TOWARD BORDER ABOLITION

MIGRANT STRUGGLES AND THE LAW

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EDITORS

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Preface

The politics of migration and borders have taken center stage across the world as right-wing political movements have sought to center racism and anti-immigrant nativism, cynically deploying populist rhetoric to contain widespread discontent with the severities of life under neoliberal capitalism by trapping it with the false promises of nationalism.

"America First" delusions returned Donald Trump to the White House in 2025. Every day after Trump's inauguration, the new administration ambushed migrants and their allies with spectacular, arbitrary, and deliberately cruel and irrational violence. Unable to match the numbers routinely deported by the administration of Joe Biden, however, the second Trump administration quickly resorted to casting the net wider and wider and dredging up anyone possible, by any and all means, to fecklessly substantiate his pledge of the most sweeping deportation dragnet in US history. Trump became more desperate and resorted to ever more extreme measures precisely because he was hypersensitive to the perception that he was weak and his administration was incapable of delivering on his outlandish promises. But that weakness and desperation fueled the administration's push toward more brazen authoritarianism (De Genova 2025). Border and immigration enforcement is inherently authoritarian, but the second Trump administration sought to exploit every possible authority anywhere within the conceivable purview of his executive power to violate all established norms and legal precedents, both to see how far he could go and how much he could get away with and to normalize an authoritarian militarization of everyday life.

The sensational appearance of heavily armed federal agents in combat uniforms to raid two restaurant kitchens in San Diego on May 30, 2025, and then a series of similar raids in Los Angeles, including a garment factory on June 6, 2025, were met with spontaneous public outrage and audacious

protests (Rios 2025). In both instances, random bystanders coalesced and boldly confronted the deportation force, challenging the authority of the state to violently apprehend the migrant workers. Mass protests erupted in Los Angeles over the ensuing days and supplied the pretext for Trump to override the jurisdictional prerogative of state and municipal governments, commandeering the California National Guard on June 7, and then, in a still more flagrant violation of all established norms, mobilizing active-duty military troops on June 9 to intimidate and suppress the civilian protests.

Using repressive tactics against citizens lawfully engaged in peaceful protest, cynically exaggerating simple acts of vandalism and civil disobedience in order to manipulate the pretense of mass disorder as a pretext for deploying the military, aggressively arresting elected officials whom Trump perceived to be his political enemies, deploying unidentified armed agents wearing face masks to arrest and abduct noncitizens (including those presenting themselves for immigration hearings in courthouses), and flagrantly ignoring court orders from judges seeking to constrain executive power were all manifestations of a steadily advancing authoritarian project.

The storm of new anti-immigrant measures were trumpeted in the militaristic rhetorical idiom as a campaign of shock and awe (Chishti and Bush-Joseph 2025). Even prior to Trump's second election and his return to office, the leading architect of Trump's immigration strategy and tactics, Stephen Miller, boasted that all of the breathtakingly draconian measures that Trump's advisers were preparing would rely on existing statutes: The plans they were devising would be implemented without any substantive new legislation. "Trump will unleash the vast arsenal of federal powers to implement the most spectacular migration crackdown," Miller declared (Savage, Haberman, and Swan 2023). Trump's perverse and sadistic fantasy of mass punishment and persecution of migrants, according to this strategy, would purportedly require nothing more than the "right kind" of authoritarian interpretive disposition to fully exploit the fundamental authoritarianism already thoroughly entrenched in the existing legal and enforcement apparatus of the border and immigration regime. Tellingly, Miller portrayed Trump's immigration and border plans as a "blitz" designed to overwhelm immigrant rights lawyers and civil liberties advocates, adding, "The immigration legal activists won't know what's happening" (Savage, Haberman, and Swan 2023).

In this dark vision, the law is inverted, turned inside out. The rule of law is the feature of the state apparatus intended to restrain the state's despotic power, which is held in reserve. This reservoir of despotism was always

most apparent in matters governing borders and migration, but its appearance there was deemed exceptional. Now, however, the second Trump administration is relentlessly exploiting the exception in the law, using it as a wedge to annihilate any limit on presidential power and thereby nullify the law's capacity to restrain Trump's personal, king-like authority in any sphere.

Yet the audacity of this authoritarian gambit, the attempt unilaterally to reverse legal gravity, means that many of the people menaced by these measures—alongside numerous courts—have seen quite clearly what is happening and have taken action to resist, mobilizing in the millions (Knutson 2025). This contestation, a dialectical response to Trump's legal brinksmanship, illustrates that the law is a fiercely contested terrain, a field of struggle. The outrage of protesters, however, exceeded any narrowly legalistic or reformist desire to return to the status quo that itself had enabled the authoritarianism on display. They did not merely seek a return to the "normal" despotism of immigration and border policing that existed previously, which was at best restrained by no more than a kind of liberal legal piety until the second Trump administration exploited and manipulated such powers toward crueler ends. Instead, the public consternation over the immigration raids and the ensuing protests prefigured a more radical future. Referring to the US Immigration and Customs Enforcement agency (ICE), these protests prominently featured the demand "ICE out of LA!," as well as the slogan "Abolish ICE," both of which defiantly articulated a collective refusal and repudiation of the state's presumptive authority to arrest, detain, and deport illegalized migrants. Many of the activists expressed an explicit and ardent commitment to the abolition of immigration policing altogether. Whether or not these activists embraced an explicitly abolitionist political perspective, however, across the United States, many adopted methods of struggle that objectively rejected the authority of the state to engage in immigration policing: They created community-based self-defense networks to patrol their neighborhoods against immigration policing and to facilitate mobilizing rapid-response protest actions to disrupt and challenge immigration raids and arrests (Ulloa and Jordan 2025).

Thus, in the response to the appalling violence of immigration policing that became ever more gestapo-like and militarized and in the reckoning with its devastating effects, we have witnessed a redoubling and multiplying of the abolitionist currents that are the focus of this book. Millions of people have been actively refusing to accept the fantastically false and deviously deceptive narratives and rationalizations that erupt routinely from

government officials and their apologists. And so, to Trump's indiscriminate branding of migrants as criminals and his castigation of every supporter of migrants as a subversive menace to the nation, we have seen a countervailing clarity of language and purpose from ordinary people who have felt called on to oppose the government's increasingly baroque fabrications and lies.

Ever-greater numbers of people are unwilling to concede the state's sanitized and legitimating rhetoric: What the state is doing to migrants (and has been doing all along) is now—newly—depicted as kidnapping and disappearance; it is emphatically *not* the ostensibly legitimate practice of the state's agents simply enforcing the law by apprehending and deporting "illegal" migrants. As Danielle Harlow, a data analyst moved by the alarming events of the first months of the second Trump administration to create a monitoring website entitled the United States Disappeared Tracker, recounted, she felt compelled to create the tracker after witnessing the government's most spectacularly unlawful immigration actions and thought to herself, frankly, "They are disappearing people" (González-Ramírez 2025). Migrant workers caught up in sensationalized workplace raids—long a routine staple of immigration enforcement—were likewise perceived to have been kidnapped (Singh 2025). Similarly, Mahmoud Khalil, a lawful permanent resident and student activist at Columbia University who denounced Israeli violence in Gaza as genocide and demanded justice for Palestine, among others, was abducted by state agents because of speech protected by the First Amendment; he thereby became not a detained migrant subject to deportation but rather a political prisoner (Khalil 2025). These shifts in the understanding and description of state action against noncitizens under Trump have been stark. Naming these acts as disappearance, kidnapping, and political imprisonment highlights the degree to which the targets of these enforcement actions, as well as their allies and advocates, have forcefully repudiated the legitimacy of state power in this moment of aggressive authoritarianism. Perhaps, too, this reckoning casts a new critical scrutiny on such practices *in general*, and thus in all moments, past and future, as well.

Even in rural Trump strongholds, the voraciousness of anti-immigrant persecution has disturbed the cost-free nationalist illusion that his campaign sold to voters, prodding citizens to confront the ugly realities of state disappearance and migrant imprisonment. It seems that the vindictive fantasy of punitive violence against the spectral phantasm of migrant criminality turned out to be far more appealing to many of Trump's supporters than

the brute reality of an indiscriminate deportation dragnet. In one Midwestern farming town, for instance, an undocumented resident named "Carol," known and loved by her neighbors for decades, was imprisoned by ICE when, like so many others, she voluntarily cooperated with immigration authorities by lawfully checking in. Her hometown of Kennett, Missouri, was outraged and took swift action to secure her return. Wearing T-shirts that read "Bring Carol Home," the town quickly raised $20,000 for Carol's defense at a fundraiser hosted by her employer. A friend from Carol's church expressed her anger at Carol's detention: "I voted for Trump . . . but no one voted to deport moms. We were all under the impression we were just getting rid of the gangs" (Healy 2025b). While this expression of cognitive dissonance and advocacy on behalf of a single individual were a far cry from the full-throated declarations of legal illegitimacy articulated in many large migrant communities in urban areas with robust traditions of immigrant rights' activism, they, too, represented a front in the struggle against the audacity of Trump's authoritarian gambit. The significance of the challenge posed to the administration in such rural settings is perhaps best appreciated by its swift success: ICE released Carol just a month after her arrest, granting her legal status that she previously lacked (Healy 2025a). While Carol's return might have quieted the fires in Kennett, Missouri, the outrage at Trump's actions across geographies of deep political difference has showcased a surprising degree of unanimity. The brazen violence of Trump's actions elicited widespread shock and disgust that then gave voice to diverse forms of dissent.

Another egregious authoritarian anti-immigrant measure of the second Trump administration was the deportation with no due process of law whatsoever of ordinary migrants, casually branded as violent criminals and officially designated by executive fiat as terrorists, into indefinite imprisonment in third countries, most notably the infamous maximum-security Terrorism Confinement Center in El Salvador (Chishti and Putzel-Kavanaugh 2025). With deliberate and calculated cruelty, the Trump administration sought to expand its scandalous effort to dump deportees in countries notorious for human rights abuses by pursuing deals for similar deportations to South Sudan, Libya, and Rwanda. In this regard, notably, the United States under Trump was merely emulating draconian border externalization policies already institutionalized by the European border regime, which has long subcontracted border policing and migrant detention to other countries, from Turkey to North Africa to sub-Saharan Africa. Perhaps most notoriously, European Union (EU) member states, such as Italy,

and the EU's border policing agency, Frontex, have been coordinating for years with the Libyan Coast Guard to intercept migrants traversing Europe's maritime border in the Mediterranean Sea, forcibly dragging them back to pervasive and systematic abuse and exploitation in Libya's migrant dungeons (Amnesty International 2020; Sunderland and Pezzani 2022). By the spring of 2025, European heads of state and EU officials were busy seeking ways to institute new provisions to expel asylum seekers to detention in non-EU third countries such as Albania and to deploy enforcement agents in Bosnia and Herzegovina. Indeed, these European border externalization tactics were adapted from the model supplied years earlier by Australia in its so-called Pacific Solution, which barred asylum seekers from arriving on the country's territory and indefinitely confined them in offshore island prisons.

Thus, while the recent examples from the United States under Trump may be some of the most ostentatious, crass, and vicious, the conviction that immigration and border enforcement routinely entails extravagant violence and systemic cruelty redounds around the globe. Indeed, in tandem with the slogan "Abolish ICE!" that became widespread in the United States in the aftermath of calls to abolish the police following the mass insurgency against the racist police murder of George Floyd in 2020, there arose across Europe the Abolish Frontex coalition, composed of more than eighty activist/solidarity and human rights organizations, joined by the captains of humanitarian rescue ships in the Mediterranean (Tondo 2021). The coalition has indicted EU border militarization for tens of thousands of migrant deaths—deaths during the perilous transit across Europe's maritime border as a consequence of the violence of border policing as well as the deaths of those subjected to torture and predation following deportations to brutal (so-called safe) third countries—and has demanded the dismantling not only of the EU border enforcement agency but also of the entire border-industrial complex, including an end to migrant detention.[1]

At a protest in Germany in April 2025 against the deportation of pro-Palestine activists, a banner extended the logic of border abolitionism still further, proclaiming "No Deportation of Anyone. Abolish Germany" (Berry 2025). As in the United States, the eruption of authoritarian tactics to suppress speech critical of Israel's slaughter in Gaza has produced a similarly growing recognition of state illegitimacy that links the fates of citizens and migrant noncitizens. In this instance, Germany's effort to deport EU citizens for the exercise of their elementary freedom to protest in support of Palestine led activists and civil liberties advocates to echo Mahmoud

Khalil's pointed framing of his persecution, denouncing the prospective threat of being imprisoned for merely defending political beliefs and opinions deemed to represent "a 'genuine, present and sufficiently serious threat' to a fundamental interest of society" (Genovese 2025). Furthermore, Germany announced that it would deny eligibility for citizenship to any noncitizens who use—or even simply express sympathy on social media for—long-standing Palestine solidarity slogans (Conkar 2024; Karadağ 2024). Against such increasingly authoritarian measures, ordinary people around the globe have increasingly been seeing the state with astonishing clarity. Both the banner and the indignant objections of protesters distill perfectly the way that deportation and other repressive tactics were being used in Germany—as everywhere—to shore up the potency of the reified imagined community of the nation. Thus, they also refuted and reversed the populist diagnosis for what ails society: It is not flesh-and-blood human beings who deserve to be disappeared; it is "the nation" itself—whose systemic violence against deportable noncitizens and citizens alike reveals anew the fundamental violence of all national chauvinism—that should be abolished.

People across the globe have been refusing the elementary, clinical language that the state uses to legitimate its power. These people "might not call themselves abolitionists," but their actions and their speech nonetheless "[have] an abolitionist agenda" (Gilmore 2012, 51). It is the incipient agenda of border abolitionism—and its imbrications with law and social struggle—that has inspired this book.

Nicholas De Genova and Daniel I. Morales
July 25, 2025

Note

1. Abolish Frontex, accessed November 9, 2025, https://abolishfrontex.org.

Introduction. Border Abolitionism: Migrant Struggles, the Law, and Remaking the World

NICHOLAS DE GENOVA AND DANIEL I. MORALES

Across the globe, border violence has proliferated, and with it new formations of anti-immigrant fascism. Simultaneously, new social and political movements that advocate the abolition of borders or immigration law, or challenge their methods of enforcement, have become increasingly vocal and resonant. People on the move across state territories and borders—so-called migrants and refugees—exercise their elementary freedom of movement in defiance of borders, border enforcement authorities, and immigration law. This freedom of movement is elementary in the sense that it corresponds to human *being* as an ontological fact, as an existential feature of the human condition, in a manner that exists *prior to* subjection within any particular social formation (De Genova 2010a). Thus, freedom of movement precedes the law.

Perhaps more than ever before, however, people on the move today are widely subjected to laws that systematically suppress and denigrate free movement. In the face of these efforts, migrants either use the law instrumentally and strategically or seek to evade it. Some stake a claim to safe haven and the opportunity to rebuild their lives in the aftermath of violence, state repression, persecution, or disaster—petitioning for asylum. Others seize such refuge and the prospect of a better life by creatively working their way around border controls and evading or subverting the

stringent and exclusionary provisions of immigration and asylum regimes. In these ways, migrants prefigure and enact the ever more beleaguered and agonistic human "right" to migrate or seek asylum. This kind of doing is in fact how human rights are made, as Ayten Gündoğdu has emphasized: "Human rights owe their origins, guarantees, and reinvention to political practices that are not fully authorized by the prevailing institutional and normative frameworks" (2015, 188; see also Isin 2001; Nyers 2003). Through such practices of appropriating their freedom, people on the move objectively exercise a freedom of movement that disregards and subverts borders in defiance of the modern sociopolitical order of nation-states and their legal regimes (De Genova 2010a; Morales 2017a). Whether or not people on the move explicitly articulate their visions and demands as such, therefore, the actions of many migrants and refugees are objectively and pragmatically abolitionist projects.

In response to these implicitly abolitionist demands enacted by border crossers in practice, nation-states and other sub- and supranational formations of sovereign power and governance continue to react with ever more punitive immigration laws and enforcement tactics, consolidating and expanding intense and draconian formations of border violence. As state powers fortify and further calcify their borders with boots and bots, barricades, high-tech surveillance technologies and drones, violent pushbacks, apprehensions, family separation, incarceration, and deportations, the systematic and perfectly predictable outcome is a rise in suffering, injury, and death. Yet, in spite of these unrelenting and ever-mounting tragedies, social movements persist in advancing increasingly radical demands, articulating ever bolder and ever more explicit calls to abolish borders and immigration law enforcement agencies, particularly across the Global North—popularizing such slogans as "No Borders," "No One Is Illegal," and "Abolish ICE" (referring to the Immigration and Customs Enforcement agency in the United States). As these calls are amplified and proliferate, abolitionist logics begin to unsettle and subtly transform mainstream political discourse, immigration law, and border enforcement policy debates.

Border abolitionism is an urgent and timely concern on a global scale, demanding serious empirical and theoretical scrutiny. In this book, from a variety of disciplinary perspectives bridging the social sciences and law, we critically examine the rise of abolitionism with regard to borders and immigration law. The chapters of this volume contribute to deepening theorizations of what abolitionism might mean in these contexts and contemplate

abolition's potentialities, viability, and challenges. Thus, this volume works to strategically nurture and catalyze, as well as problematize and critique, existing and incipient movements for abolition in the migration context and, more generally, struggles for countering the reactionary and violent forces of migrant and refugee subjugation.

Our goal here is not to provide normative prescriptions or pragmatic proposals for policy reform. Instead, we contribute to theorizing the actual border struggles that are unfolding and multiplying across the globe. Fundamentally, we interrogate the elementary question that abolitionism intrinsically poses and exposes: the putative necessity and presumptive legitimacy of migration control. The increasingly direct way that state projects of border and immigration control cultivate and exacerbate fascistic narratives of nationalistic populism (De Genova 2018, 2020) has raised new questions about the "commonsense" logics of national border regimes.[1] As the spectacle of borders (De Genova 2002, 2013b) becomes ever more violent across the world, previously unquestioned rationales for such restrictions are increasingly exposed as insufficient to justify the audacious cruelty of contemporary border enforcement practices (De Genova 2025; Tazzioli and De Genova 2020). The radical and unsettling implications for immigration law, policy, and politics are manifold and timely, provoked by the urgency of migrant struggles.

In this book we bring together legal scholars from the United States and Canada with international migration and borders scholars based in North America and Europe from various social science disciplines for whom the law is but one among numerous other tactics of power within the larger sociopolitical field. This volume therefore stages an interdisciplinary dialogue that aims to catalyze and embolden the incipient radicalism of scholars across the academic spectrum who are responding to the wider demands of migrant struggles for abolition. Some chapters examine specific empirical examples of contemporary abolitionist experiments or dilemmas, others engage in counterfactual thought experiments, while others pursue their inquiries at a more strictly conceptual level. It is after all in the nature of an interdisciplinary edited volume such as this that not all contributors will approach the central questions animating our shared project in the same manner, and it is in fact one of the primary ambitions of the collection to foreground theoretical engagements with the larger questions the volume poses. Indeed, this diversity reflects precisely the realization of the volume's ambition as a broadly interdisciplinary dialogue that foregrounds a series of conceptual questions in order to open up new intellectual pathways and projects.

Abolition Democracy

Abolition is a contemporary conceptual framework of increasing prominence for inspiring and reanimating radical political imagination and organizing. Its recent manifestation in a wide variety of social movement contexts owes principally to the dedicated activism of prison abolitionists over the past few decades, especially in the United States. Prison abolitionists anticipated the utility of abolitionist perspectives for borders and migration struggles by noting the ways in which incarceration itself does a kind of bordering work. More than two decades ago, prison abolitionist Gina Dent proposed that "the prison is itself a border," demarcating the stark barrier between incarcerated people and the so-called free world beyond the prison's walls (in Davis and Dent 2001, 1236; see also Sharma 2021). Migration scholars have similarly noted these parallels, describing the ways that incarceration tends to relegate citizens to the rights-deprived condition of noncitizens. Kelly Lytle Hernández observes that "the series of civil disabilities that have been heaped on [US] citizens convicted of felony charges since the 1970s . . . have gutted the substance of their citizenship rights" (2011, 55). Juliet Stumpf asserts further, "Through incarceration and collateral sanctions, criminal offenders are—literally—alienated" (2006, 399; see also Nyers 2019; Reiter and Coutin 2017). Hernández ties both observations together: The "tangle of alienated citizens and criminalized immigrants is a deeply historical construct that reaches up from the unfinished abolition struggle of the nineteenth century and across the twentieth-century experience with race and inequity to define today's caste of felons and illegal immigrants" (2011, 65).

Prison abolitionism is not new, of course. All radical social and political critiques are challenged to confront the full panoply of repressive resources at the disposal of modern state power. The law and law enforcement are constitutive elements of that power, and the coercive armed force of the police and the punitive role of prisons play a central role in realizing it. Prisons and police were obvious targets for radical critiques, not least because policing and prisons have routinely been deployed to suppress radicals themselves (see, e.g., Burton 2023). Accordingly, contemporary prison abolitionism can trace many of its practical and theoretical origins to the antisystemic insurgencies of the 1960s and 1970s, particularly the civil rights and Black liberation struggles in the United States, including of course the upsurge in prison rebellions in the early 1970s that resonated deeply with

the urban insurrections across Black America (Felber 2020; see also Berger 2019; Davis [1971] 2016; James 2003, 2005). Indeed, as is well known, it was Angela Davis's own experience as a political prisoner in that era that decisively shaped her lifelong commitment to prison abolitionism. Michel Foucault, renowned critic of the prison and carceral forms of punishment, likewise had his own formative encounters during that same historical period. His participation in the early 1970s in the French radical activist organization Groupe d'Information sur les Prisons (GIP; Prisons Information Group), which vocally supported prison revolts in the United States as well as France and stood in solidarity with Angela Davis, George Jackson, and other Black Panther political prisoners, supplied the conceptual foundation for Foucault's landmark work, *Discipline and Punish: The Birth of the Prison* ([1975] 1979). Foucault expressly attributed his core insights to this activist organization: "If [the book] contains two or three good ideas, it gleaned them from [the GIP]" (quoted in Thompson and Zurn 2021, 2; see also Foucault [1972–73] 2015, [1976] 2009).

More recently, focused primarily on racialized criminalization, policing, and mass incarceration, carceral (and penal) abolitionism has achieved unprecedented traction and resonance in the context of the Black Lives Matter movement and the proliferation of demands to defund or abolish the police following the police murder of George Floyd in Minneapolis in 2020 and the ensuing international insurgency of protests against the systemic atrocity and impunity of police violence, particularly and disproportionately perpetrated against Black men and other people of color (see, e.g., McLeod 2019). "Abolition has always been a bold project," acknowledge Dan Berger, Mariame Kaba, and David Stein (2017). "Whether in response to private property and nineteenth-century chattel slavery, or the prison industrial complex of the last half century, abolitionist movements have unsettled not only conservative critics but liberals, progressives, and even some radicals." Yet the pull of abolitionist thinking today is so strong that the establishment-oriented National Lawyers Guild called for "the dismantling and abolition of all prisons, and of all aspects of systems and institutions that support, condone, create, fill, or protect prisons" at its "Law for the People" Convention in 2015 (National Lawyers Guild, n.d.).

The gravity of the idea of abolition derives from the rich legacy of the long struggle to overthrow slavery and its pernicious afterlives. The energy derived from the clarity and ambition of slavery's abolition is critical to sustaining momentum behind the open-ended, unresolved struggles

of Black Americans today. Contemporary carceral abolitionists thus take inspiration from those predecessors who sought to realize their emancipatory aspirations for substantive equality in the historical context of reconstructed servitude, state and extra-state racial terror, and the entrenchment of the carceral state. A decisive conceptual key to sustaining this bridge between these apparently disparate historical epochs and sociopolitical conditions is the idea of "abolition democracy," suggested by W. E. B. Du Bois in his magisterial study *Black Reconstruction in America* ([1935] 1998). Leading contemporary abolitionist thinkers, particularly Angela Davis (2005) and Ruth Gilmore (2017, 2022), utilize this landmark concept in the elaboration of an expansive understanding of abolition in their activist scholarship on the prison industrial complex.

Abolishing slavery and equalizing the formal legal status of the formerly enslaved, Du Bois demonstrates, was merely the beginning of the struggle. The problem of abolition therefore points to a crucial contradiction posed for critically examining the nexus between the law and wider sociopolitical conditions. In his analysis of Reconstruction, Du Bois was acutely attuned to this dilemma. "How was slavery to be effectively abolished? And what was to be the status of the Negroes?" Du Bois asks. "The legal solution of these questions was easy" (1935, 188). Creating a world where the formerly enslaved were the sociopolitical equals of whites was the hard part. Abolition democracy thus deflates the illusory triumphalism of the postbellum moment of formal emancipation. The Thirteenth Amendment to the US Constitution proclaimed that "neither slavery nor involuntary servitude . . . shall exist within the United States," but this legal dictum was never going to be sufficient. After all, once deposed by the Civil War, the formerly slave-owning ruling class in the US South did not disappear. Nor did the capitalist imperatives and white supremacist sociopolitical dispositions that drove the system of slavery. After the war Southern propertied whites relinquished none of their interest in upholding and reinforcing the subjugation and superexploitation of African Americans. "Slavery was not abolished," Du Bois contends. "There were four million freedmen and most of them on the same plantation, doing the same work that they did before emancipation. . . . They had been freed practically with no land nor money, and, save in exceptional cases, without legal status, and without protection" (188). Du Bois elaborates further:

> The emancipated slave was poor; he was desperately poor, and poor in a way that we do not easily grasp today. He was, and always had

> been, without money and . . . had no way of getting hold of cash. He could ordinarily get no labor contract that involved regular or certain payments of cash. He was without clothes and without a home. He had no way to rent or build a home. Food had to be begged or stolen, unless in some way he could get hold of land or go to work; and hired labor would, if he did not exercise the greatest care and get honest advice, result in something that was practically slavery. (598)

> These black men [and women] wanted freedom; they wanted education; they wanted protection. . . . Yet after the war they were still not free; they were still practically slaves, and how was their freedom to be made a fact? It could be done in only one way. They must have the protection of law; and back of law must stand physical force. They must have land; they must have education. How was all this to be done? (189)

Hence, what began as merely "a legal-metaphysical dispute, involving the right of slave states to expand into the territories," Du Bois clarifies, with painstaking historiographic care, "was rapidly changed, first to a question of freedom for slaves, and then to a struggle for inaugurating a new form of national government in the United States" (188).

The ostensibly finite legal matter of abolishing slavery in fact signaled nothing less than the material and practical transformation of a whole system of social relations, including both civil and political rights, public education, and the organization of labor, property ownership, and the larger mode of production—what Du Bois characterizes as a "vast social revolution" (219). "The abolition-democracy went beyond [emancipation] because . . . it looked forward to civil and political rights, education and land, as the only complete guarantee of freedom, in the face of a dominant South which hoped from the first, to abolish slavery only in name" (239). For the radical abolitionists, and plainly for all the formerly enslaved, "the abolition of slavery meant not simply abolition of legal ownership of the slave; it meant the uplift of slaves and their eventual incorporation into the body civil, politic, and social, of the United States" (189). Du Bois underscores that this was never merely a legal matter of civil or even political rights but a fundamental question of property. "The freedman sought eagerly, after the war, property and income. He believed that his condition was not his own fault but due to Theft on a mighty scale. He demanded reimbursement and redress sufficient for a decent livelihood" (599).

The greater argument and analysis developed by Du Bois regarding slavery's abolition and the genuine question of emancipation are vital for how

we comprehend the contemporary stakes of abolitionism. As Angela Davis explains (following Du Bois), "In order to achieve the comprehensive abolition of slavery—after the institution was rendered illegal and black people were released from their chains—new institutions should have been created to incorporate black people into the social order." She continues, "Du Bois thus argues that a host of democratic institutions are needed to fully achieve abolition—thus abolition democracy" (2005, 78). Here, notably, Davis alludes not only to political democracy but to economic and social democracy. "In thinking specifically about the abolition of prisons using the approach of abolition democracy," Davis explains, "we would propose the creation of an array of social institutions that would begin to solve the social problems that set people on the track to prison, thereby helping to render the prison obsolete" (79).

Thus, the specific contemporary project of prison abolitionism provokes a much more capacious and far-reaching imagination of social transformation. Ruth Wilson Gilmore amplifies these insights, contending that "abolition is utopian in the sense that it's looking forward to a world in which prisons are not necessary" (2012, 52). Again, following Du Bois, Gilmore posits the concept of abolition geography to envision abolition as a liberatory process of remaking the social and political world:

> In the archival record of self-organization and world-making activity among the Black people of the South under Reconstruction . . . W.E.B. Du Bois saw places people made—abolition geographies—under the participatory political aegis of what he called "abolition democracy." . . . People didn't make what they made from nothing—destitute though the millions were as a result of the great effort to strike, free themselves, and establish a new social order. They brought things with them—sensibilities, dependencies, talents, indeed a complement of consciousness and capacity . . . —to make where they were into places they wished to be. And yet they left abundant evidence showing how freedom is not simply the absence of enslavement as a legal and property form. Rather, the undoing of bondage—abolition—is quite literally to change places: to destroy the geography of slavery by mixing their labor with the external world to change the world and thereby themselves. (2022a, 480)

Precisely because abolitionism "is not only, or not even primarily, about abolition as a negative process of tearing down, but . . . is also about building up, about creating new institutions" (Davis 2005, 60)—"life-affirming

institutions" (Gilmore, quoted in Davis et al. 2022, 91)—we must understand abolitionism to never be reducible to any singular juridical act of abolition, pure and simple. Not merely an "undoing of bondage," abolition implies "a vast social revolution"—"to change the world" and thereby ourselves. This insight is key to contemplating the question of border abolitionism.

Thus, what may yet seem to be a wildly utopian vision—the proposition that borders or immigration law might be abolished—should call to mind Du Bois's remarkable and seemingly counterintuitive contention regarding the abolition of slavery: "The legal solution of these questions was easy." After all, this "easy" matter had only been resolved by a calamitous civil war that pivoted critically on what Du Bois depicts as a general strike of enslaved African Americans. Nonetheless, the hard and protracted work of veritable social transformation in the aftermath of slavery implied a more comprehensive and expansive challenge of continuous "social revolution," the most profound ramifications of which have yet to be achieved (see, e.g., Franke 2019). In the contemporary renderings of prison abolitionists such as Davis and Gilmore, the idea of abolition democracy supplies a conceptual framework for naming and conceiving of the vast, multifarious, more ambitious practical project of remaking the world.

Migrant Struggles Unmaking Borders: Abolitionism in Practice

The goal of migrants and refugees is never simply to cross borders. They are engaged in cross-border mobility projects in order to substantially remake their lives. They encounter borders either as more or less highly regulated transit points, where they are subjected to inspection and scrutiny by state authorities who presume to grant or refuse them admission to enter that state's territory, or as more or less daunting impediments, where they seek to elude such state tactics and technologies of control. The intrinsic antagonism between migrants' and refugees' desire to cross a border and the variegated capacities of border regimes to impede their crossing thus constitutes borders as sites of struggle and contestation. This is true even for those migrants who are officially "authorized" to cross a border or who are deemed to be "welcome" and "worthy" of such authorization, and who consequently pass through borders with relative ease. These migrants may be more or less docile in their submission to the authority of the border regime and more or less complicit with its protocols and rituals, yet the border nonetheless remains for them a site of subjection to the

constituted power of a border regime. For the untold millions who are denied the opportunity to travel easily across borders and thus find themselves preemptively illegalized when they do so, on the other hand, borders are particularly fraught: Borders are sites that generate a range of traumatic experiences—from harassment and humiliation to extortion or captivity, from immobilization and indefinite waiting to expulsion, torture, rape, maiming, or death. Yet all of these challenges and indeed life-threatening risks are incurred in the course of migrants and refugees exercising the capacity for mobility to realize larger projects for reconfiguring the most elemental and basic coordinates of securing and remaking *life*. Merely crossing the border is never an end in itself.

For all of these would-be border-crossers, it is indeed the regime of immigration and asylum law and the apparatus of border enforcement that convert their mobility into one or another target and object of government, to be categorized and regulated as one or another variety of "migration." In this crucial sense, as reaction formations responding to the prior fact of human mobility, borders make "migrants" and "refugees." For, "if there were no borders, there would be no migrants—only mobility" (De Genova 2013c, 253). Consequently, the encounter of migrants and refugees with borders is constitutive and defining, and the successful navigation of the impediments presented by a border regime likewise becomes a defining predicate of what it means for them to "succeed" in their mobility projects in the course of getting on with remaking their lives.

Particularly for all those for whom borders present formidable obstacles to realizing their life chances and, indeed, commonly threaten their very lives as such, it is no far-fetched proposition that they might be inclined to wish that such borders would not exist and, moreover, would be inclined to take action as necessary on the premise that those borders *should* not exist. In this indisputable and nonnegotiable sense, we may recognize in their predicaments and their more or less creative and resourceful strategies and tactics for evading, defying, and subverting borders a disposition that is—objectively—committed to the *abolition* of those borders. These sorts of border-crossing acts of exercising a basic human freedom of movement—with no regard for the putative sanctity of the border or the presumptive legitimacy of the law, and in defiance of the authority of the state and its agents deployed to enforce these—transform many migrants and refugees across the globe into "people who might not call themselves abolitionists" who nonetheless have "an abolitionist agenda" (Gilmore 2012, 51).

Through their practices of appropriating a freedom to move across the bordered territories of states, as an expression of their determination to make a priority of their human needs over and against any border or regime of immigration law, migrants and refugees—much as they are only constituted as such by border regimes—engage in pragmatic acts that tentatively and temporarily subvert those same regimes. However temporarily or tentatively, yet nonetheless repeatedly and unrelentingly, on a global scale, "undesirable" and "unauthorized" (illegalized) migrants and "unwelcome" and "unrecognized" refugees engage objectively in acts of unmaking borders and thus may be understood to be the vanguard practitioners of border abolition.

Whether or not they articulate it as such, illegalized migrants and refugees' objective antagonism toward borders signifies a border abolitionism in practice (see also Stierl 2020).[2] Yet, just as merely crossing the border is not an end in itself, neither is the abolition of borders. As with the abolition of slavery, those first "easy" acts open up and require more comprehensive abolitionist prospects and projects. That is, crossing borders in defiance of law is a necessary predicate to the broader emancipatory project of border abolition, and the incipient politics of that project continue to be formulated and articulated far beyond the space and time of the border itself. The abolitionism in practice of migrants and refugees and their more or less humble acts of unmaking borders are always inherently only a punctual expression of a larger project of remaking life. By implication, these objective practices of border abolition in action signal a more profound and more comprehensive will, however diminutive, to remake the world.

Abolition, the Law, and Nonreformist Reforms

Protests articulated and mobilized by migrants and refugees themselves or by solidarity movements aligned with migrant struggles raise to the level of explicit demands and forthright claims the pragmatic politics of border struggles enacted by migrants and refugees engaged in realizing their mobility projects (see, e.g., Cade 2020; De Genova 2010b). These groups opposed to the violence of border regimes and promoting "immigrants' rights" translate the diverse manifestations of a border abolitionism in practice into a more or less explicit and emphatic politics. "Every time a migrant crosses a border without permission and every time a noncitizen chooses to overstay a visa, these defiant actions declare the illegitimacy of immigration law. In turn, the individual speech acts of millions of 'illegal'

migrants help to foment an immigrants' rights consciousness and enable groups of migrants to engage in core . . . forms of dissent, like marching in the streets shouting 'Not One More Deportation'" (Morales 2017a, 735). These demands and claims may be directly and overtly oriented to the law. They may be more narrowly addressed to particular state practices of immigration law enforcement or border enforcement policy. They may at times be enunciated in the idioms of morality. In any case, they are always intrinsically political (Nyers 2003, 2019).

While the greater stakes of every expression of abolitionism are about transforming social and political conditions, they are always also—necessarily—confrontations with law. In fact, as "law's empire" (Dworkin 1986) over the social and political fields has expanded exponentially since the abolition of slavery, grappling with law has grown all the more essential to projects of social transformation. Likewise, in the decades since 1935, when Du Bois characterized the abolition of slavery as the "easy" remedy to what had begun as "a legal-metaphysical dispute," the United States has created a vast administrative legal apparatus with the expansion of the welfare state in the aftermath of the Great Depression. Nominally designed to secure public social goods, that apparatus was largely entrenched to protect and advance the interests of capital and was captured by ruling elites to secure their political dominance, notably including of course the descendants of the white Southern plantation owners who had originally waged war to defend slavery and then later violently defeated Reconstruction. Thus, the dramatic juridical expansion of the post–World War II period effectively used law and the expansion of state capacities, to a great extent, to further subvert the prospects for the sort of abolition democracy that Du Bois had envisioned. The post-civil-rights-era entrenchment of the carceral state and the concomitant rise of administrative capacities and legal tools for imprisoning and deporting noncitizens—and, indeed, for killing people on the move across borders—are still more recent developments (particularly since the mid-1980s), but these more recent innovations were predicated on those same expanded legal capacities.

In the context of borders and migration, abolition is inextricably also a "legal-metaphysical dispute," a contention about the law. Migrants branded as "illegal," including rejected asylum seekers, are not being described in neutral prosaic legal language; rather, they are constituted as subjects unworthy of inclusion, protection, or care by their juridical characterization as violative of law. They are rendered by the law to be a sociopolitical caste of illegalized migrants. Their juridical status and sociopolitical condition of

"illegality" are not merely descriptive attributes of one or another simple act of transgressing a border or violating the law but rather a determinant fabrication "produced as an effect of the practical materiality of the law" (De Genova 2002, 424). In light of what Nicholas De Genova has called "the legal production of migrant 'illegality'" (De Genova 2002, 419; 2004; 2005, 213–50; see also Lopez 2012; Morales 2009; Nevins 2002; Ngai 2004), the abolition of borders or immigration law has to grapple, inevitably, with *the law*, even if doing so is only a beginning and not an end in itself. Consequently, contemporary struggles for abolition—be they addressed to the carceral state (targeting the prison form of punishment or the institution of the police) or to the border and immigration regime (serving to mediate and regulate the territorial form of state sovereignty and the state's management of populations)—immediately present themselves as questions of law.

Addressing law in this way does not entail limiting our vision to the stunted horizons of liberal legalism. Here, we must consider another key concept of contemporary abolitionism: nonreformist reforms.[3] "The stubborn immediacy of the demand [for abolition] disturbs those who hope for resolution of intractable social problems within the confines of the existing order. To them, abolition is unworkably utopian and therefore not pragmatic," explain Berger, Kaba, and Stein (2017). Many others simply "have a problem visualizing the demise of oppressive institutions whose longevity often becomes interpreted as inevitability and necessity" (Stevens 2019, 123). For the more uninformed and presumptuous critics of abolitionism, at best committed to the incremental legalistic reform of the existing sociopolitical order, the very notion of abolition provokes a contemptuous dismissiveness, as if abolitionists somehow imagine naively that what Du Bois aptly calls a "vast social revolution" could be achieved by fiat. Ultimately, the abolitionist vision is indeed one of radical social transformation, for which the targeting of the prison or the police is but one important fulcrum. Garrett Felber (2020) specifies some of the entanglements that must be unwound: "Abolition is inherently intersectional. To unravel the punishment system is to lay bare the interconnection of people's struggles against extraction, dispossession, and enclosure organized through racial and gendered hierarchies." With the idea of nonreformist reforms, abolitionists have nonetheless emphasized the combination of long-term visions of abolition and radical social transformation with more immediate, short-term pragmatic demands, "conceiving change as something both short of and longer than a single cataclysmic event" (Gilmore 2007, 242). A *nonreformist reform* refers to a short-term measure implemented within the

framework of the dominant regime that nonetheless "[breaks] with its presuppositions" (Mathiesen [1974] 2015, 232) and "[oversteps] the functional requirements" of the existing system (24). Such nonreformist measures are therefore "not geared to whatever is possible within the framework of a given system, but to that which 'should be realizable' in view of human demands and needs" (231).

Importantly, abolitionist political projects of demanding and implementing reforms, including through the law, refuse to uphold any liberal faith in the law as such, much less the presumptively inherent overall legitimacy of the ostensibly democratic state. As Gilmore notes, "Thinking about state violence, and especially racist state violence, as an aberration to be reformed away misses the way that states work and the work that states do. Many activists . . . warn us not to think of the prison system as broken. Rather, they insist, we should imagine it is working and think about what that means" (2022, 231). This perspective resonates with Foucault's ([1975] 1979) understanding of the role of the prison in sustaining a circuit of carcerality. "For the observation that prison fails to eliminate crime," Foucault memorably contends, "one should perhaps substitute the hypothesis that prison has succeeded extremely well in producing delinquency" ([1975] 1979, 277). The hegemonic legitimating discourse of the prison—according to which prisons are supposed to impose a "just" retribution for a social infraction and thereby serve to rehabilitate a person after punishment for a criminal offense—is thus perennially plagued by the prison's productive role in the genesis of still more delinquency, such that the "whole judicial apparatus, seemingly designed to suppress law-breaking," turns out instead to be "in fact designed to organize illegalities" (Foucault [1976] 2009, 18). De Genova (2002; 2004; 2013a, 56–58) has made an analogous critique with regard to immigration law and the simplistic and misguided notion that the immigration system is broken:

> All of this pragmatic hand-wringing about "comprehensive immigration reform" has persistently sought to legitimate itself with the cynical rationalization that "the immigration system is broken." From the standpoint of capital, however, the system that is decried as "broken" has been working astoundingly well. . . . [I]t is plain to see that the U.S. immigration system has rather routinely and predictably ensured that U.S. employers have had at their disposal an eminently flexible, relatively pliable, and highly exploitable mass of labor migrants, whose "illegality"—produced by U.S. immigration lawmaking and

> enforcement practices—has relegated them to a condition of enduring vulnerability. Subjected to excessive and extraordinary forms of policing, practically denied any semblance of legal personhood or putative "rights," and thus, consigned to an always uncertain social predicament defined by deportability, with little or no recourse to even the pretense of protection by the law, undocumented migrant labor-power has increasingly become the commodity of choice for employers in an ever-expanding variety of industries and enterprises. (De Genova 2013a, 58)

These critical perspectives advance the crucial conclusion that the punitive, penal, and carceral regimes of the modern state objectively serve quite different sociopolitical roles than the liberal conception of law would have us believe. With the insistence that prisons and immigration law are indeed working, these theorists point to the demonstrable inability of such institutions to perform the very functions that purportedly justify their existence in the imagination of liberal legalism, and suggest the basic falsehood of some of liberalism's most cherished normative conceits and legitimating scripts.

These sorts of radical critiques of the law and the state arising from various social justice movements do not, however, preemptively preclude the possibility of working through the law for reform. As Amna Akbar argues, "The focus is not on investing even-handedness to law or the police, not on restoring criminal justice to some imaginary constitutional or pre-raced status quo, and not on increasing resources for community policing. But it would be wrong to think the movement has given up on law. The movement is not attempting to operate outside of law, but rather to reimagine its possibilities within a broader attempt to reimagine the state. Law is fundamental to what movement actors are fighting against and for" (2018, 409). Abolitionists therefore refuse to introduce reforms that merely renovate and improve the viability of the existing state apparatus of legal and repressive power, rendering its operations ever more efficient and enhancing its effectiveness. Instead, nonreformist reforms are meant, "at the end of the day, [to] unravel rather than widen the net of social control" (Gilmore 2007, 242), to "reduce the power of an oppressive system while illuminating the system's inability to solve the crises it creates" (Berger et al. 2017), and to "make sustainable and material differences in the lives of people living under the control of oppressive systems" (Davis et al. 2022, 90–91). Notably, such short-term reform objectives truly qualify as nonreformist only

if they entail a "stubborn insistence on abolition also in what is close at hand" (Mathiesen [1974] 2015, 231). As Mariame Kaba explains, the clarifying questions for an abolitionist practice of reform must be: "Which reforms don't make it harder for us to dismantle the systems we are trying to abolish? Don't make it harder to create new things? What 'non-reformist' reforms will help us move toward the horizon of abolition?" (2021, 148). Among carceral abolitionists, then, the goal is never to make prisons "more humane" (and thus to "improve" prisons) but rather to always work toward continuously contracting and constricting their scope and reach, toward the ultimate aim of eliminating altogether the state's punitive power and creating the social conditions in which prisons would be rendered obsolete (see also Foucault [1976] 2009). The same strategic perspective rejects reforms that would seek to "improve" policing (Schrader 2019). Reviewing the recent campaigns and mobilizations of activists demanding the defunding and abolition of the police, Allegra McLeod notably contends, "A new conception of justice has begun to emerge" (2019, 1615).

In contrast with reforms that serve to merely renovate or improve existing systems of oppression, however inadvertently, nonreformist reforms are understood to be measures that advance and institute such "a new conception of justice" by pragmatically expanding the conditions of possibility for human flourishing and purposefully constraining and diminishing the purview of oppression. This critical distinction has begun to be productively transposed from the prison abolitionist critique of the carceral state to the more specific domain of migration.[4] As in other areas of social and political life, activism has led the way for envisioning abolition and formulating abolitionism as a coherent program of action. Highlighting organizations and campaigns that repudiate the alibi of "innocence" that ostensibly redeems some deportable migrants by distancing them from others who have been criminalized, Jenna Loyd discerns a growing synergy between abolitionist and more radical migrant justice organizing; she contends, "By challenging, rather than sidestepping, the state policies that create the conditions for capture and deportation, [these organizations] question the legitimacy afforded to punishment and banishment as state practices" (2019, 102). For instance, the US-based Detention Watch activist network advocates for the abolition of migrant detention as "irreparable, unnecessary, cruel, and racist by design" and promotes "abolitionist values to ensure that we do not inadvertently replicate or create new harmful systems," providing an instructive set of guidelines for how to differentiate

reformist versus nonreformist/abolitionist reforms (Detention Watch Network 2022; see also Bradley and de Noronha 2022; Critical Resistance 2020; Kaba 2014; Kaba and Ritchie 2022, 227–39; S. Shah 2024). The Queer Detainee Empowerment Project, based in New York City, works with queer migrant detainees and their loved ones both inside and outside of immigration prisons and demands an end to deportations, migrant detention, and immigration policing (Hammami 2020, 133–34), while struggling for "a world where [queer migrants] are truly free to live their truest selves and lives" (135). In the context of border abolitionism, nonreformist reforms have thus been conceived as legal or policy measures that specifically serve to "reduce the power and reach of borders in the short and long term, while avoiding reforms that perpetuate the logic and legitimacy of immigration control" (Bradley and de Noronha 2022, 15). As a practice of border abolitionist activism, moreover, Gracie Mae Bradley and Luke de Noronha suggest, "we should build and nurture identities, relations and practices that refuse the logic of borders" (2022, 132).

The impact of abolitionist activism around migration has inspired a concomitant rise in abolitionist perspectives among activist scholars in migration and border studies, to which the present volume makes its contribution.[5] Building on the most radical demands of the unprecedented mass migrant protest mobilizations in the United States in 2006 (see De Genova 2010b), and the migrant struggle's widely held sensibility "that *all* (im)migrants, regardless of legal status, deserve social and economic justice," Martha Escobar (2016, 1) looks to prison abolitionism to problematize and repudiate the pervasive binaries of good/bad, deserving/undeserving, and worthy/unworthy by which migrants are hierarchically sorted, ranked, and finally either afforded protection or exposed to legal recriminations. "Abolition within this context," Loyd contends similarly, "means creating the conditions for self-determined lives in the course of dismantling the binaristic valuation and devaluation of human life through categories of guilt and innocence. . . . It means that no one is disposable" (2019, 104). Loyd clarifies further that this means rejecting citizenship itself as a "qualifier of humanity" (104; see also De Genova 2021a), or similarly, in Naomi Paik's terms, "refusing to allow the nation-state to dictate our relations to one another . . . and to the places we share" (2020, 139; see also Sharma; Stevens, this volume).

These abolitionist inquiries and arguments build on work that highlights how immigrant detention and deportation comprise another crucial

pillar of the carceral state (Blue 2019; Chase 2019; De Genova 2002; De Genova and Peutz 2010; Dow 2004; Escobar 2016; D. Hernández 2019; K. Hernández 2010, 2017; K. Hernández et al. 2015; Hester 2015; Loyd et al. 2012; Macías-Rojas 2016; Welch 2002). Indeed, in the government of migration and borders, over recent decades, there has been an indisputable expansion of the outright criminalization of immigration-related offenses (Stumpf 2006; see also Dowling and Inda 2013; Evans 2020; Morales 2014). Escobar notes that "prisons function as sites where legality is unmade since imprisoned legal residents are deported and permanently banned from returning" (2016, 2; see also Golash-Boza 2014). Legally branding migrants, regardless of immigration status, as "criminal aliens" renders them "expendable and violable" and "legally irrecuperable," in Escobar's phrase (3), and establishes an inexorable prison-to-deportation continuum (see also Coutin 2010; García Hernández 2024; Golash-Boza 2015; Griffiths 2015; Hasselberg 2016; Kanstroom 2012; Peutz [2006] 2010). At the level of everyday policing, the blurring of the customary firewall between local policing and immigration law enforcement has commonly manifested itself in "a climate of terror, in which [illegalized] immigrants live in fear that they may be separated from their families every time they step outside their homes" (Steusse and Coleman 2014, 58; see also Moffette 2021; Paik 2020; Stierl 2017; Talavera et al. 2010). The criminalization of immigration has likewise served the political ends of eroding or directly attacking sanctuary-city policies intended to disaggregate the conflation of routine policing with the policing of immigration, prompting a renewed abolitionist interrogation of the very category of "the criminal" (Loyd 2019, 91; see also Escobar 2016; Paik 2017, 2020; Roy 2019). Loyd therefore suggests that "dismantling the ideological category of criminality and its associated carceral mechanisms will also be necessary for advancing no borders praxis" (2019, 97).

The increasing criminalization of immigration "offenses" notwithstanding, one of the most enduring distinguishing features of immigration law in many liberal democratic regimes has nevertheless been its juridical separation from criminal law, whereby an awesome (and comparatively unchecked) punitive power over the lives of noncitizens presents itself as purely administrative and procedural, as civil (not criminal), even as they may be targeted by the carceral state in a manner that dissimulates whether detention and deportation may even be recognized to be punishment (De Genova 2017b, 2021b; see also Reiter and Coutin 2017). Mathew Coleman notes astutely that this "enables immigration enforcement practices which

float—by design—*separately* from the rule of law . . . delineating a space of policing practices—a *juridical void*—which cannot be subject to constitutional review and/or protection, notwithstanding its reliance on the criminal justice system as well as its own formal codification as law." Coleman continues, "The point is that immigration law works less as a law and more as a sort of (permanent) state of emergency in which the concrete, authoritarian power of the sovereign (in this case, lawmakers) comes down decisively—or, exceptionally—on migrant bodies" (2007, 62; see also De Genova 2021b, 2025). Indeed, the law has long been deployed to legitimate and endogenize this state of exception with respect to migration, incorporating it into the legal fabric itself. For example, the United States Supreme Court invented a doctrine in the nineteenth century granting the legislature "plenary power" over immigration law. That doctrine permits US courts to ignore a suite of rights protections that would obtain for persons seeking relief from governmental action in any other context. Importantly, that doctrine was rationalized based on the explicitly racist premise that Chinese people migrating to the United States were ineluctably "foreign" (see also Stevens, this volume).

Furthermore, whereas detention and deportation ordinarily represent "the most comprehensive, austere, and severe condensation of border carcerality" (in a way that is akin to prisons), Martina Tazzioli and Nicholas De Genova underscore how these are "nonetheless part of an expansive and fluid nexus of carceral and other punitive practices" (2023, 2). They designate this nexus to be a "confinement continuum" for migrants, "from the fundamental condition of being stuck or trapped in a border zone, to the consequent forms of being targeted, exploited, kidnapped, blackmailed, abused, raped, tortured, and sometimes killed . . . which of course [extend] far beyond any physical border site and commonly [encompass] the full spectrum of migrant everyday life, above all for those who are illegalized and thereby indefinitely susceptible to the recriminations of the law" (2; see also Cassidy 2019; Macías-Rojas and Tazzioli 2022; Tazzioli 2023; Tazzioli and De Genova 2020). Emphasizing these connections and continuities, abolitionist critiques in migration and border studies inherently examine the intersections of border-specific forms of exclusion and carcerality with wider formations of state violence, criminalization, racial injustice, labor subordination, and exploitation in order to articulate the interconnectedness of migrant struggles with struggles for much more far-reaching social and political change.

The intransigence of immigration law's unchecked sovereign violence suggests that the cruelty of border regimes will only continue, absent the sorts of broader sociopolitical transformations advocated by abolitionists to foster alternative capacities, subjectivities, and ways for people to relate to one another and the world. Here, again, we are reminded that abolitionism posits that emancipatory social change is always inherently as much about building up as tearing down. Earlier arguments in defense of free cross-border movement, such as Joseph Carens's (1987) famous call for "open borders," were largely derived from the abstract claims of moral and political philosophy and generally predicated on the methodological nationalism that has long informed most political theory and legal scholarship. Consequently, such arguments have largely missed what abolitionist theory stresses: the fundamental interconnectedness of all areas of social and political life and thus the necessity for an integral and comprehensive strategy of social transformation. It was never going to be sufficient to merely open borders that could simply be reactivated and closed once again. Imagining that state borders can be opened in isolation—while maintaining the inevitability, necessity, and normative validity of borders for the preservation of the integrity of (presumptively "national") self-governing political communities—is naive; proposing that human cross-border mobilities can be unshackled—while holding constant all other relations of hierarchy and inequality—fundamentally misunderstands the interconnected and global character of modern social relations. At best this approach adopts an agnostic posture toward the role of the territorially defined (national) state within the capitalist world economy (see also Sharma, this volume).[6] If border walls and fences are ever to come down and stay down, a more systemic analysis of how the physical and symbolic violence of barricaded borders, detention centers, and deportation dragnets serves intertwined global, national, and local sociopolitical needs and purposes is required. Beyond the most egregious excesses of border enforcement regimes, moreover, immigration law itself and borders as such must be radically reevaluated in light of their mediation of the inequalities and injustices arising from capitalist social relations globally (De Genova 2016). If borders and immigration restrictions are to be eradicated, then, abolitionism insists that altogether new solidarities, practices, institutions, and ways of being human will also have to be envisioned, invented, enacted, and sustained.

The inclusion of legal perspectives in this volume underscores our world-making ambitions. As the humanistic discipline most imbricated in the exercise of power, legal scholarship ordinarily colludes with lawmaking in producing "the Law" and upholding the legitimacy of the bordered world that we inhabit. Legal scholarship has played a crucial role in regulating and restricting human mobility and upholding violence, in various ways. In some cases, the work of the legal academy in literally crafting our punitive and carceral world has been quite direct, particularly in the United States. Because the law has been largely configured within the "national" purview of territorially defined states, worldwide, it is of course perilous to overgeneralize. In this introduction, therefore, we largely restrict our discussion to legal scholarship in the United States, much as we know that analogous dynamics are at play wherever the world's wealthiest nation-states adjudicate the matters of immigration and asylum. Prominent legal academics of the founding generation of US immigration law scholarship not uncommonly held prominent government positions at key moments in the creation and fortification of the carceral immigration state, for example, formulating or promoting laws and policies that significantly expanded the punitive scope and reach of the border regime. Thus, some of the most prominent and most cited US legal scholars specializing in immigration have personally had a hand in designing and legitimating some of the worst aspects of the very system that abolitionists are now demanding be dismantled.

More subtly, and consistent with the more general effect of legal academia's intimate proximity to state power, US immigration law scholarship has set the horizons for what is considered to be thinkable, tractable, reasonable change at the level of law and policy well within the normative assumptions and operative confines of the penal and carceral immigration apparatus (see also Volpp, this volume). Unsurprisingly, these horizons have been fixed within decidedly reformist parameters. As the thirty-year ramp-up in the capacity of the carceral immigration state took off, the majority of legal scholars churned out article after article proposing ameliorist reforms and technocratic tweaks. This focus legitimated the status quo in a variety of ways. The limited scope of change that scholars proposed (at times, perhaps unwittingly) normalized and effectively valorized the massive expansion and entrenchment of deportation, exclusion, and carceral capacity by the immigration bureaucracy. In the classroom immigration law scholars trained a generation of lawyers under the "pragmatic" reformist horizon of those stunted and technocratic constrictions. A generation of legal professionals, especially at elite schools exercising a disproportionate

impact, were implicitly or expressly taught to believe that the immigration bureaucracy—only very recently created at such an expanded scale—was somehow inevitable, necessary, and essential to the good order and preservation of the republic and that the best and most one could hope for was to soften the harshest edges of the status quo.

The posture of a noteworthy segment of the US legal academy has admirably started to shift. As the violence of the carceral state continues at the national level, it has been increasingly exacerbated and augmented by subnational formations of power, such as the state governments of Texas and Florida funneling their own billions of dollars into outlandish and stigmatizing immigration and border enforcement projects, including the performative and unabashedly partisan pretense of "completing the wall" and cynically busing newly arrived migrants from the US-Mexico border to northern cities and even to the elite vacation destination of Martha's Vineyard. With a decades-long stalemate around "comprehensive immigration reform" ever more entrenched by partisan political impasse (De Genova 2013a; Morales 2023), recent legal scholarship (Ashar 2023; Boaz 2025; Cházaro 2022; García Hernández 2017, 2024; Hlass 2022; Sati 2025; R. Shah 2025) has begun to recover and expand on older dissident positions (K. Johnson 2003, 2009; see also Chacón 2007; Volpp 2002), embracing more radical, or at least nonreformist, orientations. These newer perspectives introduce fresh and previously unexplored contentions that surpass older debates in the legal academy around cosmopolitanism and open borders that stalled long ago.

Abolitionism reinvigorates an essential lesson about radical social change: that all oppressions and thus all emancipations are interconnected. Oppressive systems constitute an interdependent totality. Thus, one cannot imagine the transformation of relations between nation-states and migrants transgressing their borders without also imagining the broader transformation of relations between those states and their putative citizens (B. Anderson 2013; Nyers 2019; see also Moffette; Tazzioli, this volume). To take but one well-worn but perennial example, the demonization and scapegoating of migrants as threats to the opportunities of citizens in the labor market play a vital role in naturalizing, legitimating, and reinforcing gross inequalities in the division of wealth between capital and labor, and reveal how immigration policy has long operated as a kind of de facto labor policy (see, e.g., De Genova 2004; 2005, 213–49; Golash-Boza 2015). As a consequence, one cannot adequately imagine reformulating the relations between states and migrants without also fundamentally challenging the despotic hegemony

of the capital-labor relation. Beyond narrower appeals for open borders, which indeed have even been enthusiastically promoted at times by particular capitalist interests, abolitionism contributes this more far-reaching critical sensitivity to the global interconnectedness of diverse modalities of injustice and forms of liberation.

Unsettling the Weight of Reformism in Legal Scholarship

The impact of activism-driven abolitionist theoretical perspectives is likewise beginning to be engaged by scholars of law. Ordinarily employed by institutions that have been long-standing bastions of liberal legalism, committed to the production and preservation of the sanctity and integrity of the law, legal scholars have begun to explore open-ended abolitionist questions that inherently unsettle the complacencies of liberal reformism. Visionary or even cautiously nonreformist arguments for the reform of immigration law have simply been out of bounds for nearly as long as there has been a coherent subdiscipline of immigration law scholars. But more recently, a flowering of nonreformist critique across a number of legal fields, including immigration law, has begun to come into view. This volume's interdisciplinary dialogue between the law and wider abolitionist perspectives intervenes into this crucial new arena of inquiry and debate.

Visionary nonreformist arguments about migration emanating from outside the legal profession were not unknown to some scholars in the US legal academy, of course, but these perspectives were systematically marginalized in the literature. Joseph Carens's seminal article, "Aliens and Citizens: The Case for Open Borders" (1987), argued that free migration was a necessary condition of a just society and notably provoked widespread debate. This was nonetheless a time of retrenchment in US law schools. When Carens's argument for open borders went to press, the memory of the purge of prominent members of the critical legal studies movement was fresh (R. Delgado 2009). If nonreformist arguments were to be considered at all during that time, it was widely felt obligatory that they should have a decidedly liberal flavor. Furthermore, immigration law emerged as a field of serious scholarly inquiry in the US legal academy only *after* the critical legal studies purge (Aleinikoff 1983; Bosniak 1988; Legomsky 1985; Motomura 1990; Neuman 1987; Olivas 1986; Schuck 1984). Consequently, Carens's creative bending of the liberal premises of John Rawls (1971) to potentially nonreformist ends was well keyed to influence the rising generation of migration scholars working in the legal academy. Nevertheless,

the ways in which legal scholars adopted and deployed Carens's argument tended to presage Carens's own eventual equivocation around his free-movement premises in subsequent work, arguing that "limits on free movement can sometimes be justifiable" in light of competing and contradictory moral claims and acknowledging that "having open borders is not the same as having no borders" (2013, 256, 271).

Legal scholars commonly used Carens's argument as a foil for the putatively hard-headed "realism" and "pragmatism" more typical of the legal academy's limited reformist ambitions. Writing in 2003, fifteen years after "The Case for Open Borders" first appeared in print, Howard Chang typifies this putative realism: "Given the failure of most citizens to adopt [Carens's] cosmopolitan perspective, however, cosmopolitan liberals face a constraint of political feasibility that prevents realization of all their ideals. As a matter of political reality, the interests of citizens have in fact played a dominant role in the public debate over immigration policies" (2003, 774). "As a matter of political reality," Chang continues, ". . . incumbent citizens are unlikely to admit unskilled aliens under those generous conditions in the numbers that cosmopolitan ideals would require, given the fiscal burden that those liberal policies would entail. As long as citizens are limited in their willingness to bear this burden, they are likely to restrict alien access to immigrant visas" (774). Chang's assessment that truly transformative change to immigration law is politically difficult, of course, resonates with all the conventional reflexes of normative nationalism and liberal legalism. Chang is not an outlier. His argument emblematically reveals the discipline-wide denial of any agency for legal scholars in institutions of professional legal education to play any purposeful role in changing the terms of the dominant debate. For Chang, what "citizens" think about "cosmopolitanism" appears to be completely exogenous and immune to what immigration law scholars might argue or teach. The legal academy, in this truncated view, is not an agentic world-making or transformative arena but rather a presumptively neutral venue for proceduralist experts to serve as technocratic executors of the impervious citizenry's ill-informed will (Morales 2013). Rather than interpret arguments such as Carens's as injunctions to make a new world, scholars typically dismissed preemptively such a world as utopian and therefore as that which "the law" could not even conceivably help to make real.

Hence, despite Carens's liberal case for free migration, the reigning outlook in the immigration subfield of legal scholarship until quite recently was instead derived from Michael Walzer's contemporaneous *Spheres of*

Justice (1983), which includes an elaborate philosophical justification for the migration status quo. For Walzer, membership in political communities is best likened to that of a club or a family. The conclusion of his communitarian perspective is predictably conservative: "Something like the sovereign state must take shape and claim the authority to make its own admissions policy, to control and sometimes restrain the flow of immigrants" (39). Walzer's reasoning appealed to the commonsense assumption that there will inevitably be a conflict or tension between the ontological capacity of humans to move across space (and thereby produce or transform space through translocal projects of place-making) and the existential human need for community. Such a perceived conflict rests on the presumption that community implies stability of membership, which in Walzer's argument requires the means to selectively regulate membership, which is therefore imagined to be achieved principally through exclusionary closure and boundedness. Such a presumption is yet another *effect* of methodological nationalism, whereby a "stable" community tends to be conceived exclusively in the form of the nation-state—and thus an epistemic and ethical/political effect, more materially, of the border regime that enforces nation-state "boundedness." In fact, the social sciences afford us an abundance of ways of seeing how human communities can assume other, more open and flexible forms. The elision of questions about a human need for community with the presumption that such a community must be "stable" and "bounded" can only serve to rationalize and ultimately justify, even if inadvertently, the exclusionary violence of immigration restriction with the claim that such exclusion—and therefore also the violence that sustains it—is necessary for constituting and maintaining the integrity and legitimacy of a democratic polity, and for facilitating human flourishing, more generally. This perspective (wittingly or unwittingly) supplies the exclusionary alibi for the routine use of both ordinary and extraordinary violence by which nation-states preserve the member/nonmember, insider/outsider, native/foreigner, citizen/alien partition. The enforcement of nation-state borders necessarily entails privileging artificial legal statuses over meaningful material, practical, and affective ties to place and to other human beings with differing legal statuses or other entitlements to or claims on that place. In essence, this is what border and immigration law enforcement *is* and *does*, both in theory and in practice. As a result, nation-states are far more apt to fissure, fracture, and rend apart stable human communities, such as families, or neighborhoods, or towns, than they are to facilitate necessary social connection, political and economic cooperation, and

cultural community. It is the naturalization of the bounded and divisive nation-state as the sine qua non of stable human community that border regimes and international law help to produce and that border abolitionism seeks to upend (see also Sharma; Tazzioli, this volume).

Despite its basic conservatism, Walzer's endorsement of an "ethical" justification for nation-state closure was capacious enough to garner widespread approval from both the most progressive and most reactionary legal scholars, with Linda Bosniak epitomizing the former and Peter Schuck the latter. Bosniak (1994; see also 2007) made particularly deft work of Walzer's distinction between noncitizens seeking entry, whom nation-states had the presumptive right to exclude, and noncitizens who were already territorially present, who ought to be integrated into the rights of citizenship as speedily as possible. Bosniak's adaptation of Walzer in terms of "ethical territoriality" authorized her powerful advocacy for the regularization of the legal status of the millions of undocumented migrants already resident in the United States within a broader legal academy and political environment where such an "amnesty" was politically coded as a serious threat to the "rule of law." Bosniak's project pressed "normative nationalism" (2006) quite far in favor of those migrant noncitizens who were "already here" while also managing to put into question why being territorially present ought to matter so much (2007, 407–10; see also Volpp, this volume). And despite taking pains to paint within the lines, Bosniak acknowledged the limitations of her concept of ethical territoriality and called for the incubation of a transnational ethical theory, understanding that an ethics wedded to the nation-state could not serve a truly emancipatory migration politics (Bosniak 2007, 410; see also Sharma; Stevens; Tazzioli; Volpp, this volume).

The same year that Chang rejected open borders as utopian, Kevin Johnson (2003) published a pathbreaking plan for unlimited migration to the United States. Johnson's book *Opening the Floodgates* (2007) clearly identified the limitations of reformism and mapped out the details of what he proposed to be a "feasible" regime of virtually unlimited migration. That work stood alone in US legal scholarship until very recently in its transformative ambition. Nonetheless, Johnson went to great pains to respect the strictures of the dominant mode of practical, executable, and neoliberal reformist imaginings. Notably, in the context of the post–September 11, 2001, antiterrorist hysteria that prevailed at the time of publication, Johnson made an express effort to *understate* the radicality of his no-limits migration proposal, emphasizing that "open" borders did not in fact mean the abolition of borders altogether and need not mean an end to border control.

Rather, Johnson (2007, 196–99) promoted the repurposing and redeployment of border enforcement to detect and interdict the miniscule minority of noncitizens who might intend to do others harm or who traffic in illicit goods. Underscoring the very limited influence of nonreformist projects in the legal academy until the past decade, other legal scholars' scant citations of Johnson's open-borders book largely declined to even pretend to build on his boldest nonreformist propositions. Scholars largely cite Johnson for his vivid, incisive descriptions of the violence of the immigration law status quo, but they tend to evade any commentary on how to revolutionize it. Either rejected as too threatening to the status quo or deemed too far outside of the more prosaic challenges of pragmatically counteracting the ever-proliferating carceral immigration state, visionary proposals for nonreformist reforms thus have been met with reluctance by most legal scholars.

Overall, scholars in the legal profession have simply left the basic tools and tactics of the immigration state and its workaday violence untouched, beyond the purview of critique, and have tended to focus instead on technocratic refinement and amelioration. This lacuna should trouble scholars. By favoring tinkering over transformation, legal scholars naturalize the violence of the carceral immigration state and at least implicitly validate its putative necessity, helping to legitimate the system as a whole (see also Volpp, this volume). This is perhaps predictable, inasmuch as legal academia in the United States is perhaps the academic profession that operates closer to the political power structure than any other. Angélica Cházaro (2021, 1075) observes, for example, a linguistic tendency in legal scholarship that epitomizes this complicity: "In legal scholarship, deportation is rarely described as violence." Instead, she notes, we see an abundance of euphemistic usages, such as the "immense social costs" of deportation, its "potentially lethal harms," "disastrous consequences," "destabilizing effects," and "dire penalties." "In a similarly restrained vein," she continues, "the suggested remedies to mass deportation tend to be limited to managing and tempering it, not to ending it."

The premises of any abolitionist praxis would have to concede that border and immigration controls will remain with us for a long time to come and that efforts to reduce suffering arising from these controls are meaningful and urgent. But the persistence of borders and immigration law need not mean that as critical scholars—or indeed, as activists, advocates, or policymakers—we ought to be lending our intellectual capabilities and academic credibility to such controls. If we are to participate in nonreformist

reform projects on the way to abolition, we must remain cogent about the horizon toward which we are trying to move. In law, in particular, scholars must strive to critique and bring about reform in a manner that avoids relegitimizing immigration controls. This is indisputably hard to do, and this is why many in the legal profession inevitably chafe at the suggestion of a complicity between the academic discipline of legal studies and the real-world consequences of the law. Nonetheless, the current political conjuncture across the globe repeatedly reconfirms that our intellectual and ethical vocation demands that we do things differently and, as we maintain in this volume, radically so: That radically different way of doing things in this regard is abolitionism.

More recently, however, the center of gravity seems to be shifting (see also Volpp, this volume). The escalating violence of border regimes over the past decades, accompanied by ever more punitive innovations in migration governance, in the United States and across the globe, has unceasingly falsified the purported practicality of the reflexive reformist posture of legal academia. The rise of right-wing anti-immigrant populist political figures worldwide has likewise falsified the reformist premise that the desires and demands of restrictionist voting constituencies could ever be sated through a liberal commitment to fair-minded but zealous border and immigration enforcement (Morales 2020). The capitulations of the political center left to a decades-long punitive escalation in immigration lawmaking and border enforcement have made it increasingly untenable to maintain any longer that reformist tweaks to immigration policy can do much more than re-entrench a horrific status quo. As a result, some legal scholars have begun to shed their reformist blinders. In legal academia as in other fields, there is evidence of a new openness and receptivity toward expressly or pragmatically abolitionist perspectives, where until quite recently such views could be accurately described as "fringy" (Bosniak 2013, 359). While abolitionist thinking is still not widely embraced in the legal academic profession, its ascendancy has put conventionally reformist projects on the defensive. Furthermore, a discipline that regularly sees its scholarly practitioners absorbed into powerful governmental policy positions and routinely sends legions of students to work within the system has been compelled to grapple with its reflexively incrementalist orientation.

The momentum for this shift has been building over the past several years across various legal domains, including arguments from legal scholars for abolishing family policing (D. Roberts 2021), mass incarceration and capital punishment (D. Roberts 2007), the prison industrial complex

(D. Roberts 2019), and police (Akbar 2018; D. Roberts 2007; see also McLeod 2019), and with regard more specifically to immigration law, for legalizing undocumented work (Lee 2021) and for abolishing immigration crimes (Morales 2014), immigration prisons (García Hernández 2017, 2024), deportation (Cházaro 2021), and citizenship (Sacco 2022). These theories are also informing legal practice. Activist lawyers, influenced by nonreformist scholarship, have filed lawsuits and legislation to abolish immigration crimes (Eagly 2019) and denude private immigration prisons of their profits (Stevens 2015). There is also a new scholarly resistance to long-sought proceduralist (reformist) reform efforts. Since at least 1980, US legal scholars have been advocating for independent immigration courts with more adjudicatory resources (M. Roberts 1980; see also Legomsky 2010), and a requirement that all migrants are represented by counsel, in the name of the procedural values of fairness and due process (Eagly 2013). Such efforts are fundamentally misguided when viewed through an abolitionist lens, however, insofar as they merely serve to improve and thus refortify the existing system (Cházaro 2023). For those enmeshed in the work of toppling legal injustice from within the practice and enforcement of the law, these abolitionist advances thus mark a profound shift. The law is therefore becoming a critical arena for abolitionist praxis in the context of migration.

The norm-consolidating and reifying effects of the law, as well as the deployment of state violence in its enforcement, have always meant that "law is exceptionally fraught terrain for radical political imagination due to its use as an instrument of social control" (Ashar 2023, 880). Consequently, radical alterations to the law, or the outright abolition of laws and the enforcement practices that naturalize these laws, become important social justice imperatives. Thus, abolitionism in the legal field may serve as a strategic complement and a crucial predicate for the more expansive emancipatory work of abolition. While uncritical lawyering can often crowd out more liberatory possibilities, strategic lawyering practiced alongside or in the service of social movements or abolitionist campaigns can facilitate more robust and lasting nonreformist reforms in the pursuit of new horizons of social justice. In other words, legal action on behalf of individual clients, groups, or larger causes can either serve to entrench narrower legalistic formulations of justice or fundamentally puncture them. The key lies in properly theorizing the scale and strategy of legal intervention to enable more radical modalities of social change (Morales 2023). Arguably, this is what lawyers who sought the abolition of slavery did in the courts in the

years prior to the US Civil War: "Resistance lawyers in the context of fugitive slave laws practiced within a system they opposed while achieving some good outcomes for clients by using court practice to seek delays, clog the system, and seek transfers from federal to state custody. These strategies allowed more possibility for their clients to escape custody, build political pressure, and raise money to buy their freedom" (Hlass 2022, 1650). Antislavery abolitionist lawyers used the legal system strategically, often resorting to legal proceduralist "weapons of the weak" (J. C. Scott 1985)—such as endless delay, motion practice, and habeas corpus petitions—to amplify the impact of fugitives' desertion and flight from their captivity.

Unfortunately, such traditions of nonreformist lawyering praxis generally can flourish only in the context of deeply committed social movements (see also Volpp, this volume). Otherwise, public-interest lawyers are largely left to pursue what Sameer Ashar has tellingly depicted as "Sisyphean careers in courts that manage unyielding neoliberal immiseration rather than dispense justice" (2023, 877). Emergent nonreformist immigration law scholarship therefore offers a renewed sense of the promise of legal praxis to support or catalyze wider social movements. Ashar contends that law school clinics (where students engage in the supervised practice of law) can serve as a vanguard in promoting this shift by embracing prefigurative legal projects, which repudiate and counteract "the despair of ostensibly unchangeable institutional and social conditions" and offer "a means by which we may engage in collective utopian thinking, unfettered by the ongoing and depredating operations of capital facilitated by law" (877). Such efforts require sustained pedagogical innovation, however, because nonreformist projects require imagination, a trait that law schools tend to stifle in favor of inculcating a veneration of "hierarchy and conformity" (879).

Were this sort of prefigurative abolitionist legal project to succeed, it might indeed be more impactful than its antebellum antislavery precursors. In the migration context, in particular, "merely" abolishing juridical impediments to the free movement of migrants and refugees may effect more consequential change than was possible in the more comprehensively oppressive context of slavery. After all, the pervasive illegalization of migration coexists in the United States with a million-person-per-year flow of "legal" migrants whose social composition is largely commensurate with that of those whom the law illegalizes. The presence of free Black people in the antebellum North, by contrast, was a sectional phenomenon riven with its own significant unfreedoms. In the contemporary migration context, law on its own is doing a more substantial share of the subordinating

work—imposing and sustaining the artificial line between the "legal" and the "illegal" migrant—and so getting law out of the way might accomplish more for people on the move than it did for formerly enslaved fugitives or newly emancipated Black Americans.

There are of course many other crucial differences between the abolition of slavery and the abolition of borders and immigration control. A significant similarity, however, is grounded in the way that, not unlike the enslaved people who deserted the oppressive regime of their captivity, people on the move across borders today engage in acts that prefigure and aim to realize the equalization of material life chances—precisely what any abolitionism properly demands. That is, the millions of people who exercise their freedom of movement and occupy space as "migrants" without legal entitlement to reside or work in the places where they settle do in fact tend to acquire over time significant resources denied to them by the lottery of birth (Achiume 2019; Chauvin and Garcés-Mascareñas 2014; Morales 2017a). Large-scale remittance flows to the so-called Global South are perhaps the most readily recognizable evidence of this sort of autonomous partial mitigation of the cruel postcolonial inequalities of the capitalist world economy. So also is the perhaps less obvious act of giving birth to children who, in some cases, thereby attain birthright citizenship or eventual eligibility for citizenship in the richer destination country. This sort of intergenerational strategy to secure better life prospects in the face of dreadfully long odds, in a global system designed to thwart those ends, could only be emboldened and expanded by the elimination of juridical barriers in the interests of furthering the world-making ends of contemporary abolitionism.

None of this is to disregard the abundant evidence that migrants, especially those who are illegalized, are pervasively subjected to extreme forms of precarity, much like those that postcolonial/racial capitalism likewise inflicts on so many others, the world over. It is for this very reason that illegalized migrants are in fact so frequently enthusiastically welcomed and recruited by employers as a workforce of choice. The extraordinary vulnerabilities to the recriminations of the law that characterize their particular (illegalized) condition as labor subject these migrants to extraordinary forms of exploitation, and this indeed signals the perfect consonance of neoliberal capitalism's demand for accelerated labor mobility and flexibility with an escalation in bordering mechanisms that multiply the punitive repercussions of migrant "illegality" (De Genova 2002, 2016, 2023; Golash-Boza 2015). Nevertheless, an objective accounting of undocumented

migration's material effects must also foreground these migrants' autonomous appropriation and (at least partially) effective redeployment of their humble portion of the so-called Global North's post/colonial plunder, albeit ordinarily only in the rather modest form of small monetary remittances from wages garnered through their onerous labor. The excessive exploitation of migrant labor has nevertheless also at times provoked an extraordinary capacity for militancy and insurgency, and more generally has supplied the premier impetus for an enduring renewal of labor movements in the richer countries that depend on the migrants' labor (Barron et al. 2011; H. Delgado 1993). Particularly since the 1980s and 1990s, in the United States, the organized struggles of predominantly migrant (and commonly undocumented) workers have spearheaded a reinvigoration of organized labor struggles and campaigns for a living wage more generally (Bacon 2004, 251–84; H. Delgado 1993; Figueroa 1996; Milkman 2002; Ruiz Cameron 1999). Indeed, the potential for transformative struggles among migrants, often in ways that are fundamentally transversal and intersect with the struggles of citizens, underscores what Linda Bosniak (2006, 124) has called the "soft interior" of the US border regime. In contrast to the "hard" border, the law permits relatively greater lassitude in the geographic interior, allowing more room for maneuver once migrants have begun to remake their lives in their new homes (see also Macklin; Volpp, this volume). These spaces of migrant life and labor, usually far beyond the border, thus become sites where their claims and forms of struggle fundamentally challenge the very predicates of what it means to be political (Bosniak 1998; De Genova 2009, 2010, 2015; Isin 2001; McNevin 2007; Nyers 2003, 2008, 2019; Walters 2008; see also Moffette; Sharma; Tazzioli, this volume).

Unmaking Borders, Remaking the World

The border abolitionism in practice of migrants and refugees can be understood to be the veritable catalyst in ongoing struggles to unmake borders and remake the world. Admittedly, these struggles commonly manifest themselves and advance their novel and unforeseen political claims only in a context of severe adversity. The opportunistic politics of anti-immigrant nativism has persistently supplied a defining pretext for the continued reentrenchment of border regimes, and state-sponsored border violence has become routine. In the United States and Europe, far-right, racist populist movements have proliferated, and openly fascist formations have achieved alarming traction in electoral politics (De Genova 2018, 2020, 2025; Morales

2020). Yet none of this has dampened the energies of migrants and refugees seeking to remake their lives by defying those border regimes. The autonomous subjectivity of human mobility, against which these border regimes are intrinsically reaction formations, persists in its incorrigible determination to subvert borders (Álvarez Velasco et al. 2026; De Genova 2017a).

Borders, however, supply merely the most dramatic theaters for staging these struggles over human mobility. Migrant struggles begin long before these border-zone showdowns and continue long thereafter and far beyond the border. Furthermore, a border abolitionist politics inspired by the freedom of movement, as Sandro Mezzadra underscores, must also take seriously "the proliferation of borders beyond territorial demarcations" (2020, 437)—the fact, in other words, that migrants and refugees continue to be subjected by borders and subordinated within a "confinement continuum" (Tazzioli and De Genova 2023) long after they have managed to cross a state's territorial boundary (see also Brankamp; Macklin; Moffette, this volume). Border abolitionism, then, also has implications for analyzing and critiquing the much more expansive field of sociopolitical dynamics that encompasses the full spectrum of migrant everyday life, saturated as it is with the effects of immigration law and the border regime. Daniel Kanstroom has theorized this extended border into two parallel legal regimes backed by the threat of deportation: "extended border control" and "post-entry social control" (2007, 6). Both modes of immigration law use the threat of deportation to regulate, discipline, and instill fear in migrants as they go about even the most mundane activities of their everyday lives. Most important, border abolitionism as an analytic requires being attuned to the lived practices of migrants unmaking borders, remaking their lives, and thereby engaging, however incrementally, in a vast and variegated process of remaking the world in defiance of legal regulatory regimes (De Genova 2015; Lafazani 2018) or, indeed, in the interstices of competing legal frameworks and authorities (Chauvin and Garcés-Mascareñas 2014; Goldring and Landolt 2013; see also Macklin; Moffette, this volume).

This more capacious understanding of abolitionism in practice is perhaps most evident in the immediate contexts of border crossing, where migrants and refugees engage in practices of self-organized solidarity (Bojadzjiev et al. 2022), protection (Nyers et al. 2022), and refuge (Fontanari et al. 2022; see also Agier 2012; Garelli and Tazzioli 2017; Lafazani 2018) and produce and cultivate what may be understood to be a "mobile commons"—designating the ways in which people on the move across borders precariously create shared resources en route, calling into being

"a world of knowledge, of information, of tricks for survival, of mutual care, of social relations, of services exchange, of solidarity and sociability that can be shared, used and where people contribute to sustain and expand it" (Papadopoulos and Tsianos 2013, 190; see also Gambino 2017; King 2016; Tazzioli 2023; Trimikliniotis et al. 2015; see also Tazzioli, this volume). These often tentative and tenuous formations of mutual aid are sustained, however ephemerally, in spite of extreme marginalization, hunger, and illness, and even as migrants are subjected to commonly cruel and lawless police or extra-state violence, exploitation, and extortion. Important sites where these practices are manifest are the self-organized migrant and refugee camps in border zones, where people on the move regroup and strategize in order to surmount the obstacles thrown up to impede their journeys by one or another border regime (Agier 2012; Agier et al. 2019; Collyer 2007; Garelli and Tazzioli 2017; Giliberti and Queirolo Palmas 2020; Lecadet 2013; Millner 2011; Queirolo Palmas 2021a, 2021b; Reinisch 2015; Rigby and Schlembach 2013; Rygiel 2011). In the context of refugee camps in Kenya, organized and managed by humanitarian agencies, Hanno Brankamp explicitly draws on an abolitionist analytical and political framework to describe "the freedom-seeking practices that are already ceaselessly unfolding" and the "radical abolitionist struggles [that] arise organically through the actions of camp dwellers themselves" (2022, 108; see also Brankamp, this volume), for whom "the kernel of [their] liberation lies in already-existing forms of fugitivity, flight, and struggle" (122). Although these "city-sized humanitarian camps that prevail in the global South and, increasingly, along Europe's borderlands seem less legibly 'prison-like' [than] . . . closed camps and detention centres—and are supposedly governed by more benevolent regimes of care, protection, and aid rather than punishment and imprisonment" (107), refugees refuse to be passive or docile, and it is through their "everyday anti-camp protests, dissent, acts of fugitivity, and, not least, the refusal of refugees to simply give up their 'life-time'" that "abolitionist futures are most trenchantly forged" (108; see also De Genova et al. 2018; Tazzioli 2023). In all of these more or less humble acts among migrants and refugees of community formation, coalition building, and place-making against borders, we may discern a vital manifestation of what Gilmore (2022) calls *abolition geography*.

Beyond border zones and the contingent spaces of camps, migrants and refugees create and cultivate communities often distinguished by what Michelle Brown characterizes as "a politics of refusal grounded in belonging and the freedom of mobility [that] . . . takes shape against the efforts of a

toxic, dangerous state, that requires immense amounts of labor and energy to withstand and survive" (2020, 247). Like the mobile commons sustained by people on the move, there is commonly tremendous precarity and contingency involved for these communities as a consequence of their vulnerability to the recriminations of the law and the surveillance and repressive violence of law enforcement. Nonetheless, as Brown affirms, "These states of emergency point to a kind of care upon which an everyday abolition is contingent . . . in a manner in which the community is not simply being acted upon but is working against state violence to sustain life. And they are already central ways of existence for those designated as within the frame of irregular and unauthorized immigrant life" (244). Analogously, Sharry Aiken and Stephanie Silverman (2021, 153) describe migrants and solidarity activists engaged in "a praxis of community" based on mutual respect, mutual aid, caretaking, sanctuary, and a culture of resistance and noncollaboration with police and immigration police that arises from the recognition and defense of a right to mobility, which together can be understood to signal the forging in practice of "an emergent freedom" and the prefigurative enactment of what they call "decarceral futures." Reiterating the crucial continuity between short-term demands and the struggle for more far-reaching objectives, Brown argues further, "Foundationally, for abolitionists, contestation and struggle matters, even when those efforts fall short of dramatic social or institutional change or the transformation of power" (2020, 243). Martina Tazzioli adds that "this does not mean romanticising migrant struggles . . . nor praising their claims as successful, given that migrant mobilisations are often defeated or violently evicted. . . . [R]ather, it is worth paying attention to how they constantly redefine what it means to struggle for freedom and to the political vocabulary and practices of emancipation they generate and circulate" (2023, 7; see also Tazzioli, this volume). Migrant struggles matter, in other words, because the practices of struggle generate and sustain social relations and unforeseen socialities that become the basis for building alternative ways of life. What is at least implicit in many of these struggles, following their most radical logic to its most profound conclusions, is what Paik outlines in her argument for abolitionist sanctuary, combining a politics of "radical welcome" with the creation of "a society where no one, regardless of citizenship status, criminal record, poverty, ability, or any other factor, is discarded as unworthy of economic means, affirming social relationships, or political power" (2020, 113).

Much as border abolition is never reducible to simply abolishing borders as such, so also are the stakes of border abolitionism far greater and

their repercussions far more extensive. Inasmuch as migrant struggles commence from the intractable and audacious determination of people on the move across borders to remake their lives and life prospects, their often humble contestations of border regimes nevertheless signal a global postcolonial conflict over the larger configurations of state power and sovereignty that borders are deployed to uphold and enforce, and the profound inequalities and hierarchies that regiment and sustain the sociopolitical world order. What is ultimately at stake, in other words, is remaking the world.

Notes

1. The escalation in border enforcement violence tends to authorize other sorts of extrastate anti-immigrant violence that often targets border zones. Nonetheless, while we are not asserting any sort of direct or automatic causal correspondence between border enforcement and fascism, we would indeed maintain that all immigration and border controls necessarily enact a hierarchy of entitlement to move, reside, and belong within the territory of a state and, more generally, that the governance of migration thus supplies the sociopolitical musculature that values citizens over noncitizens. Furthermore, such ostensibly legitimate hierarchies of "national" membership and belonging commonly entail racial distinctions. One could not provide any reasonable analysis of fascism that did not inevitably take precisely such hierarchies into account. Thus, the hierarchy of deservingness and entitlement to the substantive benefits of citizenship that all immigration law entails, intrinsically, is predicated on nationalism and consequently *does* tend to fuel more nationalism. In so doing, border enforcement has an inherent affinity with the belligerent hypernationalism of various fascistic political projects toward migrants and refugees.

2. This should not be taken to suggest that we attribute a radical subjective disposition to migrants, which would be highly implausible. Our argument is that crossing a border without authorization, surreptitiously or outside the law, is *objectively* abolitionist in the sense that the act itself proceeds as if the world were not demarcated by borders and is thus necessarily—in that moment—a subversion of such borders, in a manner that gestures toward the possibility of a world without borders. It may be, and is indeed likely, that after that moment of objective, world-making transgression on the part of these border-crossing (migrantized) persons, they inevitably become more immediately consumed by other pressing concerns arising from the conditions of (noncitizen) everyday life. Any possible emancipatory consciousness may recede thereafter, or may never even rise to the level of conscious thought. Indeed, we could reasonably expect nothing less in an actually existing world where every waking moment is organized around the inequalities and hierarchies of citizenship and alienage, and where those with the most tenuous claims to belonging (e.g., illegalized migrants) are pressed to justify their claims to the sociopolitical membership that they are juridically denied. This is why we emphasize the *objective*—rather than subjective—dimension of this sort of abolitionism in practice.

3. A formulation originating in the work of André Gorz ([1964] 1967), the concept of nonreformist reforms was taken up by Norwegian criminologist and prison abolitionist Thomas Mathiesen (1974, 2015) and subsequently widely promoted by theorists of prison abolitionism, prominently including Angela Davis, Ruth Wilson Gilmore, and other founding members of the US-based activist project Critical Resistance, among others. See also Knopp et al. (1976).

4. Notably, border abolitionism has also had ramifications in activist arenas more customarily identified with penal and carceral abolitionism. Noting that Black migrants in the United States are three times more likely to be deported for an alleged crime but less likely to obtain deportation relief than other migrants, the Movement for Black Lives (M4BL) platform, for example, incorporates immigrant justice as a vital concern for Black liberation, demanding sanctuary policies and an end to all deportations, migrant detention, and immigration raids (M4BL, n.d.).

5. For examples of recent scholarship and activist writing promoting explicitly abolitionist perspectives on migration and borders, see Aiken and Silverman (2021); Bradley and de Noronha (2022); Brankamp (2022); Brigden (2019); M. Brown (2020); Cházaro (2021); Escobar (2016); García Hernández (2017); K. Hernández (2011); Loyd (2019); Mezzadra (2020); Moffette (2021); Paik (2017, 2020); Roy (2019); S. Shah (2024); Sharma (2021); Stierl (2020); Tazzioli and De Genova (2023); and Walia (2021).

6. The argument for "open borders" has continued to have resonance, of course, and many more recent advocates adopt a rather more holistic social critique than was originally posited by Carens (Jones 2019; Washington 2024).