly created a permanent state of exception and modulated control, everyone has become, at least potentially, a form of *bare life*, stripped of all particularity. Citizens are no longer the central subject of political management but rather environments and populations governed as potential events within a flexible framework. This *form of life*, or *singularity* discernible in the figure of the refugee or the non-status migrant and virtually present in everyone is internally excluded from the dominant politics of citizenship and the nation-state. Thus, Agamben argues that such singularization opens up the opportunity for a new radically inclusive form of political affinity based on "the paradoxical condition of reciprocal extraterritoriality (or, better yet, aterritoriality) that . . . could be generalized as a model of new international relations."[23]

While grounding political affinity in the concept of universal singularity may avoid the problem of representation and exclusion inherent in the relation between the universal and the particular, it remains, however, insufficient for understanding how such singularities organize and

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[19] Michel Foucault, *Naissance de la biopolitique: cours au Collège de France, 1978–1979* (Paris: Gallimard, 2004), 79; idem. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, François Ewald, and Alessandro Fontana, trans. Michel Senellart (Basingstoke [England]: Palgrave Macmillan, 2008), 77.

[20] Foucault, *Sécurité, territoire, population*, 13/11.

[21] Giorgio Agamben, "Unrepresentable Citizenship," 158–159.

[22] Giorgio Agamben, "Unrepresentable Citizenship," 164.

[23] Giorgio Agamben, "Unrepresentable Citizenship," 164.

connect up with one another or become, in themselves, concretely universal. For example, if we agreed that citizenship is inherently exclusionary and that we were all mutually aterritorial refugees, what new practices of political affinity would be desirable to facilitate more or less connections between such singularities? What are the different types of relation between singularities and what are their dangers? What would such a new model of international relations actually look like?

II. Nomadic Solidarity.

In this second section I will argue that this biopolitical transformation of contemporary border violence requires a similar shift in strategies of resistance. Rather than only demanding that the sovereign recognize the rights and political agency of those excluded from the political process (by transforming migrants into citizens), what is required is that the figure of the non-status migrant itself become the basis for a new political organization based on the universal inclusion of everyone regardless of status. If the citizen is the subject of the territorially sovereign state and the migrant is the one who moves from one state to another, then it is the nomad or the non-status migrant who moves between the two, and expresses the possibility of a new politics beyond the state.

But what does it mean for those who are deemed politically "illegal" to organize a movement for the universal inclusion of all persons regardless of status? Such an organization could not be understood in terms of strict identity or party politics (status) since the figure of such a movement has no requisite racial, professional, or party identity. Anyone who is committed to building a world where status is no longer a condition for political equality and where political agency is no longer based on territorial sovereignty could be considered (to some degree) as struggling toward a political nomadism.[24] But such a political movement would certainly be highly heterogeneous; composed of all kinds of people from many different backgrounds and other struggles. Without a single and centrally guiding axis of struggle how would such a political solidarity be possible? In the remainder of this section I argue that we can locate a theory of nomadic solidarity between highly heterogeneous groups without a fixed identity or party in Deleuze and Guattari's political philosophy. This is crucial for understanding what solidarity without status might mean.

Before developing the concept of nomadic solidarity found in Deleuze and Guattari's *A Thousand Plateaus*, I want to first distinguish this concept from four other common theories of solidarity that it is not. (1) Nomadic solidarity is not a matter of charity. Charity presumes an unequal distribution of power and wealth, such that those who have them may temporally alleviate the suffering of those who do not without radically changing the conditions under which such inequality existed in the first place. (2) Nomadic solidarity is not altruism. Altruism is based on an identification with the needs, interests, and character of a particular group or person. As such, altruism also fails to understand or change the conditions under which a particular group or person has suffered injustice. (3) Nomadic solidarity is also not a universal principle of duty. If it were, duty would risk overriding all other heterogeneous political conditions under a single condition: duty itself. Political commitment would be more like servitude than like free engagement and belief in a cause. (4) Finally, nomadic solidarity is not a matter of allies fighting toward the same teleological objective. This is the case because the goal of nomadic solidarity is not entirely determined in advance, but also because the goal of such solidarity is continually under construction by multiple heterogeneous groups, such that there is no single goal of such a movement. Negative definitions out of the way, the remainder of this section offers a positive account of universal solidarity by drawing on Deleuze and Guattari's concept of nomadism found in *Mille plateaux* (1980).

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[24] I do not mean to suggest that everyone can be or is a non-status migrant. Nomadism is the larger category of which non-status migrants are a part. Additionally, there are certainly degrees to which one enters such a struggle. Some people enter out of necessity, fighting for their lives, others enter the struggle only out of a sense of justice and not of poverty and exploitation. However, I would insist that these are still degrees of the same struggle for the transformation of the conditions of political belonging from that of citizenship to that of nomadism.

Nomadism
Defined in its most basic terms, nomadism, for Deleuze and Guattari, is a "mode of unlimited distribution without division." Nomadism is fundamentally a theory of universal political relation between highly heterogenous persons and groups without fixed political status. The figure of the nomad is thus singular in the sense that it lives and resides in some specific location and yet belongs universally wherever it is and no matter who it is.

But what is it precisely about the concept of nomadism that allows us to theorize the inclusive and mobile connection between heterogeneous political groups? Deleuze and Guattari define the origins of the word *nomad* following the work of French historian Emmanuel Laroche in *Histoire de la racine "Nem" en grec ancien* (1949). There Laroche argues that the Greek origins of the root "νεμ" signified a "mode of distribution" (*moyen de distribution*), not an allocation of parceled out or delimited land (*partage*). "The idea [that nomos meant] law is a product of fifth and sixth-century Greek thought," that breaks from the "original Homeric root νεμω meaning, 'I distribute' or 'I arrange'"[25] Even "the [retroactively] proposed translations 'cut-up earth, plot of land, a piece' are not suitable in all cases to the Homeric poems and assume an ancient νεμω 'I divide' that we should reject. The pasture in archaic times is generally an unlimited space (*espace illimité*); this can be a forest, meadow, rivers, a mountain side."[26]

"The *nomos*," Deleuze says, thus "designated first of all an occupied space, but one without precise limits (for example, the expanse around a town)."[27] Rather than parceling out a closed space delimited by roads, borders, and walls, assigning to each person a share of property (*partage*), and regulating the communication between shares through a juridical apparatus, the original meaning of nomos, according to Laroche and Deleuze and Guattari, does the opposite. Nomadism "distributes people in an open space that is indefinite (*indéfini*) and noncommunicating" without division, borders, or *polis*.[28] It is marked instead by "traits" that are effaced and displaced within a trajectory: points of relay, water, food, shelter, etc. Nomadic distributions have no division or border, but that does not mean that nomad space is not distributed or consistent. Rather, it is precisely because of the fact that the nomos defines a concretely occupied but non-limited, indefinite space that it offers us a way to think of the connection between heterogeneous persons and groups without opposition. If there are no distinct divisions (status, for example) or delimited "pieces" (*des morceaux*), then there can be no mutual exclusion.

But how is solidarity actually constructed between such unlimited distributions? While it must be admitted that Deleuze and Guattari rarely mention the word solidarity, I want to highlight a particularly illuminating passage and a footnote from the "Treatise on Nomadology" chapter of *A Thousand Plateaus* where they do.[29] Here, they directly connect the concept of solidarity to its

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[25] Emmanuel Laroche, *Histoire de la racine nem- en grec ancien (nem, nemesis, nomos, nomiz)* (Paris: Librairie C. Klincksieck, 1949), 255. (my translations)

[26] Laroche, *Histoire de la racine nem- en grec ancien*, 116.

[27] Gilles Deleuze, *Différence et répétition* (Paris: Presses universitaires de France, 1968), 54; idem. Gilles Deleuze, *Difference and repetition*, trans. Paul Patton (New York: Columbia University Press, 1994), 309fn6.

[28] Gilles Deleuze and Félix Guattari, *Capitalisme et schizophrénie tome* 2: *Mille plateaux* (Paris: Éditions de minuit, 1980), 472; idem. Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987), 380.

[29] Gilles Deleuze and Félix Guattari, *Mille plateaux*, 453/366.

nomadic origins and its role in the creation of a "collective body" (*le corps collectif*) opposed to the State, Family, or Party body.

The nomadic origins of the concept of solidarity, according to Deleuze and Guattari, are found in Ibn Khaldun's concept of *asabiyah*. In his book, *The Muqaddimah: An Introduction to History,* Khaldun defines the Bedouin nomads not primarily by their ethnic, geographical, state, or familial genealogy, but by their mode of life and *group solidarity* that brings various heterogeneous persons and families together. What is interesting is that, for Khaldun, solidarity is not defined by any pre-given, genealogical, or even static criteria for inclusion/exclusion, but rather by contingent relationships "between persons who . . . share a feeling of solidarity without any outside prodding."[30] "By taking their special place within the group [solidarity], they participate to some extent in the common descent to which that particular group [solidarity] belongs."[31] Not only is the only condition for group solidarity, according to Khaldun, "a commitment" to a particular group solidarity, but this mutual solidarity then creates a new common line of descent (similarly open to solidarity with other groups). Thus Khaldun can claim that "genealogy is something that is of no use to know and that it does no harm not to know . . . [because] when common descent is no longer clear and has become a matter of scientific knowledge, it can no longer move the imagination and is denied the affection caused by [solidarity]. It has become useless."[32] Even state political power is useless without solidarity behind it.[33] The most primary form of social belonging is thus, according to Khaldun, neither sedentary (state) nor genealogical (Family), but rather contingent and mobile (Nomadic).

What Deleuze and Guattari find so compelling in the nomadic origins of Khaldun's theory of solidarity is that each nomadic Bedouin family acts not as a hierarchical or unidirectional condition of genealogical descent, an arranged matrimonial alliance between families, or even a state-bureaucratic descent, but rather as a contingent "band vector or point of relay expressing the power (*puissance*) or strength (*vertu*) of the solidarity" that holds them together.[34] Families are thus assembled primarily through relations of mutual, horizontal solidarity and have nothing to do "with the monopoly of an organic power (*pouvoir*) nor with local representation, but [with] the potential (*puissance*) of a vortical body in a nomad space."[35] It would thus be a mistake to understand nomadic solidarity as simply a matter of merely unlimited space, a line of flight from, or internal transformation of state power. Rather, I am arguing, following Khaldun, that Deleuze and Guattari's concept of nomadism is a matter of belonging and unity among heterogeneous relays. It is a form of belonging that does not rely at all on the status or identity of the individual but with their ability to take collective action with others. Accordingly, Khaldun defines nomadic (*badiya*) solidarity (*asabiyah)* according to two axes of belonging: *the group* (the condition of a common descent) and *relations of solidarity* (the concrete practices of mutual support and relay between groups).

There are thus two important points I want to highlight in this theory of nomadic solidarity. First, just as the original meaning of the word *nomos*, according to Laroche, meant "to distribute in an open and unlimited space like the steppe or countryside," and not "to rule, or divide into pieces

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[30] Ibn Khaldun, *The Muqaddimah; an Introduction to History*, trans. Franz Rosenthal (New York: Pantheon Books, 1958), Chapter 2, Section 8.

[31] Khaldun, *The Muqaddimah,* Chapter 2, Section 13.

[32] Khaldun, *The Muqaddimah,* Chapter 2, Section 8.

[33] Khaldun, *The Muqaddimah,* Chapter 2, Section 12.

[34] Gilles Deleuze and Félix Guattari, *Mille plateaux*, 453/366.

[35] Gilles Deleuze and Félix Guattari, *Mille plateaux*, 453/366.

or static categories," so we should also apply this notion of *nomos* to political relationships between people. Instead of defining political participation and belonging by one's categorical status (place of birth, financial assets, color of one's skin), we should instead define it by how and to what degree one already participates in political life where one is. Second, just as nomadic solidarity, according to Khaldun, is based primarily on one's commitment to a group or community without the forced belonging or exclusions of family, state, or other external prodding, then so should we consider the figure of the nomad to be a flexible enough figure such that anyone could find themselves in such an inclusive struggle. Anyone regardless of status, identity, or division can act in nomadic solidarity with anyone else. They do not need to share the same goals, backgrounds, territories, or states; they only need to be able to affirm and believe that their struggles are the same struggle. But what exactly does a political movement based on the figure of the nomad look like? Beginning from within the dominant paradigm of states and citizenship, how might one go about building a migrant justice movement that demands more than the rights of the citizen but the unlimited belonging of the nomad?

III. Non-status Migrant Resistance.

In the final section of this paper I argue that we can locate a practical articulation of this new form of migrant resistance and solidarity in the Canadian migrant justice organization No One Is Illegal. Beyond the defense of migrant rights, which the group also fights for, the aim of No One Is Illegal, Toronto is to organize a movement to build a new politics based on the figure of the nomad. The group does not rally, as many migrant justice groups do, around national identity, patriotism, and citizenship. Rather, their ultimate goal is not to include non-status and irregular migrants into the Canadian nation-state (although this is certainly important in some situations); their main goal is to organize the people of Toronto, not as citizens, but as nomadic denizens or living occupants of the city to make Toronto safe and accommodating for everyone regardless of status. This kind of activism poses a direct threat to the daily biopolitical management of migrants.

No One Is Illegal is a migrant justice movement that began in 2006 to (1) ensure that all city residents, including people without full immigration status, can access essential services (housing, health, education, social services, emergency services) without fear of being detained or deported; (2) ensure that municipal funds and city police are not used to support federal immigration enforcement; and (3) ensure that residents of the city are not required to provide proof of immigration status to obtain services, and if such information was discovered, that it could not be shared with federal immigration enforcement: "don't ask, don't tell" (DADT). Additionally, the Toronto-based migrant justice group, No One is Illegal calls for the regularization of all non-status persons,[36] the end to deportations, the end to the dentition of migrants, and refugees, and the abolition of security certificates.[37]

Most of the day to day labor of this movement is broken up into four committees (Health for All, Education not Deportation, Food for All, Shelter|Sanctuary|Status, and Legal), who work with other community organizations to try and get clinics, schools, food banks, and women's shelters to (1) provide access to anyone regardless of status, (2) train front-line staff to adhere to this commitment and be sensitive to non-status issues, and (3) radicalize service providers and users toward larger actions against forced migration and "Status For All." NOII has at least one member

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[36] It is an interesting question to consider what status would mean if it were given to everyone. NOII's call to regularize everyone initially sounds reformist and non-nomadic, but since the demand for status for all is not possible given the fundamental paradox of national sovereignty, this demand is actually quite radical. The realization of this demand would be a de facto end of state exclusion.

[37] A "Security Certificate" is a mechanism by which the Government of Canada can detain and deport foreign nationals and all other non-citizens living in Canada.

on each of the committees who then report back to the general membership of NOII (to ensure that each new decision is connected to and mutually affirmed as the same consequence of two heterogenous nomadic solidarities). While there are certainly a number of other sectors in this movement that are yet to be developed, such as labor and housing, the goal of the movement is also to confront all the mechanisms in the city that force migration in the first place, i.e. war, imperialism, uneven economic development, etc.

The goal of creating a city of "asylum," "sanctuary," or "refuge" is by no means new. Their history dates back at least to the biblical book of Numbers where God told Moses to institute cities that would be "cities of refuge" or "asylum," for the "resident alien, or temporary settler." In the medieval tradition as well, cities held a certain degree of autonomy in regards to the Great Law of Hospitality. This hospitality was an "unconditional Law (*Loi inconditionnelle*), both singular and universal, which ordered that the borders be open (*d'ouvrir les portes*) to each and every one, to every other, to all who might come, without question or without their even having to identify who they are or whence they came."[38] The practice of modern sanctuary, that emerged across the borders of North America in the 80's in response to U.S. foreign policy and civil war in Central America also continues to play an important role and reference point by offering church spaces to shelter non-status persons. These sanctuaries act as zones of singularity subtracted from even the highest federal laws. Unfortunately, in the past ten years these spaces have been increasingly violated by federal immigration enforcement.[39] And while local DADT policies may help those who have already crossed borders, they do little to help those who have not. Thus, what is needed is a new *global* multiplication of such zones of singularity, connected together through the multiple commitments of nomadic solidarity from the bottom up and toward the ultimate goal of dissolving sanctuary and DADT zones into federated but autonomous *Nomadic Cities*.

The density and diversity of migrants in the city of Toronto make it a particularly fecund milieu for the emergence of such a nomadic solidarity network. With an estimated 500,000 non-status persons in Canada, Toronto is home to more than half of them.[40] Additionally, with over 80 different ethnicities and more than half of its city population born outside the country, Toronto is demographically the most diverse city in the world. But the diversity of migrants also poses the danger of either fragmenting political affinity into identity-based struggles or as appearing as a tolerant multicultural city.[41] Accordingly, one of the more interesting effects of implementing a *de jure* and *de facto* DADT practice among service providers in Toronto is that it does not create, "yet one more identity," or "multicultural right" but rather de-identifies status altogether exposing the failure of multicultural tolerance. No one should be refused or granted service based on his or her identity or status.

But the goal of No One is Illegal is not to merely de-identify everyone into a pure anonymity or singularity. Rather, the goal is to harness the singularities released by a DADT policy to the local *de facto* operations specific to the city itself and the organized will of the people. That is, while top-down DADT city policies may be legally binding at the local level, they often do not stop police, service providers, and individuals from reporting non-status persons directly to federal immigration enforcement. So while the *Sanctuary Cities* of the United States, for example, may

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[38] Jacques Derrida, *Cosmopolites de tous les pays, encore un effort!* (Paris: Éditions Galilée, 1997), 46; idem. Jacques Derrida, *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (New York: Routledge, 2001), 18.

[39] This has occurred in many churches across Canada, France, and the United States.

[40] See No One is Illegal's website at: http://toronto.nooneisillegal.org/node/274

[41] Additionally, the divisions posed by "legitimate" and "illegitimate/bogus" refugees, and economic vs. non-economic migrants pose hierarchical divisions regarding the "right" to live in the city.

directly discourage police from helping immigration officials, because its "not their responsibility," they can, and do aide federal immigration enforcement. DADT is thus a precarious labor that always risks betrayal to the federal level. This is why DADT is a matter of nomadic solidarity outside the law, a solidarity of the exceptional, just like the underground railroads of the United States in the nineteenth century.

A nomadic city is thus one whose conditions for belonging are not based on where one is from, what one's identity is, or what the state of federal laws are. Rather, belonging is based on one's participation in the city and the degree to which one is affected by the decisions made there. Insofar as No One Is Illegal has created a movement based on the solidarity of those who believe that status should not be a condition for belonging in Toronto, they have created a movement based on a nomadic and open solidarity (without status). Opposed to the representative (and procedurally neutral) democracy of the state, the nomadic city is the direct and federated democracy of its denizens. This type of event thus disrupts the assumed depoliticized exceptionalism of non-status migrants, and creates a new kind of agency: that of the nomad or denizen. Since everyone, regardless of status, is at risk of having their status modified or taken away, No One Is Illegal is a movement that is radically inclusive insofar as it de-identifies status and aims to directly transform political affinity itself: from citizenship to nomadic solidarity. Its absolute horizon is not just the denizen, but the coordinated network of city denizens based on federated networks of solidarity.

Conclusion.

While it is beyond the scope of this paper to argue for the absolute replacement of citizen-based political affinity by solidarity-based political affinity, I have argued that such a non-exclusionary theory of political affinity is not only possible, but is in fact already underway in the migrant justice movement to organize the city-wide refusal of immigration law and create, in its place, a radical *de facto* DADT policy based on nomadic solidarity. This was argued by way of three supporting arguments: (1) First, I argued that the structure of border violence today should be conceived not only as the effect of a sovereign exclusion that takes places at the territorial border (like a wall or barrier), but increasingly as a statistical management of unpredictable forces (like a sieve to insure the circulation of profitable migration). (2) Second, I argued that given this transformation of border violence, migrant resistance must also change from being only a struggle for rights and citizenship (that are inherently exclusionary) to making the non-status migrant or nomad itself the central figure of an entirely new political movement based on universal solidarity. (3) Third, I argued that what is particularly interesting about the No One Is Illegal movement in Toronto is that it takes as its primary object the task of creating an inclusive form of political affinity based on the singular event of non-status persons and the figure of the nomad. But beyond simply affirming the slogan "no one is illegal," or "we are all singularities," difficult as it is to raise that cry, No One Is Illegal is trying to a build what they call a "Solidarity City."

How do we go about theorizing and doing this? I have argued that two things are required for this effort: (1) A theory and practice of intervention and commitment within and against the law, and (2) a theory and practice of nomadic solidarity based on the piece by piece connection of very heterogeneous denizens: community organizations, non-status migrants, and allies. One of the most important tasks for radical politics in the 21st century will no doubt be the creation of a new theory and practice of solidarity distinct from previous national, corporate, and status based models. Nomadic solidarity is one step in this direction. It is thus no longer sufficient to continue providing the open space of undecidability where, "another world is possible;" it is time for another world to be made.