Transgressing Borders: Genetic Research, Immigration, and Discourses of Sacrifice

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UTILIZING MICHEL FOUCAULT'S CONCEPTION OF "PLAGUE" AS A DESCRIPtion of states of exception, this essay analyzes America's plans to genetically screen illegal immigrants. It argues that liberal democratic theory presupposes the exceptionalism of the nation-state and hence justifies sacrifices to appease the tragic order of things. The use of genetic technology in current American immigration policy instantiates these "necessary" sacrifices, extending agency and visibility in a never-ending struggle to foreclose every manner of contingency. In contrast, I offer a "doxological" view of space that, eschewing this tragic economy, re-imagines the world by resisting foreclosure and "laboring" to remain open. After theorizing the genetic screening of illegal immigrants through Foucault's "plague" and Hans Jonas' work on sacrifice, I articulate the globalized nation-state as the exception for violence and conclude with political theology's more capacious view of space and cultural identity.

> At the confluence of two or more genetic streams, with chromosomes constantly "crossing over," this mixture of races, rather than resulting in an inferior being, provides hybrid progeny, a mutable, more malleable species with a rich gene pool. From this racial, ideological, cultural and biological cross-pollinization, an "alien" consciousness is presently in the making—a new mestiza consciousness, *una concienda de mujer.* It is a consciousness of the Borderlands.
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> —Gloria Anzaldua, *Borderlands/La Frontera*

At the 2006 American Academy of Religion in Washington, D.C., Francis Collins, director of the National Human Genome Research Institute (NHGRI), addressed ethical issues related to genetic research. Referencing the NHGRI's "Ethics, Legal Issues, Social Issues" program (ELSI), Collins attempted to alleviate societal concerns regarding issues of privacy and discrimination. Clearly Collins meant to articulate the federal government's own recognition of possible abuses of biotechnology, abuses that recent

government policy has sought to anticipate and prevent. According to the NHGRI, genetic information requires protection unlike other modes of identification because it "reveals the health of family members . . . parentage, reproductive options, and future health risks; *it goes to the essence of who and what an individual is.*"[1] Hence, in 2000, President Bill Clinton signed an executive order outlining protected genetic information, which included "information about an individual's genetic tests."[2] Likewise, in its "Genetic Bill of Rights," the Council for Responsible Genetics states, "All people have the right to genetic privacy including the right to prevent the taking or storing of bodily samples for genetic information *without their voluntary informed consent.*"[3]

All of this articulates worry that genetic information may one day be used against those for whom it was meant to benefit. In a recent editorial, David H. Holtzman warns, "The increasingly widespread use of DNA testing opens a Pandora's Box of privacy issues. A comprehensive DNA database could be used as a surrogate national identification system. Someday we may have to stand in a security line at an airport, waiting to get our cheeks swabbed."[4] (The question becomes, when that day arrives, might we actually be happy for it, for all it promises, for all it prevents?) Thus in his address to the AAR, Collins adamantly claimed that the government would diligently protect individual rights to privacy regarding genetic information. According to Collins, the highly personal information disclosed in genetic screenings should be used for the benefit of the individual and that she alone should have access to that information. What Collins did not relate, and in a sense could not anticipate, is the reality that citizenship in bureaucratic technocracies like America demands contractual sacrifices for the common good. In other words, the federal government, through spokespersons like Francis Collins, restricts every abuse except its own because as the centralized authority that grants, secures, and codifies citizenship, it alone must hold the power to sacrifice individual rights for the good of the nation.

As Collins made these comments, the U.S. government was already under way passing a new law that allowed for the genetic screening of illegal immigrants. By way of an addendum to the 2006 Violence Against Women Act (VAWA), the federal government now authorizes the acquisition and use of genetic information for nonmedical uses, namely, the vast expansion of DNA collection as genetic fingerprinting.[5] The addendum's rationale for screening illegal immigrants involves the protection of women against sexual crimes, thus its inclusion in the VAWA bill. Over the last few years there have been several cases in which serial crimes involving illegal immigrants might have been prevented had genetic screening been allowed. For example, Angel Maturino Resendiz, a border drifter also known as the "Railroad Killer," was detained on seventeen different occasions prior to finally being arrested, convicted, and executed for fifteen murders and sexual assaults; if U.S. border authorities had

access to his genetic information, so the argument goes, they might have prevented many of these heinous crimes.[6] The basis for the addendum is that genetic information can be used as a type of high-tech fingerprint, linking illegal immigrants with illegal activities while filtering out the overwhelming majority who will never commit crimes.[7] According to Senator Jon Kryl, one of the amendment's sponsors, approximately 13 percent of illegal immigrants detained each year have criminal pasts, and this criminal element must be diligently pursued.[8] While illegal immigration is not considered a crime and while the government heretofore only screened convicted felons, illegal immigrants must now be criminalized, the bill argues, for the greater good.

I will show why, despite Collins's reassurances, biotechnologies will increasingly be used for reasons other than therapeutic health care; although Collins would probably find these applications accidental, even monstrous, I argue they epitomize the spirit of the age. The goal of biotechnology has always been something like the alleviation of human suffering, a seemingly noble goal. Yet, the attempt to master nature for such purposes—to, as John Howard Yoder would say, "make history come out right"—ultimately leads to modes of violence to purchase that which can only be attained by blood. The notion that biotechnology will one day relieve suffering as a condition of being trades on presumptions of human subjectivity as infinitely expandable, where power and mastery presume license to transgress every limit and finitude, regardless of collateral consequences. Exactly because the attempt to "save us all" seems so right, exactly because it reads the telos of humanness as such, it entails necessary sacrifices to make the expansion of power and its immanent effects possible.

In this essay I show why the intentional and systematic genetic screening of illegal immigrants finds coherence within the world in which we find ourselves. I look first at what happens to power in states of exception, or what Michel Foucault called "the dream of the plague." Next I turn to Hans Jonas's description of how such expansions of power entail sacrifices of persons as well as ethical ideals about persons. States of exception articulate the raison d'etre of the modern nation-state as an organization of power for the sake of exception; because the state is exceptional, it requires sacrifices.

On the foreground, this essay discusses the plight of illegal immigrants who have now been enlisted as subjects in America's vast experiment with state control and surveillance within the larger context of global capital and its incessant and ubiquitous formations. In the background, this essay relates the odd yet revealing linguistic similarities between immigration and genetic research: invasion, bodies, freedom, mapping, boundaries and borders, citizenship, policing, transgression, legality, frontiers, and so on. That which undocumented persons seek—the promise of a mythical America (economic prosperity, homeland security, social order, and so on—a myth which must be constantly and carefully maintained)—raises the specter of government imposition because the very

opportunities sought by immigrants and citizens alike must be procured by perpetual states of exception, which in turn render necessary sacrifices by illegal immigrants. The upkeep of mythic readings of American immigration as a justificatory self-narrative requires illegal immigrants to traverse an ethical hinterland cohabitated by America's morally ambiguous biotechnology.[9] In this sense America's plans for genetically screening undocumented persons emanate from an ethos where the borders of acceptable human research are guarded by self-serving conceptions of humanness; therefore resistance to these plans compels rethinking fundamental categories: race, nation, economy, personhood, political existence, and all these in relation to the fulcrum of purity. I conclude by theologically contending with discourses of sacrifice and suggest that the only way out of this fly bottle, to invoke Wittgenstein, will be alternative liturgies that imagine the world beyond the terms of tragedy and its ritual immolations. Throughout, I borrow from Gloria Anzaldua's *Borderlands/La Frontera: The New Mestiza* because her prose/poetry exemplifies the energies, sufferings, imaginaries, and hopes Christianity as an "alien consciousness" might offer.

Plagues, Exceptions, and Sacrifices

> The world is not a safe place to live in. We shiver in separate cells in enclosed cities, shoulders hunched, barely keeping the panic below the surface of the skin, daily drinking shock along with our morning coffee, fearing the torches being set to our buildings, the attacks in the streets. Shutting down.
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> —Anzaldua, *Borderlands/La Frontera*

In *Discipline and Punish*, Michel Foucault begins a discussion of what he calls "ponopticism" by describing a state of emergency. Plague has set in and death has invaded the world. Suddenly everything shuts down, including cherished notions about life: "the closing of the town and its outlying districts, a prohibition to leave the town on pain of death, the killing of all stray animals."[10] The various communities that once mediated the individual's relationship with the state have now become infectious hot zones and thus need to be disciplined. Everyone now lives alone, receiving direction, rations, and news of the world through the most basic conveyances. As fear grows, people create borders: you survive by keeping others out. "It is a segmented, immobile, frozen space. Each individual is fixed in his place. And, if he moves, he does so at the risk of his life, contagion or punishment." In place of the community, one bows to what Foucault calls "gaze," social surveillance "alert everywhere" as "inspection functions ceaselessly." Whereas the citizen would normally reject "the penetration of regulation into even the smallest details of everyday life" he now willingly

submits since nothing less than survival is at stake: "Everyone locked up in his cage, everyone at his window, answering to his name and showing himself when asked—it is the great review of the living and the dead."[11]

Capitalism enters this epic drama on the underside of the nation's teleological myths of civilization defined by plague-like alternatives—that is, the social contract staves off an Hobbesian primal state of nature: the nation as the cure for the infectious wars of religion. Foucault speaks about the "political dream" of "the plague as a form," which extends indefinitely the state of exception: "rulers dreamt of the state of plague."[12] Here capital colonizes fears generated by the political dream of plague and crafts a total society where "each actor is alone, perfectly individualized and constantly visible . . . arrang[ing] spatial unities that make it possible to see constantly and to recognize immediately," where "visibility is a trap."[13] Space now becomes "location of bodies in space, of distribution of individuals in relation to one another, or hierarchical organization, of disposition of centres and channels of power, of definition of the instruments and modes of intervention of power."[14] Elsewhere Foucault writes about the ability of "the gaze" to exact bodily confession or the loquacity of sexuality to articulate "normality."[15] The intransigence of emergency requires that power "be given the instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could remain invisible. It had to be like a faceless gaze that transformed the whole social body into a field of perception."[16]

States of emergency begin to find "contagions" at every juncture, and time itself marks impending doom. Communities marshal forces and suspend previously indispensable rights, for "against an extraordinary evil, power is mobilized."[17] This marshalling proves the great benefit of having already constructed a disciplinary society because the structures of control are already in place, the infrastructures necessary to survive need only be activated in a fuller sense, "to a whole series of 'carceral' mechanisms which seem distinct enough—since they are intended to alleviate pain, to cure, to comfort—but which all attend, like the prison, to exercise a power of normalization."[18] Such modes of being over time habituate citizens as the ubiquitous presence of power entails "capillary" formations "to induce . . . a state of conscious and permanent visibility that assures the automatic functioning of power . . . creating and sustaining a power relation independent of the person who exercises it."[19] Power settles at the level of depth, transforming desire such that states of exception become something of a choice, and those who resist represent threats to the whole because the state of exception demands an all-or-nothing commitment. When Foucault strangely refers to ponopticism as "democratic," he means that submission to the powers has become not only necessary but also attractive as we learn to love order, homogeneity, and certainty, coming to be at home with terror because it saves us from terror.[20]

"Plague" in its various political incarnations—for example, invasion of communism, drugs, terrorists—sets the stage of exceptionalism as a common thread between immigration and genetic research. The development of the Human Genome Project avails surveillance at a level of minutiae Foucault could only anticipate, exacting through its forensic applications a more precise "unrelenting system of confession," as he terms it in the first volume of *The History of Sexuality*.[21] Images of death, contagions, and quarantined communities speak of invasion (note the similarity to language internal to the increasingly contentious immigration debate). Plagues and what Foucault called "the plague as form" necessitate moral compromise—what some have called "ethical realism"—and unleash power literally at the genetic capillary level. How better to describe using DNA screening to curtail, if not stem completely, illegal immigration?[22] After all, Pat Buchanan titled his 2007 book on immigration *State of Emergency: The Third World Invasion and Conquest of America*.[23] Even if we discount Buchanan as a political caricature, it is not hard to find "serious" persons voicing similar alarm. In 2006 congressional hearings, U.S. congresswoman Virginia Foxx stated, "people all over this country think we are being invaded, and that the Federal Government is simply not doing its job to protect us from invasion. And so I think that is the first role of the Federal Government."[24] The language of "invasion" leads to militarization; thus North Carolina State representative Dale Folwell laments, "It would take over 200,000 soldiers, and we still could not seal the border. I am telling you, over 200,000, maybe half a million. We do not have them, we do not have them in the military. My Guard units are exhausted, my Reserve units are exhausted. My regular military people from my home area are doing second cycles. Terrorism around the world is not going to go down. We do not have the troops to seal the border."[25] Folwell, like Foxx, echoes Buchanan's "state of emergency" and signals an overwhelming invasion already under way, a siren heightening danger alerts, mandating even further exceptions "waged on behalf of the existence of everyone."[26]

According to Foucault, states of exception must be liturgically nurtured by "the haunting memory of 'contagions,'"[27] and herein lie the fates of the criminal illegal, the sexual predator, the street gang member, the welfare queen, the lazy Mexican, the social parasite, or the foreign-language speaker, ultimately conflating all immigrants, legal or otherwise, criminal or not, under scare quotes. Thus one begins to see the discursive logic of modern immigration's "rituals of exclusion,"[28] practices now routinized by the spectacle of American immigration policy: "This surveillance is based on a system of permanent registration. . . . The role of each of the inhabitants present . . . is laid down, one by one . . . [and] this document bears 'the name, age, sex of everyone.' . . . Everything that may be observed during the course of the visits . . . is noted down and transmitted."[29]

The religious description of exception is sacrifice: Within the tragic realities of the world, sacrifices need be made.[30] We would rather avoid sacrifice

but the finite conditions of being require them. If "the plague is [to be] met by order" then sacrifices must be made to order.[31] In a 1969 *Daedalus* essay, Hans Jonas elucidates what he calls the "Sacrificial Theme" in discourses regarding biomedical experimentation.[32] Jonas argues that experimentation bespeaks a loss of innocence regarding the search for knowledge. At stake is a "genuine conflict of values" where we suppose on the one hand that "human beings ought not be dealt with in that way" but on the other hand recognize such dealings as necessary for goods beyond specific human individuals. Jonas notes that "high order" issues require sacral liturgies as certain "considerations," such as the general good, "override" previous objections, which, like experimental subjects themselves, must be sacrificed to the higher good. In other words, we would not objectify human beings except we need to because as Jonas says, experimentation on biological entities has no "simulacrum to take its place."[33]

Jonas makes the stark claim that "we must face the somber truth that the *ultima ratio* of communal life is and has always been the compulsory, vicarious sacrifice of individual lives," and while Jonas would hesitate to subsume much of modern science and medicine under the rubric of sacrifice, still, "something sacrificial is involved in the selective abrogation of personal inviolability and the ritualized exposure to gratuitous risk of health and life, justified by a presumed greater, social good." Within this ultima ratio of sacrifice, sanctity of persons and ethical ideals about persons must submit to "a supreme, sacral necessity" within the "stern order of things."[34] The very logic of sacrifice necessitates that "one of the fellowship of men ha[s] to die so that all could live," a ritual performance within everyday life that often goes unquestioned exactly because the premise of survival, indeed the very witness of survival, takes for granted that this "awesome *quid pro quo* had to be paid over again."[35]

Behind the modern imaginary of sacrifice lies a larger ontological narrative about the structure of existence, the dogged reality of tragedy within the architectonics of human existence in time. Ethical idealisms must give way, themselves being sacrificed, to a causal logic of an exclusively mechanized and sensible world. Exactly because we cannot expect anything *other*, exactly because of the zero-sum analytic of the sacrificial imagination, something must give and here we begin to see the melding of the political and the religious within languages of sacrifice. Articulating a rationale for sacrifice presupposes an ontological horizon where immanence situates the gods upon that horizon as themselves fixed within the limits of its temporal parameters. Exactly because the gods are themselves subject to the same rules, themselves creatures, they require sacrifice. The same determinates that constitute human life, and thus require sacrifice, also determine the gods. Things work out tragically because the gods are unable to overcome fatedness. We make sacrifices because the gods have to hold us accountable to rules they are powerless to change, since they neither create, nor enact miracles. The gods submit to this causal logic until they too

are subsumed within its material unfolding, subsumed within the dialectic itself, finally morphing into the immanent processes that require sacrifice.

The symbiosis between nation and capital demands not simply survival but prosperity, which, like survival, must be purchased by the blood of sacrifice. This symbiosis leads to a permanent state of exception because continual survival and prosperity require continual sacrifices, and sacrifices to honor previous sacrifices. If we attach survival and prosperity to the promises of technology and its various biomedical instantiations, as we increasingly do, then the equation goes something like this: the goods of technology, which are nothing less than human survival and flourishing, require sacrifices, both of persons and ethical ideals about persons. Thus, the ethical question is no longer, should someone be sacrificed, but simply, who? As Jonas puts it, "Who is to be martyred?"[36] And because we tend to be not only realists but cheap realists, wanting to get as much as we can for as little as possible, answers regarding "who" then intimate expendability within the larger chain of being and in this way, on the road to greater and greater technological mastery: We have sacrificed African American males at Tuskegee, women in various gynecological procedures, Jewish prisoners in the camps. Jonas delineates the limits of sacrifice—that "progress is an optional goal not an unconditional commitment" and it cannot be "the aim of progress to abolish the lot of morality"—yet, according to his own argument, morality becomes the first sacrifice.[37] Moreover, the nature of exceptionalism is that we do what we must not because we desire evil, but because we desire good and the good we seek within the terms of this world, held to its ultima ratio, can only be purchased through temporary evils; they require dirty hands. After all, as Gerald McKenny has shown, it is not that modern ethics has failed to keep pace with the hyper speed of modern technology; rather modern technology makes—*techne*—its own ethics and carries within its own being the production of obligation.[38]

Bordering the Nation-State

> Borders are set up to define the places that are safe and unsafe, to distinguish us from them. A border is a dividing line, a narrow strip along a steep edge. A border is a vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants.
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> —Anzaldua, *Borderlands/La Frontera*

How is sacrifice currently organized within contemporary nation-state constructions of immigration? As Foucault postulated in an interview, the prelim-

inary work of the theorist is to map this organization, to "locate lines of weakness, strong points, positions where the instances of power have secured and implanted themselves."[39] If we are to understand and challenge contemporary practices of immigration, we need nothing less than "a topographical and geological survey of the battlefield."[40] To do so, we must first survey how nation-states see, practice, and theorize immigration.

At the heart of the bureaucratized nation-state and its gathering of power stand borders. Borders protect and sustain the literal existence and idea of the nation-state. It imagines a topography surrounded by boundaries. Borders demark one from the other and exemplify a politics of exception. As an epoch mapped onto history with clearly marked advancements and improvements, the very idea of modernity borders itself off from its less mature predecessors, cordoning the good from the bad, the new from the passé. Borders conjure images of limit as well as of prohibition and property, trespassing, and dangerous strangers, "stray animals" to be killed. Not only do borders fend off "enemies" but they also create them under a hermeneutic that inscribes, proscribes, and circumscribes difference. As identities are centered and then demarked, difference becomes depicted as off-center, askew, strange. Provisional solutions concretize into ontological walls. According to political theorist Sheldon Wolin, "The emergence of [the bureaucratized nation-state] . . . introduced permanent, virtually self-perpetuating power structures, designed to be independent of regimes and political parties, to be the embodiment of a specialized expertise. . . . Where the people were depicted as 'turbulent' and 'tumultuous,' as irregular, modern government was portrayed by its champions as 'regular,' 'efficient,' and 'orderly.'"[41] This strategy brilliantly entails circularity: The creation of borders creates dangerous others, which in turn justify the use of borders. The denuded citizenry celebrates the nation-state as the only political form that can protect its citizens; that they sacrificed their participatory powers, a sacrifice that then opened the door for further sacrifices, seemed a small price for the benefits of the centralized state. Not only does the state have the power to declare states of exception but it is itself *the* state of exception: the sacrifice necessary for protection against the primordial state of nature, realities that threaten to return unless sacrifices are made to the state.[42] Thus specific declarations of exception become necessary instantiations in the ritual worship of the state as exception over against the always-looming trope of chaos.

The disciplinary apparatus of the nation provides the techniques of control that optimize power as repression and production and both as the Realpolitik necessary to provide safety in a world on edge. Thus did the nation-state construct its own image and identity toward what Foucault termed "ponopticism." Within and beyond its borders, the nation-state operated as a totality, and the mythical others beyond its borders only served to justify this totality. It was not that the theory of nation-state acted as the impetus to the

practical implementation of policy and the literal construction of immigration measures. Rather, the construction of geographical borders mirrored a growing faith in the sovereign nation. The need to police those borders coalesced with the idea that nation-states act as nation-states through coercion. In the same way that language presupposes biology, so power inhabits spaces that fit. In doing so, not only were solutions implemented but needs were also discovered. Immigration evolved ad hoc as did the idea of liberal state as modus vivendi, and the claimants of each reverberated on the other's registers. It was, like all relations of power, a marriage of convenience. As ever-expanding, these powers sought to overcome every form of resistance, targeting specifically the demos that stood principally against the amalgamation of power but could not ultimately resist the language of sacrifice and greatest cause, which, after all, waters the ground of democracy. We give up rights to have rights; sacrifice becomes the means by which citizens participate in the life of the nation.

All the while capitalism, the social form of ponopticism, undermines and replaces substantive communal life, making disciplinary societies not only habitable but enjoyable; the very communities that previously negotiated relations between the market and the individual have given way to unmediated consumerism such that the individual takes in rations, directions, and news of the world hook, line, and sinker. Global capital relishes the unobstructed flow of cheap exploitable labor, but in its symbiotic relationship with the nation, it must create the façade of control through spectacles of power—think here of the big, ugly border that runs between the American southwest and Mexico—to both energize and manipulate the multitude.[43] Completely closing off the border would impede the flow of capital and population, migrations that animate the nation as a governing principle, a "world-historical figure" as Hegel would say, and its role within the larger global economy. The border must remain open enough to draw the multitude forward while individuals acquiesce to the state's exploitation as a means of survival. However, without borders, the global flow of capital would become unmanageable, especially as envisioned through the trope of chaos. This is a precarious arrangement as multitudes constantly exceed the limits of control, but not enough to gain ground on capital's dominance. Within this fragile matrix casualties mount on the side of the multitude as desperate migrants find themselves in the hands of those who profit from the counterpoising vectors of control and freedom.[44]

Rather than seriously engage in the enormously complex set of issues surrounding immigration, America has tended to reduce immigration to criminality in general. "The Railroad Killer" becomes the paragon of the undocumented worker, the face of illegal immigration as such.[45] This profiling/stereotyping is made all the easier having already made scapegoats of undocu-

mented workers, laying on them societal ills perpetrated overwhelmingly by American citizens, and while illegal immigrants have at best a minor effect on the larger concerns of America, they get blamed for America's problems: the breakdown of the environment, national security, the economy, infrastructures, civic life, cultural identity, and so on. Such scapegoating makes these immigrants necessary and attractive sacrificial victims. As victims of sacrifice, we lay on them the sins of the nation such that they might expiate our iniquities as we hand them over to the gods.

As Foucault shows, power does not originate in itself but colonizes extant structures for its own use. Here the state of emergency takes advantage of structural realities, including implicit fears, and then affixes to even greater modes and infrastructures so that soon it becomes coherent to speak of immigration within the terms of homeland security, economic prosperity, and civic life. It is not that immigration cannot be said to relate to any of these concerns but rather these concerns are increasingly articulated as if immigration embodies the whole of each issue. On these registers, immigration takes on the ruse of emergency. Ironically, all the while, such desperation only results in exasperating the very conditions that make immigration, legal or not, necessary for millions living (and dying) in the shadows of American borders.

The allure of biotechnical surveillance lies in its remarkable abilities to circumvent time, a temporal faculty able to map past and future. Because dangers loom everywhere in every form in and beyond the borders of the desperate state, and because its citizens and invasion comes by way of both microbes and migrations, then every defense must be mustered. DNA sampling harbors amazing powers for forecasting the future, locating in the most basic and minute detail of persons potential dangers to society. Although technology cannot yet provide us with perfect prognoses, we can be sure technology, always self-perfecting, will soon remedy its limits. Likewise, the use of DNA sampling also gives us the past. By its forensic use, as in the case of screening illegal immigrants, we can tie persons with criminal behavior, and while individuals may be able to avoid leaving fingerprints at crime scenes, they cannot control hair, dead skin cells, blood, semen, saliva, and so on. In a sense, DNA gives us a person's whole physical history, and as the state increasingly reduces persons to bodies, their whole genetic history as such. According to Foucault, through its microsurveillance and its capillary functions, the state pulls everything to the surface, rendering flat persons under the power of the gaze, and its ostensible benevolence, for the sake of everyone. Forebodings of dystopia frequently sound off about a future that "could happen" but in this case is already happening. The promise of DNA testing is the ability to identify danger immediately at the most basic level of personhood, her genetics, and to predict and learn what she has been and will do that requires penal correction now.

The most frightening consequences will not be the failures and frustrations of these biopowers but rather their successes. To the extent that these technologies prove effective in the identification and apprehension of criminality among illegal immigrants, it will only validate even greater surveillance and centralization of power. This move is precisely how illegal immigrants become research subjects, experiments in a much larger project of social control. Just as the use of fingerprinting and drug-testing have become ubiquitous practices of a nervous nation, so also, through greater efficiency produced by technological innovation, will new practices like DNA fingerprinting be unleashed on the population. Centralizing power—precisely because it not only controls the present but reads the past within its own terms and claims for itself the power to secure the future—will become irresistible, disappearing resistance in the present, reading the past to render itself inevitable and salvific, and authenticating itself as the only viable mode of political existence.

Conclusion: Doxology beyond Sacrifice

> And in descending to the depths I realize that down is up, and I rise up from and into the deep.
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> —Anzaldua, *Borderlands/La Frontera*

In this essay I have tried to show an implicit and explicit relation between the nation-state and discourses of tragedy incarnated in rituals of sacrifice. I say implicit in that the b/ordered nation-state as *exceptional* in a precariously tumultuous world allows for, indeed requires, sacrifices as the condition of its possibility. And I say explicit in that practices like genetic fingerprinting enact these sacrifices and thus indicate the means by which we establish and secure the state's ongoing possibility. If we view history as tragic—and current immigration policy suggests we Americans do—then sacrifice becomes inevitable. Indeed, this view of history is underwritten by a causal logic with which sacrifice becomes the primary way of being in the world, agency par excellence such that sacrifice becomes the ritual performance of tragedy. This is where ethicists like Reinhold Niebuhr have been right, and arguments such as just war become requisite moral obligations. Within this vein, not only does sacrifice become necessary but those willing to sacrifice also become heroic because self-giving becomes propitiary for the survival of all. One cannot help but accept sacrifice as necessary, and even good, within the larger terms of tragedy. To get out of the discourse of sacrifice, one must re-imagine the world, a re-imagining that cannot help but look "irresponsible" within the terms of a tragic economy.

The capitalist invention of scarcity creates desperation that leads to hoarding, unfolding in actual scarcity in places from which resources are colonized

to be procured by those who proscribe scarcity, in turn creating gross disparity between rich and poor.[46] As the myth of scarcity gets shipped abroad, as well as its consequences, other nations see the United States, one of the hoarders of the world's purportedly scarce resources, as the land of plenty and so stow across borders in hopes of finding enough to live on. Desperation leads to further desperation until the global economy becomes a mad dash for what are now considered finite resources, creating cycles of fear and violence that unfold in economic and political rituals of exclusion and sacrifice. Quickly, the poor and powerless become necessary collateral damage for the well-being of the rich and powerful. The poor flood the borders of the wealthy, seeking legitimate access, but as desperation grows, "legitimate" is translated to "any means necessary." However, because the United States has become fixated on its zero-sum approximation of resources, it cannot help but see this flood of immigrants as a fundamental threat to its well-being, its plague nightmare; after all, it hoards because there is not enough for everyone, and so of course not everyone can be allowed access to its vast, yet limited, stores. Within this economy, immigration becomes a basic issue of life and death not only for those begging across borders but perhaps more so for those who assume a tragic economy where someone must die, building thicker and higher borders along the lines of exception.

This is where those of us who want to do differently—those of us who want to make an exception of exception—need to offer a way out of sacrifice by fostering social imaginaries that conceptualize shared space beyond tragic considerations. Much like the nation-state, the church protects it borders. However, unlike the nation-state, the church does so precisely by protecting and securing *against* closures. The work here is to maintain orthodoxy as an ongoing political commitment to getting theological speech right, which necessitates inclusive boundaries that nurture the discursive unfolding of truthfulness. In his essay on "the neighbor," Eric Santner describes corporate identity as doxologically open: "[It is] concerned with the discursive dimension of the constitution of community/solidarity and posits the polyphonic choral chant of congregational thanksgiving that is fundamentally anticipatory—as its crucial linguistic/performative locus. Choral singing is posited here as a model of what it means to anticipate now the becoming-neighbor of the other, who thereby comes to represent the world to me. . . . Fidelity to what opens at such moments, the labor of sustaining such a break within the order of the everyday. . ."[47] The "discursive dimension," which constitutes Santner's dialectic between "community/solidarity," seeks to offset immanent closures marshaled by asocial imaginaries such as the United States' current border hysteria exactly because "the polyphonic choral chant of congregational thanksgiving" anticipates the mutual becoming of both one's neighbor and one's self as neighbor. This intersubjectivity disqualifies notions of sovereignty that presuppose solitary selves/nations that cordon

off. Instead, Santner speaks of "fidelity to what opens at such moments" as laboring to sustain availability to possibilities all around. Hence Santner speaks of tending vulnerability emanating not from sentimental notions of hospitality but rather from robust "polyphonic" languages of reciprocally benefiting consequence. Rather than tragic, this view of the world celebrates and harmonizes; hospitality here does not name infinite deferral but an enfolding sense of destiny, manifest only with strangers. Without a doubt, such care threatens what Martin Heidegger understood as "the impossible possibility" of death, the collapsing of one's entire world and its correlative meanings (no wonder we put up walls!); however, world-collapse and what Heidegger called authentic "being-toward-death" also nurtures the possibility of celebrating that which cannot be anticipated except by resolute vulnerability, the attentive labor of keeping one's borders open.[48]

The threat of world-collapse necessitates virtues of hospitality cultivated by plentitude that makes possible, and appealing, vulnerability. To the extent that one can imagine those beyond borders as more than dangerous—more than plague—then one will engage in a different kind of border work. Christian proclamations of resurrection presuppose exactly this type of ontological horizon where the other *as other* can be seen as the occasion for anticipatory thanksgiving. Or more precisely, the practices of Christian hospitality illumine a world *always already* participant in divine plentitude. As Karl Barth writes, "It is from this point of view that all His creatures are to be viewed both first and last. God wills them and loves them because, far from having their existence of themselves and their meaning in themselves, they have their being and existence in the movement of the divine self-glorification, in the transition to them of His immanent joyfulness. It is their destiny to offer a true if inadequate response in the temporal sphere to the jubilation with which the Godhead is filled from eternity to eternity."[49] Because in Christ creation always already doxologically participates in the eternal life of God, creation is not trapped in tragic narratives that require sacrifice as an acquiescence to fate or an appeasing of the gods. The Christian interrelation between time and eternity—or as Barth would say, God in Jesus Christ taking time for eternity—means a more capacious vision of time, and therefore space. Hence John Howard Yoder writes, "The present meaning of Resurrection for ethics is that we are never boxed in. . . . Resurrection is a Christian model for reading world history."[50] Yoder, like Barth, envisions history such that the temporal horizon always remains open to God's activity, activity that is not bounded by the limits of temporality itself; this way of being in the world unfolds in different spatial imaginaries.[51] If it is the case both that time participates within eternity and that creaturely space takes place within the divine life—or what Robert Jenson refers to as God making space within God's life—then time and space are never "boxed in," as Yoder says.[52] The resurrection means to herald this reality to a world

fixated on borders, attempting to fissure our various temporal and spatial closures exactly because otherness may indicate peril but it may also—even in the very same moment—incarnate the coming of God's Spirit in time. Understood doxologically, sacrifice names gift rather than necessity, kenosis funded by overabundance rather than "an awesome *quid pro quo*" paid to tragedy. The God of Yoder, Barth, and Jenson, unlike the tragic gods, cannot be boxed in and so does not submit to the same rules as do creatures. Jesus Christ, fully human and fully divine, articulates the divine telos of creatureliness, life that cannot be contained by the specters of death, time's most potent expression, and thus exists not within tragedy's zero-sum neurosis envisaged within the contemporary political economy. Resurrection means God can always do something, and do it again or anew. By viewing world history in terms of resurrection, we might begin to figure life together beyond the tragic and hence offer the nation-state an alternative to its plague nightmares.

In the same way that tragic views of the world led to notions of scarcity and practices of hoarding and sacrifice, so envisioning the world as Yoder does proffers a more charitable accounting of space and time.[53] By seeing gifts beyond borders, we struggle not to cordon off but rather to remain open in postures of receptivity. After all, the same thinking that America somehow holds a monopoly on the good leads to a double view, what Foucault called a "double brand," that seals borders and fears strangers.[54] This would allow for a more honest construal of American history as stories of agonistic gatherings of dangerous others. Assimilation, often the litmus test for immigration, would be reconceptualized in terms of similarity *and* difference. If part of the stranger's goodness lies in her difference, that she comes from beyond and represents the possibility of a beyond in which history is not boxed in, then appropriating difference to one's own semantic horizon squelches the good of the other. Rather than narratives of "legal" immigration and "melting pot" assimilation, hospitality speaks of fragile but generous reception and precarious interrelation. This requires us to see afresh the immigrant and thus ourselves. Again within the terms of tragedy, such a way of viewing immigration will look unrealistic, even irresponsible; yet continuing in the vein of "responsibility" already has proven disastrous, both for those kept at bay by the United States' militarized borders, and for Americans who must maintain myths of purity at an inordinate price.

Notes

The epigraph for this section is drawn from Gloria Anzaldua, *Borderlands/La Frontera: The New Mestiza* (San Francisco: Aunt Lute Books, 1987), 77. See Romand Coles' discussion of Anzaldua in "Feminist of Color and the Torn Virtues of Democratic Engagement" in his

Beyond Gated Politics: Reflections for the Possibility of Democracy (Minneapolis: University of Minnesota Press, 2005), 185–212. I am indebted to Coles' *Beyond Gated Politics*, which first directed me to Anzaldua's work, and to his *Rethinking Generosity: Critical Theory and the Politics of Caritas* (Ithaca, NY: Cornell University Press, 1997) and its notions of "receptivity generosity."

1. James M. Wilson, "Human Gene Therapy: Present and Future," *Human Genome News* 10 no. 1–2 (February 1999): 15, emphasis added.

2. Executive Order, February 8, 2000. "To Prohibit Discrimination in Federal Employment Based on Genetic Information," www.opm.gov/pressrel/2000/genetic_eo.htm. Likewise, the Health Insurance and Accountability Act mandates that government "limit the nonconsensual use and release of private health information; give patients new rights to access their medical records and to know who else has accessed them; restrict most disclosure of health information to the minimum needed for the intended purpose; establish new criminal and civil sanctions for improper use or disclosure; and establish new requirements for access to records by researchers and others." Human Genome Project Information (HGPI), "Breaking News: GINA Becomes Law May 2008, www.ornl.gov/sci/techresources/Human_Genome/elsi/legislat.shtml.

3. The Board of Directors of the Council for Responsible Genetics, "The Genetic Bill of Rights," www.gene-watch.org/programs/bill-of-rights/bill-of-rights-text.html. Emphasis added.

4. David H. Holtzman, "The Dangers of DNA Testing," *BusinessWeek Online*, March 10, 2007, www.rediff.com/money/2007/mar/10dna.htm.

5. Specifically, Sec. 1004 of H.R. 3402 (Title X, "DNA Fingerprinting") states, "The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States." To entire bill is available at http://usaimmigrationattorney.com/images/IMBRA2005.pdf.

6. While the Violence Against Women Act has the protection of women in mind, its authorization of these techniques presses certain ethical questions. Thus, Lisalyn Jacobs, an official related to the National Organization of Women, could not help but articulate ambivalence to the passing of the bill: "We were stunned by the extraordinary, broad sweep of this amendment. . . . The pervasive problems of profiling in the United States will only be exacerbated by such a system." Julia Preston, "U.S. Set to Begin a Vast Expansion of DNA Sampling," *New York Times*, February 5, 2007, www.nytimes.com/2007/02/05/washington/05dna.html?pagewanted=print.

7. Section 1002 of H.R. 3402 specifically amends a previous legislative stipulation and extends sampling to include arrestees. Hitherto such abrogations of privacy were only allowed after criminal conviction. The DNA Identification Act of 1994 had specifically "prohibit[ed] the DNA (deoxyribonucleic acid) profiles from arrestees who have not been charged with a crime from being included in the National DNA Index System." In most cases, upon acquittal or dismissal, samples are to be expunged; yet because illegal immigrants are not technically arrested but simply detained, the government is free to genetically screen and is under no obligation to ever expunge those DNA samples. Although illegally crossing the U.S. border is not considered a felony, those apprehended are now treated as felons, yet they do not get the benefits of exonerated arrestees. For a section-by-section summary of the bill, see www.aila.org/content/default.aspx?bc=1019%7C6712%7C8846%7C18678%7C18208. For a fascinating chronicle of the ever-expanding range of DNA collection, see the table prepared by Smith Alling Lane of Applied Biosystems, "2005 DNA Database Expansion Legislation," www.dnaresource.com/documents/2005DNAExpansionbills.pdf.

8. Amber Bissell, "Indiscriminate DNA Collection Harms Everyone," *Daily Bruin*, February 9, 2007, www.dailybruin.ucla.edu/news/2007/feb/09/iindiscriminate_dna_collection_harms_everyonei/.
9. Rethinking current immigration conundrums might begin by remembering differently, seeking to re-narrate America as not simply a nation of immigrants but a nation comprised of a multitude of immigrations, ways by which people came to be citizens. For example, remembering that European colonizers invaded a land already spoken for, killing or enslaving its previous inhabitants, might work to muddy grand narratives about one's pure ancestors. This remembering is not to defame one's history but to recognize that the past speaks to a multiplicity of eventualities, in both content and form. Matthew Frye Jacobson deftly portrays the vicissitudes of European migrations in his *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1993). Jacobson shows the fundamental categories like race and immigration themselves are produced and reproduced by performances like immigration and the reception of immigration.
10. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1995), 195.
11. Ibid., 195, 196.
12. Ibid., 197, 198, 199.
13. Ibid., 200.
14. Ibid., 205.
15. In *The Birth of the Clinic*, Foucault speaks most directly to power's use of medicine as a means of control and production through objective gaze. "The sight/touch/hearing trinity defines a perceptual configuration in which the inaccessible illness is tracked down by markers, gauged in depth, drawn to the surface, and projected virtually on the dispersed organs of the corpse." *The Birth of the Clinic: An Archaeology of Medical Perception*, trans. A.M. Sheridan Smith (New York: Vintage, 1994), 141. For Foucault, modernity characteristically involves disciplinarity through biotechnologies implemented by physicians as "priests of the body" (32).
16. Foucault, *Discipline and Punish*, 214.
17. Ibid., 205.
18. Ibid., 280.
19. Ibid., 201.
20. Ibid., 207, 222.
21. Michel Foucault, *The History of Sexuality Volume 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 61.
22. Also see Denise Gastaldo's "Is Health Education Good for You? Re-Thinking Health Education through the Concept of Bio-Power," in *Foucault, Health and Medicine*, eds. Alan Petersen and Robin Bunton (London, UK: Routledge, 1997), 113–33.
23. Patrick J. Buchanan, *State of Emergency: The Third World Invasion and Conquest of America* (New York: St. Martin's Griffin, 2007). One has to wonder whether Buchanan meant to be ironic regarding the violent history of European immigration in Tzvetzn Todorov's *The Conquest of America: The Question of the Other* (Norman: University of Oklahoma Press, 1999).
24. *Gangs, Fraud, and Sexual Predators: Struggling with the Consequences of Illegal Immigration.* Hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform, House of Representatives, 109th Congress, second session (April 12, 2006), 92.

25. Ibid., 95.

26. Foucault, *History of Sexuality*, 137.

27. Foucault, *Discipline and Punish*, 198.

28. Ibid.

29. Ibid., 196.

30. See Eric L. Santner's fascinating discussion of exception in *On Creaturely Life: Rilke, Benjamin, Sebald* (Chicago: The University of Chicago Press, 2006). Specifically, Santner quotes Giorgio Agamben, *The State of Exception*, trans. Kevin Attell (Chicago: The University of Chicago Press, 2005), 12: "*Being outside, and yet belonging:* this is the topological structure of the state of exception, and only because the sovereign, who decides on the exception, is, in truth, logically defined in his being by the exception, can he too be defined by the oxymoron *ecstasy-belonging*" (Santner, 14). Santner thinks that contemporary existence strains under relics of "natural history," both allegorical and actual; Santner's depiction parallels my critique of borders and sovereignty within a global world, and shows why borders never quite fit, leading to dehumanizing shame and brutality.

31. Foucault, *Discipline and Punish*, 197.

32. Hans Jonas, "Philosophical Reflections on Experimenting with Human Subjects," in *Daedalus: Journal of the American Academy of Arts and Sciences* 98 no. 2 (Spring 1969). An abbreviated version of this essay was later collected in *On Moral Medicine: Theological Perspectives in Medical Ethics. 2nd Edition*, eds. Steven E. Lammers and Allen Verhey (Grand Rapids, MI: Erdmann's, 1998), 903–16. References to Jonas' essay will be drawn from the collected edition in *On Moral Medicine*.

33. Jonas, 903, 904.

34. Ibid., 905, 906.

35. Ibid., 905.

36. Jonas, 906.

37. Ibid., 913–14.

38. Gerald P. McKenny, *To Relieve the Human Condition: Bioethics, Technology, and the Body* (Albany: State University of New York Press, 1997).

39. Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed. Colin Gordon (New York: Pantheon, 1980), 62.

40. Ibid.

41. Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, Exp. ed. (Princeton: Princeton University Press, 2004), 402. See Wendy Brown's treatment of Wolin and Foucault in "Democracy and Bad Dreams," in *Theory & Event* 10 (2007): 14.

42. This references Thomas Hobbes' *Leviathan* as the founding theoretical justification of the liberal nation-state. Wolin describes the magnitude of Hobbes' initial articulation, of which Foucault's disciplinarity and Wolin's own "Superstate" are only distant echoes: "The deed which is symbolized by the theory is performed against the kind of stylized background common to most epics. The background was, in many ways, Hobbes's supreme literary achievement, combining the pictorial vividness of the epic with the relentless precision of logic. The background was entitled 'the state of nature,' a condition which had the same universal significance and dramatic intensity for Hobbesian myth as man's fall from grace had for the Christian myth. There was horror, destruction, and violence, real and impending; for the background, which accentuated the extraordinary quality of the theory-deed, described what human life was like when the authority of the political order

is dissolved or fatally weakened. In the absence of effective authority, men move fearfully and warily through a state of nature, a condition of war between every man, where the human animal sheds his humanity and becomes a wolf to other men, and life is 'solitary, poor, nasty, brutish, and short.'" Sheldon S. Wolin, *Hobbes and the Epic Tradition of Political Theory* (Los Angeles: William Andrews Clark Memorial Library, UCLA, 1968), 24.

43. Within a global economy, nation-states profit from using illegal immigrant labor. Since illegal immigrant labor increases profit margins by curbing minimum (much less sustainable) wages, benefits, and labor protection laws, the United States continues to make use of this seemingly endless supply of cheap labor. Illegal immigrants continue to come to the United States, producing in those indigenous populations a dynamic between what Liang and Ye distinguish as absolute poverty and relative depravity. Absolute poverty underscores the quantifiable nature of actual destitution caused by such tangible realities as drought, economic depression, or war, unfolding in the deaths of thousands each day. Alongside this reality, related materialism creates a sense of poverty as the visibility of prosperity heightens the sense of destitution. Both are ultimately caused by the excesses of global capitalism and entail expressions that enact the triumph of capital: in the case of absolute poverty, debt relations between dependent and independent nations, and in the case of relative poverty, imagined relations between immigrant-sending and immigrant-receiving nations. Already we see how the interrelations of globalism thicken its hold on the world. As Liang and Ye report, Fujianese Chinese, who in recent years have flooded American borders, experience both actual and relative poverty "driven by China's transition to a market economy and remittances for oversees Fujianese." Zia Liang and Wenzhen Ye, "From Fujian to New York: Understanding the New Chinese Immigration," in *Global Human Smuggling: Comparative Perspectives*, ed. David Kyle and Rey Koslowski (Baltimore, MD: The Johns Hopkins University Press, 2001), 187–215.

44. See Jonathan Tran, "Sold into Slavery: The Scourge of Human Trafficking," in *Christian Century* 124, no. 24 (2007): 22–26.

45. In a congressional hearing that reviewed the ill effects of illegal immigration on the state of North Carolina, where immigrant populations, both legal and illegal, are growing as fast as anywhere in the country, the discussion began with depictions of criminal activity—drugs, gangs, violence, and so forth. County Commissioner Debra Conrad-Schrader began to associate all immigrants with such behavior, "They . . . do not seem to have respect for the laws of the United States and that not only do our borders need to be protected, but that these 12 million illegal immigrants need to be deported from this country and re-enter legally, regardless of the number of years that they have lived in the United States, because certainly we cannot rely on any legitimate documentation or information to even assess that situation." *Gangs, Fraud, and Sexual Predators*, 92.

46. See Joel Shuman and Brian Volck's claim that "medical scarcity is an invention of the nation-state" in *Reclaiming the Body: Christians and the Faithful Use of Modern Medicine* (Grand Rapids: Brazos Press, 2006), 102. Also see Kelly S. Johnson's *Fear of Beggars: Stewardship and Poverty in Christian Ethics* (Grand Rapids: Eerdmans, 2007) and D. Stephen Long's *Divine Economy: Theology and the Market* (London: Routledge, 2000). Foucault speaks of scarcity within "the reason of the state" in "Security, Territory, and Population," in *Ethics: Subjectivity, and Truth. Essential Works of Foucault 1954–1984 Volume I*, ed. Paul Rabinow (New York: The New Press, 1997), 67–71.

47. Eric Santner, "Miracles Happen: Benjamin, Rosenzweig, Freud and the Matter of the Neighbor," in *The Neighbor: Three Inquires in Political Theology*, eds. Kenneth Reinhard, Eric L. Santner, and Slavoj Zizek (Chicago: The University of Chicago Press, 2005), 109, 106.

48. Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (Albany: State University of New York Press, 1996), 219–58.

49. Karl Barth, *Church Dogmatics II.1: The Doctrine of God*, eds. G. W. Bromiley and T. F. Torrance (London: T & T Clark, 1957), 648.
50. John Howard Yoder, *Christian Attitudes toward War, Peace, and Revolution* (Goshen Biblical Seminary, unpublished manuscript). Santner also adds that "for Paul, the glad tidings of the Christ-event are just this: It is possible, thanks to grace, to unplug from this destiny, to intervene into creaturely life and the processes of its production. What is at stake in the Pauline notion of resurrection, of the overcoming of death, is in other words not some phantasmal reanimation of the dead but the possibility of the deanimation of the undeadness that makes creatures of us all." Santner, *On Creaturely Life*, 129. Yoder and Santner both attempt to read the resurrection over against the very totalizing processes that would attenuate its interruptive potencies.
51. Consider also, "The myth of human fulfillment, the stretching of human capacity to its utmost and the filling up of the resultant space with experience and reward, means everything must be squeezed into the unforgiving span of a single life. The five-act drama, in its epic dimensions, means that Christians are spared such a crisis. They are not called to be effective or successful, but to be faithful." Samuel Wells, *Improvisation: The Drama of Christian Ethics* (Grand Rapids: Brazos, 2006), 55.
52. "God can, if he chooses, accommodate other persons in his life without distorting that life. God, to state it as boldly as possible, is roomy. . . . God makes narrative room in his triune life for others than himself; this act is the act of creation, and this accommodation is created time." Robert Jenson, *Systematic Theology Volume 1: The Triune God* (Oxford: Oxford University Press, 1997) 236; *Systematic Theology Volume 2: The Works of God* (Oxford: Oxford University Press, 2001), 34.
53. In *Discipline and Punish*, Foucault's analysis of "timetables" as modernity's carceral administration represents some of his most powerful and stunning observations, exemplifying why modern modes of discipline, the prison and its focus on time, do not reform as supposed (160).
54. Michael Hardt and Antonio Negri refer to those who risk their lives by transgressing borders as not simply fodder for exploitation or criminals to be watched but as revolutionaries who reconfigure state and capital toward new possibilities. By constantly probing weaknesses in the security apparatus, overloading the system, transgressing where the nation-state had not yet anticipated, they begin to change the United States from inside. Hardt and Negri, like Anzaldua earlier, are worth quoting at length: "The postcolonial hero is the one who continually transgresses territorial and racial boundaries, who destroys particularism and points toward a coming civilization. Imperial command, by contrast, isolates populations in poverty and allows them to act only in the straightjackets of subordinated postcolonial nations. The exodus from localism, the transgression of customs and boundaries, and the desertion from sovereignty were the operative forces in the liberation of the Third World . . . the destruction of boundaries and patterns of forced migration, the reappropriation of space, and the power of the multitude to determine the global circulation and mixture of individuals and populations. The Third World, which was constructed by the colonialism and imperialism of nation-states (and its attendant mechanism of geographical and ethnic regulation of populations) are smashed. It is destroyed when throughout the ontological terrain of globalization the most wretched of the earth becomes the most powerful being, because its nomad singularity is the most creative force and omnilateral movement of its desire is itself the coming liberation." Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000), 363.