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The Institutional Form of Sovereignty

Three miles directly northwest of El Paso’s San Jacinto Plaza and about four from the Plaza Misión de Guadalupe in Ciudad Juárez stands International Boundary Monument No. 1. Surrounding the marker are several small, scrub-covered hills. There are parking lots on either side of the boundary, both of which sit mostly empty. The monument marks the point where the boundary between the United States and Mexico veers abruptly from its upstream trajectory through the middle of the Rio Grande’s meandering contours and juts due west, projecting straight across the desert toward the Pacific Ocean. From El Paso to where it meets the sea, “one marine league” south of San Diego, the border is more or less a geometrical construction, a series of straight lines with one natural diversion up the Colorado River. [1] Yet it is one of the most contested terrains in current American politics.

Monument No. 1 is not the most engaging tourist destination, even at a time when the southern boundary seems to be the most pressing political topic in the country—or at least, the one that has been most vocally foisted upon the country by a mercurial president who has found an issue that both congeals his party and motivates his base.

Citation: Jordan H. Carver, “The Institutional Form of Sovereignty,” in the *Avery Review* 38 (March 2019), <https://www.averyreview.com/issues/38/institutional-sovereignty>.

[1] “Treaty of Peace, Friendship, Limits, and Settlement, with the Republic of Mexico,” in *Treaties and Conventions between the United States of America and Other Powers Since July 4, 1776* (Washington, DC: Government Printing Office, 1871), 562.



International Boundary Monument No. 1, from Mexico looking north toward El Paso. February 14, 2019. Photograph by author.

From this point to the ocean, the boundary between the United States and Mexico was defined by treaty negotiations and the mathematical rules of surveying. The Treaty of Guadalupe Hidalgo was signed in 1848 at the end of the US–Mexico war, and its fifth article defined a new boundary between the two countries. President Polk’s insatiable desire to extend the bounds of the country from sea to shining sea culminated in the largest territorial expansion of the nation and the fulfillment of America’s manifest destiny. The boundary’s rigid geometry is evidence enough that the diplomats and political officials lacked an “accurate geographic knowledge of the territory through which a boundary was to run,” and thus, “ruled a line upon a map.” [2] Instead, the linearity of the new boundary clearly expressed America’s political desires and economic necessities. Key among those necessities was maintaining the delicate balance of power between the North and the slaveholding South. The southern states were eager to establish both a transcontinental railroad route and new slaveholding states—the former to enrich industrial interests in New Orleans and other ports in the Southeast, the latter to affirm the ongoing question of America’s “peculiar institution.”

Monument No. 1 is twelve feet tall, a rather squat-looking obelisk. Its five-foot-square base tapers to two feet, six inches where it is topped with a short pyramid. [3] It is made of white-painted concrete. Erected in 1989, a small plaque on the monument’s north-facing side reads “Boundary of the United States of America.” Below that it says, “International Boundary and Water Commission between United States and Mexico.” The bi-national commission was created in 1889 to oversee water usage rights and infrastructure development along the Rio Grande. A plaque on the south-facing side substitutes the United States of America with “los Estados Unidos Mexicanos” and lists the boundary commission credentials in Spanish. [4] The monument sits on a nine-meter-square concrete pad and is accessible from the United States by a short stone path connected to a dirt parking lot. From the Mexican side, the monument is located in the Parque Madero and is accessed from a dirt road marked not by the presence of the monument but by the nearby Casa de Adobe, where Mexican revolutionaries Francisco Madero and Pancho Villa met to coordinate their effort, and ultimate victory, against President Porfirio Díaz in 1911.

The current obelisk is only the latest in a series of boundary markers. The first was established miles away, placed there due to inaccuracies in the official treaty maps, and was the subject of intense debate. Its location was settled only after the Treaty of Mesilla, also known as the Gadsden Purchase, was ratified in 1854. The placement of the current Monument No. 1 was originally established on January 10, 1855, by the American commissioner at the time, William H. Emory and his Mexican counterpart, José Salazar y Larregui. The two commissioners agreed to erect a simple monument of “dressed stone” marked with a bilingual notice of the boundary “as near the river as the nature of the ground will admit.” [5] On January 31, 1855, under the direction of stonemason Jean Ball, the monument was erected and commemorated. Emory and Salazar signed a joint statement, one in Spanish and one in English, attesting to the correctness of their surveying work and placed it in a glass bottle. The bottle was then deposited “at a depth of five feet” beneath the center of the monument. [6]

[2] Paula Rebert, *La Gran Línea: Mapping the United States–Mexico Boundary, 1849–1857* (Austin: University of Texas Press, 2001), 2.

[3] US Department of the Interior, “National Register of Historic Places Inventory–Nomination Form,” September 10, 1974, [link](#).

[4] “Limite de los Estados Unidos Mexicanos. Comision Internacional de Limites y Aguas entre Mexico y los Estados Unidos. 1989.”

[5] William H. Emory, *Report of the United States and the Mexican Boundary Survey, Made under the direction of the Secretary of the Interior*, Senate Executive Document 108, 34th Congress, 1st Session, 1857, H. Ex. Doc. 135, 1:27.

[6] Emory, *Report of the United States and the Mexican Boundary Survey*, 1:28.

By 1892 Monument No. 1 was in need of repair and security. During the boundary resurvey of 1892–1896, an iron fence was added to protect the stone structure against vandalism and a new shell of plaster was added to guard against weather. [7] Repairs were later made by the International Boundary Commission in 1926, and the obelisk was repainted in 1933. It was repainted again in 1966 by the International Boundary and Water Commission, which also undertook a “beautification” project that involved stripping the monument of plaster, down to its original masonry blocks, and replacing it with “marbleized concrete.” (The concrete slab on which it currently sits was also added in 1966. [8])

Technically, the monument sits about fifteen feet within Mexico. In a 1974 photo from the National Register of Historic Places, a knee-high, steel-cable barrier can be seen running up to the middle of the concrete pad—implying the boundary between the two nations did indeed bisect the monument. That barrier has since been extended to wrap around the entire concrete pad, between it and the parking lot on the American side, subsuming the monument within the territorial bounds of Mexico. US Border Patrol agents warn visitors on the American side not to cross the barrier, lest they risk being arrested by Mexican police. [9] They don’t seem to care whether visitors from the Mexican side cross (or, at least, white visitors arriving to the Mexican side in a rental car with American license plates).

Aside from the monument and the presence of US Border Patrol, there is nothing else that signifies this spot as an international boundary. There are no walls, although a chain-link fence can be seen on the American side of the Rio Grande threading between El Paso and Ciudad Juarez. As the fence extends to the more populated areas of the twin city, it takes the form of steel slats and more fortified constructions. East of El Paso and Ciudad Juarez, through the Chihuahuan desert along the Rio Grande, the slats return to chain-link fencing and then simply the river itself.

[7] Samuel Whittemore Boggs, “The Initial Point on the Rio Grande, Intended to Be in 31 s47’ North Latitude,” in *Treaties and Other International Acts of the United States of America*, ed. Hunter Miller (Washington, DC: Department of State, 1942), 6: 392–93.

[8] US Department of Interior, “National Register of Historic Places Inventory-Nomination Form.”

[9] See, “International Boundary Marker #1,” Waymarking.com, June 17, 2011, [link](#).



International Boundary Monument No. 1, National Register of Historic Places, April 10, 1973. Photograph by James Fonte.

Trump is fond of saying that “a country without borders is not a country at all.” [10] It’s an opinion he has repeated at rallies and on Twitter. He has wrongly attributed a similar statement to Ronald Reagan, and a common right-wing meme, wrongly again, ascribes the same idea to Thomas Jefferson. But it is a sentiment that was shared by Secretary of State James Buchanan in a letter to the Boundary Commission in 1849. Writing on the importance of marking the boundary, Buchanan states that the physical markers of the US–Mexico boundary will carry the same importance as the treaties themselves. The boundary monuments will be “final and conclusive,” and the commissions will be the final arbiters of the boundary question. [11] For Buchanan, like Trump, territorial sovereignty extended only as far as it could be marked on the land. The boundary markers were considered not just symbolic limits of sovereign authority but were the physical transubstantiations of American sovereignty.

This idea, or perhaps, this *feeling*, is in direct contrast to the prevailing theories of borders that circulate within architectural thought, academia, and leftist politics. That discourse has been dominated by a rationalist critique of neoliberalism offered by political theorists like Wendy Brown, negations of the state in light of capitalist imperialism (that is, “Empire”) from Hardt and Negri, and a growing contingent of architectural practitioners who view wall-building as a form of dispossession, segregation, and state-sanctioned violence. When Brown argues that walls exist as a spectacularized manifestation of dwindling sovereign power in an era of global capitalism, she is calling attention to the fact that walls do not function as our governments claim they do; that they are only images of a contained state when state power has (always) refused to confine itself to mappable boundaries and clear territorial demarcation. For Hardt and Negri, and other Marxist critics of extra-sovereign capitalist exchange, the state has withered away and lost its control over sovereign authority to the limitless expanses of transborder capitalism and unstoppable financialization. Similarly, from the vantage of design and spatial planning, Michael Dear very pointedly explains “why walls won’t work.” [12] As an architectural edifice intended to stop the flows of people, goods, and money, it’s hard to argue with him. But the figure of the wall in the era of Trump is not about working within the rubric of knowable state limits or architectural effectiveness—it is about the affective comfort of a hardened, protective barrier against dispossessed populations suffering from the effects of contemporary, global capitalism.

In contrast to Hardt and Negri, Ellen Meiksins Wood offers a more complicated reading of the state that allows for a more operative understanding of spectacular national boundaries. For Wood the state is still an important factor—if not the *most* important factor—in understanding the mechanics of imperial capitalism (her word for global capitalism, empire, neoliberalism, etc.). Which is to say the effects of global capitalism, both intended and not, require order and control (or at the very least, norms of governance) at a scale that can only be offered by the contemporary nation-state. However, the economic viability of the nation-state is no longer linked to the rigid control over what was historically understood as national territory. Like Brown, Wood describes a decoupling of territory from other state functions like managing the economy, national security, or politics. Her description of the separation between economic power and other forms of state power speaks directly to the way the architectural profession and the political left has understood the

[10] Meg Wagner, Veronica Rocha, Brian Ries, and Amanda Wills, “What’s Happening at the Border,” *CNN*, June 18, 2018, [link](#).

[11] Emory, *Report of the United States and the Mexican Boundary Survey*, 1:2-3.

[12] See Michael Dear, “Why Walls Won’t Work,” in *Why Walls Won’t Work: Repairing the US–Mexico Divide* (New York: Oxford University Press, 2016), 170–179.

rational limits of border construction and its effectiveness. At the same time, Wood's decoupling underscores the *desire* to make those borders more visible as "sign posts" (to use Brown's term) to signal the boundaries and limits of *non-economic* state functions. In other words, visible border and spectacular boundaries do serve a purpose. They present the desires of the state and the security strategies it is willing to deploy in order to achieve them. They signal racial aspirations and securitization strategies. Within this racialized politico-affective regime, boundaries are not meant to limit trade, global investment, neoliberal corporatism, or any other sort of the-world-is-flat economics. But they are meant to contain certain individuals. And they are meant to signal the importance of racialized *political* order that is both distinct from and conjoined to the concerns of racialized *economic* order.

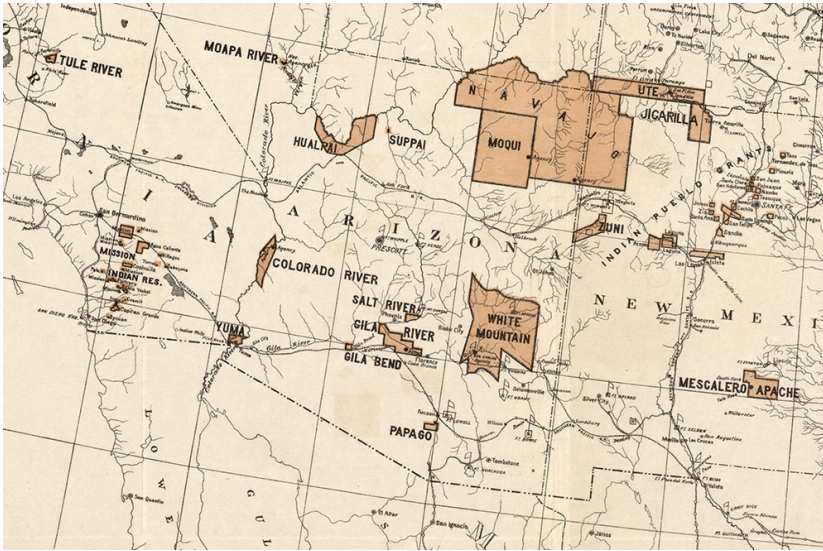
The more pressing spatial question, then, is not whether physical boundaries work or not but how they operate within a larger system of containment, how their architectures and material realizations produce certain political outcomes by arousing nationalist desires from the remains of institutionalized sovereign authority. Capital might be the universal, global sovereign, but the state still has an interest in maintaining certain populations and exercising its power to maintain the myths of its own image.

Like most institutions, state sovereignty is not only spatialized through national boundaries but through the multiple spaces of containment and ordering that provide the programmatic answer to who belongs within and outside the territorial confines of the nation. By any metric, walling and hardened boundaries *alone* do not work. They fail to fix the problems they are proposed to solve and in doing so create others. That is why boundaries—especially America's southern boundary—have always been constructed alongside other spaces more purposefully designed to "solve" the problems visible borders never could. From the initiation of the southern boundary until the present day, this has been accomplished by constructing spaces of segregation, confinement, and incarceration. And this is why the current political debate about the wall is often not about the wall. It is about executive power, white supremacy, drug epidemics, child separation, immigration, environmental degradation, eminent domain, etc. These hyperlinked discourses are not new but are an inherent aspect of American boundary creation and have been important nodes of debate throughout the history of manifest destiny and settler colonialism—and the requisite line-drawing that has accompanied all forms of American expansion.

From the first boundary survey in 1848, the assignment of surveying, mapping, and marking the boundary has been coded in the racialized language of white supremacy. That language was often overt. Treaties and commission member diaries describe Mexican citizens and indigenous people as "savages" and "lazy," along with other racial epithets. William H. Emory believed that not only was the boundary line the frontier limit of American authority, but the commission itself was the bearer of civilization upon the land. In his report to Congress he writes, "I have come to the deliberate conclusion that civilization must consent to halt when in view of the Indian camp, or the wild Indians must be exterminated." [13]

This dynamic of race and civilization also appears in more subtle forms of denigration that propagate the violence of liberal colonialism.

[13] Emory, *Report of the United States and the Mexican Boundary Survey*, 64.



"Map showing the location of the Indian reservations within the limits of the United States and territories" [detail], John H. Oberly, 1888, [link](#).

Indigenous groups such as the Papago and the Pueblo were deemed more "civilized," as they had developed agricultural methods and more permanent settlements. Mexican citizens who had converted to Christianity were widely acknowledged as the most civilized of all (other than the Spanish colonists). The many tribes of the Apache were considered the most "uncivilized"—partly because of their semi-nomadic nature but also because many of the Apache peoples never recognized the sovereign authority of the American state, openly fighting white settlers much like they had fought Spanish colonialism and the settlement of the northern Mexican states. [14]

The Apache, like all the other indigenous peoples of the newly created border region, were not parties to the treaties that established the boundary between the United States and Mexico, regardless of whether they had previously occupied the land in question or if they had been involved in the hostilities of the US–Mexico war—as many were. The formal end of the US–Mexico war in 1848 marked the beginning of war between America and the Apaches, which lasted until at least 1886. It remains America's longest armed conflict. The struggle between the Apache nations and the United States was not only due to white settlement but also over the terms of the Treaty of Guadalupe Hidalgo. Where article five established the border, article eleven acknowledged the newly acquired land was "occupied by savage tribes" who would "hereafter be under the exclusive control of the Government of the United States." [15] Cross-border indigenous movements shall be "forcibly restrained" whenever it "necessary," and if this fails, indigenous people "shall be punished by the said Government." [16]

As Emory noted in his journals, the boundary monuments were intended to not just mark the boundary between the United States and Mexico but to establish an image of sovereign control for the indigenous peoples who recognized neither the authority of the US Government nor the territorial strictures of normative western sovereignty. Regardless of America's treaty obligations, Emory writes, "no amount of force could have kept the Indians from crossing the line to commit depredations." [17] Emory, in fact, fully expected the indigenous peoples to not only ignore the authority of the boundary line but

[14] I am using Apache as a general term to describe the many, if not dozens, of indigenous peoples that identify in some way as Apache. The Apache peoples occupied land between what is now eastern California and western Texas both north and south of the present US–Mexico border. This is often referred to as "Apacheria."

[15] "Treaty of Peace, Friendship, Limits, and Settlement, with the Republic of Mexico."

[16] "Treaty of Peace, Friendship, Limits, and Settlement, with the Republic of Mexico."

[17] Emory, *Report of the United States and the Mexican Boundary Survey*, I: 51.



Monument No. 1 fortified with an iron fence. From the International Boundary Commission survey of 1891–1896. Photograph by J. H. Wright, US National Archives [77-MB-1-1].

to “destroy” or “mutilate” the monuments. [18] And indeed, in the forty years between the two early surveys, many of the first monuments suffered some form of destruction; although, the source of this “depredation,” whether indigenous peoples, ranchers, or settlers, is unknown. Monument No. 1 “was so badly mutilated by visitors that some of the instructions had become illegible and the proportions of the stones seriously damaged.” [19]

In that same forty years, the US Government and the Apaches fought an ongoing war in part about the status of the border and who had the authority to cross it. During this time, the Apache were systematically hunted with the goal of extermination. [20] And when that proved logistically and political difficult, they were removed from the border region and confined to reservations, first in places like Santa Lucia near the border and later, after neither the US Army or the Bureau of Indian Affairs could stop cross-border hunting, trade, and raiding excursions, farther north. The boundary markers failed to confer the image of American sovereignty, and so other spaces were required to contain indigenous populations and restrict their movement. Many of the tribes, both Apaches and others, were forced to acclimate to state-approved forms of life, to adhere to an idealized vision of American property ownership—cultivating the land, maintaining a home—and therefore to more “civilized” conduct. [21]

Since the initial surveys and monument construction in the mid- and late eighteenth century, the boundary between the United States and Mexico has been marked with barbed wire, “landing mat” fencing, steel beam fencing, bollards, checkpoints, and other wall-like constructions. It has gone from a largely unpoliced space to one that is regularly monitored by satellite technology, “smart” border technology, drones, blimps, and a near-omnipresent Border Patrol. The border even has its own legal designation, wherein certain legal and constitutional guarantees can be suspended for up to one hundred miles. [22] And to deal more concretely with the various populations these forms of boundary making were meant to contend with over the last 150 years,

[18] Letters from Emory to Salazar, June 24 and 25, 1856. Emory, *Report of the United States and the Mexican Boundary Survey*, I:37–38.

[19] US Congress, *Report of the Boundary Commission upon the Survey and Re-Marking of the Boundary between the United States and Mexico West of the Rio Grande, 1891 to 1896*, 55th Congress, 2nd session, 1898, S. doc 247, 174.

[20] As the US Army’s New Mexico department commander, James Henry Carleton declared, “All Indian men of that tribe are to be killed whenever and wherever you can find them.... If the Indians [Mescalero Apache] send in a flag and a desire to treat for peace... [tell them] you have been sent to punish them for their treachery and their crimes; that you have no power to make peace; that you are there to kill them.” Janne Lahti, *Wars for Empire: Apaches, the United States, and the Southwest Borderlands* (Norman: University of Oklahoma Press, 2017), 146.

[21] In his report to Congress Emory writes, “I have come to the deliberate conclusion that civilization must consent to halt when in view of the Indian camp, or the wild Indians must be exterminated.” See Emory, *Report of the United States and the Mexican Boundary Survey*, 64.

[22] “The Constitution in the 100-Mile Border Zone,” ACLU, accessed March 21, 2019, [link](#).

the US Government has built labor camps, internment camps, federal prisons, private-run prisons, and now “migrant detention camps.” [23] Within the historical evolution from monuments to walls, the figure of the marked boundary has been continually defined by both extreme violence and material banality. The boundary’s existence within this contested relationship is foundational to its persistence within our contested politics.

[23] Edwin Delgado, “Texas Detention Camps Swells Fivefold with Migrant Children,” the *Guardian*, October 3, 2018, [link](#).

From atop a small hill on the Mexican side of the boundary, Monument No. 1 stands alone. The cable barricades are mostly a suggestion, and the much talked about fencing can barely be seen in the distance. This part of the boundary is a quiet, industrial space, and the political and media importance of the border dissolves into the cool desert air. I had paid a \$3.50 toll to drive across the Paso Del Norte Bridge and made my way through Juarez to see Monument No. 1. After parking in front of the Casa de Adobe and walking around the Monument on the Mexican side of the boundary, I wanted to see it from the American side. I knew it wasn’t legal to cross into the United States outside a designated checkpoint, but the Border Patrol agent didn’t seem to mind. I stepped across the boundary line, walked about a hundred feet into America, and turned around. It looked about the same.