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Europe's Borderland and Non-Citizen Politics[1]

> "A specter haunts the world and it is the specter of migration. All the powers of the old world are allied in a merciless operation against it, but the movement is irresistible. [...] The legal and documented movements are dwarfed by clandestine migrations: the borders of national sovereignty are sieves."[2]

Bordering Europe

The 20th century ended with the announcement of the realisation of two great utopias: the end of history and a borderless world. The *zeitgeist* of the fall of the Berlin Wall saw the world marching towards an era of limitlessness, a world with fewer barriers impeding the ceaseless flows of commodities, information, images, and persons, promising thereby the beginning of an era of "global conviviality." The beginning of the 21st century announced a gloomy end to these utopias. Far from disappearing, borders, due to the various processes and practices of re-bordering,[3] are proliferating today to the point that one could state that "we live in a world of borders."[4] Hence, instead of fewer lines of division, we live in a world in which borders have spread and colonised virtually all aspects of our lives. As a consequence, the very concept of the border and its functions have changed: instead of being a mere indicator of a bounded territorial jurisdiction, marking the limit of political or other authority, the border

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2   Michel Hardt and Antonio Negri, *Empire,* Harvard University Press, London 2000, p. 213.

3   These involve, for instance, the creation of agencies for controlling the external borders of the European Union, the construction of the border walls in various parts of the world, as well as the creation and use of massive biometric databases at points of entry.

4   Thomas Nail, *Theory of the Border,* Oxford University Press, Oxford 2016, p. 1.

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engenders the very thing it is supposed to only demarcate and sustain. From this perspective, then, Nail can boldly claim: "societies and states are the products of (b)ordering, not the other way around."[5] It is precisely the primacy of the border and the emphasis on its capacity to engender a political-legal territory instead of simply drawing its contours that sheds a disturbing light on Europe's so-called "refugee crisis" and, as a consequence, the construction of the European border spaces as a response to the "crisis".

While in the past the issue of the border did not receive its deserved attention in political theory and philosophy in general, with the ubiquity, complexity, and elusiveness of borders, the focus of contemporary political philosophy and critical border studies in particular has shifted from what was considered to be the main function of the border: a line delimiting a territory as socially distinct, to borders considered as various practices of social division, hindering, bifurcating, redirecting, and recirculating the migratory movement. In order to better understand the momentous transformation of borders in the contemporary world, it is helpful to turn to Étienne Balibar's discussion of the question of borders, more precisely, of their heterogeneity and ubiquity that indicate a shift toward alternative modalities of borders. For Balibar, the "heterogeneity" and "ubiquity" of borders refer to the historical convergence of the multiplicity of functions fulfilled simultaneously by different borders (political, cultural, and socioeconomic). Yet for quite some time we have been witness to the opposite tendency where the many different instantiations of these functions no longer intersect. The result is, what Balibar calls, "a new ubiquity of borders," as evidenced by the fact that "*some borders are no longer situated at the borders at all,* in the geographico-politico-administrative sense of the term."[6] With borders becoming differentiated and multiple once again, borders, as Balibar contends, "constitute a *grid* raging over the new social space, and cease simply to border 'from the outside'."[7] Thus, according to Balibar, borders are increasingly reproduced both outside of and within the territory of sovereign states. Crucially, as Balibar claimed, "borders are no longer the shores of the political but have indeed become [...] things within the space of the political itself."[8] Balibar thus

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5   *Ibid.,* p. 222.
6   Étienne Balibar, *Politics and the Other Scene,* trans. C. Jones et al., Verso 2002, p. 84, n. 9.
7   *Ibid.,* p. 85.
8   *Ibid.,* p. 92.

develops an understanding of borders not only as territorial demarcations but as "borderspaces" that include the territory beyond the borderline, as unstable and mutable spaces as their limits are constantly being redefined and expanded.

Balibar's concepts of heterogeneity and ubiquity help us to further elucidate the border practices in the EU. The gradual dismantling of Europe's internal borders and the growing generalisation of immigration controls has drawn attention to the various (re-)bordering processes involved. Thus, with borders that are no longer "at the border," as Balibar maintains, but are instead vacillating, the margins of the EU could nowadays be conceived of as such a borderzone, borderspace, borderscape, or "borderland", a zone of transition and mobility without territorial fixity. This does not suggest, however, that borders are disappearing. Indeed, it would be more appropriate to state that "[l]ess then ever is the contemporary world a 'world without borders'." This is because "borders are being both multiplied and reduced in their localization and their function; they are being thinned out and doubled, becoming border zones, regions, or countries where one can reside and live."[9] Borders, on this reading, are not fixed; rather, borders are something that fluctuates. In addition, the geography of borders is determined in part at least by the erratic movements of migrants themselves. Indeed, their movements constitute an irreducible social and political element in the making and unmaking of the European borders. In order to illuminate the political aspect of bordering practices in Europe and beyond, it is necessary to departure from the idea of borders as clearly delineated and segregated spatialities.

Lacan's neologism "*lituraterre*", variously translated into English as "erasureland", "stainearth", or "deletion on the ground",[10] seems to capture something of this mutation of Europe into a vacillating border by putting into focus this mobility, dispersion, drawing, erasure, and re-drawing of borders. On the other hand, however, Lacan's "*lituraterre*" also relates to *litorarius,* the Latin for coastline or littoral. Yet what Lacan crucially highlights regarding the littoral as a border or frontier is disparity of the two domains, land and sea, to the extent that "one domain in its entirety makes for the other a frontier, because of their

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[9]   *Ibid.*

[10]   Dany Nobus, "Annotations to Lituraterre," *Continental Philosophy Review*, 46 (2/2013), p. 347. I am indebted to Sigi Jötkandt for drawing my attention to this essay.

being foreign to each other"[11]. Lacan's *lituraterre* can then be viewed as a land that is nothing but its own constantly "erasing" borderline. The question we wish to address here is the following: Is it possible to think the vacillation of Europe's borderspace as a *lituraterre*, which, in a double gesture of writing and erasure, brings together two incompatible – "because of their being foreign to each other" – images or, rather, fantasies of Europe: the image that Europe has of itself, and a counter-image or fantasy of Europe brought into existence by the erratic movement of the refugees in their perilous journey through the EU territory to safety?

It is telling that, prompted by two significant events in the recent history of Europe, the unification of Europe in 1992 and the current refugee crisis, a number of prominent contemporary thinkers seek a reaffirmation of Europe by re-posing this typically European question: "What is Europe?", and that precisely because, as Derrida admits, "we no longer know very well *what* or *who* goes by this name."[12] Indeed, Derrida asks, "to what concept, to what real individual, to what singular entity should this name be assigned today? Who will draw up its borders?"[13] Hence, engaging in a discussion of what Europe is involves, according to Derrida, a discussion with European memory. Deciding to inherit Europe, in all its tensions and contradictions, for Derrida, means to inherit two imperatives, two contradictory tasks: "The duty to respond to the call of European memory, to re-call what has been promised under the name of Europe, to re-identify Europe. [...] This duty also dictates opening Europe up [...]; opening it onto that which is not, never was, and never will be Europe."[14] Hence, for the inherited idea of Europe to be re-launched and thus reaffirmed, Derrida states, "a new thinking and a previously unencountered destination of Europe, along with another responsibility for Europe, are being called on to give a new chance to this idiom. Beyond all Eurocentrism."[15] But this also implies, according to Derrida, that "[w]e must fight for what the word Europe means today. This includes our Enlightenment heritage, and also an awareness

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[11]   Jacques Lacan, "Lituraterre," in *Autres* é*crits,* Seuil, Paris 2001, p. 14.

[12]   Jacques Derrida, *The Other Heading: Reflections on Today's Europe*, Indiana University Press, 1992, p. 5 (emphasis in the original).

[13]   *Ibid.*

[14]   *Ibid.,* p. 76.

[15]   Jacques Derrida, *Rogues: Two Essays on Reason,* trans. P.-A. Brault and M. Naas, Stanford University Press, Stanford 2005, p. 158.

and regretful acceptance of the totalitarian, genocidal and colonialist crimes of the past. Europe's heritage is irreplaceable and vital for the future of the world."[16] Seen in this perspective, the current refugee crisis situates Europe at the temporal disjunction between the past and the future. Yet precisely by being thus precariously poised between inheritance and promise, Europe is offered a unique chance to reaffirm itself, an opportunity, more precisely, to rethink its own foundations in order to rescue the emancipatory core of the idea of Europe.

Setting out from the image of Europe as a *lieu de mémoire*, a place of tragic memory out of which a new community has to emerge, a Europe that is supposed to be capable of overcoming the differences between "them" and "us", a cosmopolitan Europe of "radical tolerance and radical openness"[17]. However, the idea of Europe such as was set in motion in the post-war period, the idea of a European "unity in diversity", was not to be viewed simply as an ethical injunction, since the benefit of an ontological impact is involved from the outset: in summoning the Member States and its inhabitants to act as if the idea Europe has of itself, a unity in peaceful diversity, has become a reality, it produces a coherence among European states and people. Hence, the very need to re-affirm Europe, implies that the idea of Europe is not to be simply discarded, announcing thereby that the task ahead is that of "Europe becoming minoritarian," as Rosi Braidotti suggests,[18] as if all that one had to do is to overcome our Eurocentrism and to adopt a nomadic subjectivity in order to become part of a global multitude.

However, if the idea of Europe is still alive in a certain sense, as can be evidenced by the effects it produces in reality, this is not because this idea is reduced to an image Europe has made of itself and its role in the world, an image of an ideal Europe identified with the signifiers that give rise to such an ideal: memory, inheritance, promise, reconciliation, peaceful coexistence, hospitality, humanity, tolerance, Enlightenment, reason, critique, responsibility, democracy, etc. Because the idea of Europe or, rather, its role is both ontological and episte-

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[16]   Jacques Derrida, "A Europe of Hope," *Epoch*é*: A Journal for the History of Philosophy,* 10 (2/2006), pp. 407–412.

[17]   Ulrich Beck, "Understanding the Real Europe", Dissent, summer 2003. http://www.dissentmagazine.org/article/understanding-the-real-europe.

[18]   Rosi Braidotti, "The Becoming Minoritarian of Europe" in Adrian Parr and Ian Buchanan (eds.), *Deleuze and the Contemporary World*, Edinburgh University Press, Edinburgh 2006, pp. 79–94.

mological in yet another sense. This epistemological-onotological status of the idea of Europe could best be explained by referring to Lacan's notion of fantasy defined as a "window onto the real" in the sense that it organises the field of the visible by separating what can be seen from what cannot be seen. We can understand the function of the idea of Europe – as a discursive apparatus that renders a given situation legible – in terms of the frame, as elaborated by Judith Butler in her book *Frames of War*. The frame, as Butler conceives of it, involves the idea of ordering and the stability resulting from the very act of framing. A frame, in this respect, "seeks to contain, convey, and determine what is seen."[19] Considered as "operations of power," frames aim to "delimit the sphere of appearance itself."[20] Insofar as framing is seeing, it could then be said that the act of framing consists in selecting and constructing what it is that the frame frames.[21] The frame then is a device allowing certain images, interpretations, norms, or truths to become recognisable and, consequently, recognised. Or, to be even more precise, the frame is a condition of possibility of recognisability inasmuch as "recognizability describes those general conditions on the basis of which recognition can and does take place."[22] But in so doing, the frame also establishes the conditions of its own reproducibility. While the frame determines – discursively, visually, auditorily, and practically – the conditions of what is to be understood, seen, heard, or done, Butler nevertheless insists on the frame's inability to frame everything. Indeed, the frame "does not quite contain what it conveys, but breaks apart every time it seeks to give definitive organization to its content. In other words, the frame does not hold anything together in one place, but itself becomes a kind of perpetual breakage, subject to a temporal logic by which it moves from place to place."[23]

Our contention in this essay is that such a breakage of the European frame is already taking place, but in a quite peculiar manner. Indeed, in their death-defying passage through the territory of "Fortress Europe", a violently defended political space, the refugees and asylum seekers are tracing out a different image of Europe, one that, instead of reaffirming the idea of Europe as Europe has created for itself, an "area of justice, freedom and security," constitutes a differ-

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[19] Judith Butler, *Frames of War, When is Life Grievable?* Verso, New York 2009, p. 10.

[20] *Ibid.,* p. 1.

[21] *Ibid.,* p. 8.

[22] *Ibid.,* p. 6.

[23] *Ibid.,* p. 10.

ent logic of inscription, a frame that allows refugees to read/understand what Europe is, namely, a "post-colonial" and "racist Europe" rather than a "raceless and humanitarian Europe", a violently divisive force, rather than a "Europe of a peaceful unification", in short, a "non-Europe" of exclusion rather than a "Europe of inclusion and tolerance". Hence, once what is viewed as non-European and thus considered to being Europe's constitutive outside intrudes in Europe's space, becoming thereby Europe's internal other, the "other within", Europe recreates what was called "global apartheid" conditions by separating "wanted from unwanted, the barbarians from the civilised, and the global rich from the global poor."[24] In its response to what is called a "refugee crisis" – whereby the very term "crisis" already tends to obscure what is at stake in managing it – "Europe" has developed techniques and practices of bordering that involve not only the fortification of territorial borders but also the extension of the borderspace beyond the territorial border of the EU. Borderspaces that have been created as a space for the control and regulation of migrating bodies function as a fluctuating zone of exception, in Agamben's sense, namely as zones where the rule, while being abolished, continues to reign over the bodies captured within the territory of its jurisdiction.

Balibar's concept of vacillation, used to indicate that borders are no longer coterminous with territorial lines, delimiting the outer reaches of the jurisdiction of sovereign states, helps us to further clarify the bordering practices in the EU that allow borders to materialise far beyond of what is traditionally viewed as European space. Due to the ramification of the border's dispositive – through the increasing externalisation of borders (by transforming the EU's neighbour states into pre-frontiers of Europe; this being the European main strategy for containing migration and deterring unwanted migrants, a strategy that consists in not letting the would-be migrants to leave) and internalisation of border control that re-materialises borders within the EU territory (by creating detention centres for arriving migrants in order to limit their freedom to move) – one could say, with Balibar, that the territorial borders of Europe are "no longer localizable in an unequivocal fashion."[25] Ceasing to be static territorial delimitations, borders are

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[24] Henk Van Houtum, "Human blacklisting: the global apartheid of the EU's external border regime," *Environment and Planning D: Society and Space,* no. 20 (2010), p. 958.

[25] Étienne Balibar, "The Borders of Europe," in Pheng Cheah and Bruce Robins (eds.), *Cosmopolitics: Thinking and Feeling Beyond the Nation*, University of Minnesota Press, Minneapolis 1998, p. 219.

constantly being displaced and multiplied, shifting with the moving body of refugees. As Balibar judiciously remarks, the border is not everywhere for everyone. The "polysemic character" of borders can be seen in the fact that "borders never exist in the same way for individuals belonging to different social groups."[26] The polysemy of borders, alluded to by Balibar, thus involves the capacity of borders to actively "*differentiate* between individuals in terms of social class."[27] In bringing to the fore the partitioning along fault-lines of class and race of both citizens and migrants into privileged, authorised communities, and abject groups condemned to strategies of survival through an endless process of internal borderisation, marginalisation, stigmatisation, and criminalisation, Balibar denounces their "false simplicity"[28]. Thus, the passport of a "rich person from a rich country [...] increasingly signifies not just mere national belonging, protection and a right of citizenship, but a *surplus* of rights – in particular, a world right to circulate unhindered."[29] For "a poor person from a poor country," by contrast, "the border [...] is a place he runs up against repeatedly," ultimately, the border itself is redesigned as a "carceral system of placelessness" in order to be transformed into "a place where he resides."[30] This is not to be understood only in the sense that for a migrant/refugee waiting for the opportunity to cross the border, s/he has to literally reside at the border, rather, the border itself moves with migrants, inscribing itself onto the migrant body. It is this aspect of the border topography that enables – via the deterritorialisation of the EU's external and internal borders – a transformation of borders into spaces in which migrant bodies are exposed to racialised violence, deportation, and, ultimately, death.

A *necropolitical* lituraterre

It is precisely at such points that there emerges what William Walters termed the "humanitarian border". The term "humanitarian border" designates "the reinvention of the border as a space of humanitarian government."[31] Humanitarianism,

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[26]   Balibar, *Politics and the Other Scene,* p. 79.

[27]   *Ibid.*, p. 82 (emphasis in the original).

[28]   *Ibid.,* p. 76.

[29]   *Ibid.,* p. 83 (emphasis in the original).

[30]   *Ibid.* (emphasis in the original).

[31]   William Walters, "Foucault and Frontiers: Notes on the Birth of the Humanitarian Border," in Ulrike Bröckling, Susanne Krasmann and Thomas Lemke (eds.), *Governmentality: Current Issues and Future Challenges,* Routledge, New York 2011, p. 137.

as Williams understands it, refers to "a complex domain possessing specific forms of governmental reason,"[32] insofar as, at its core, it involves what Didier Fassin describes as "the administration of human collectivities in the name of a higher moral principle which sees the preservation of life and the alleviation of suffering as the highest value of action"[33], presupposing thereby the passivity on the part of those who receive humanitarian care. In fact, humanitarian care is "extended only when the migrant is removed from the body politic or when the migrant's body becomes incapacitated to the point of political impotence."[34] Thus, as has been rightly pointed out by several critical border theorists, far from being "the other pole of the mechanisms of containment and control," humanitarianism emerges as "one among the most effective technologies for governing, selecting, and containing migrant lives"[35]. As a novel formation in border policy, contemporary humanitarianism that strives to provide appropriate responses to irregular migrants and asylum seekers emerges as a "minimalist biopolitics" that takes hold over the bodies and life of migrants. The humanitarian government is, strictly speaking, a politics of life, as Fassin claims, yet what is at stake in such a "politics of life" is "the right to live as such more than human rights",[36] a politics of life, in short, that turns into a politics over life. In bringing together border policy and a politics of life, contemporary humanitarianism is a site of ambivalence. It is in the context of such an awkward alliance of humanitarianism and governementality that there appears a new kind of frontier marking points where the Global North and the Global South confront one another and where the demarcation line between wealth and poverty, citizenship and non-citizenship, transforms migrants into lives to be rescued or into excessive remainders. Hence, if certain border zones are transformed into a humanitarian border, this is because the whole defensive arsenal of borders (from advanced surveillance technology and armed guards to razor wire) are "deemed politically necessary and legitimate elements in the 'defense' of the

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[32]   *Ibid.*, p. 142.

[33]   Didier Fassin, "Humanitarianism: A Nongovernmental Government," in Michel Feher (ed.) *Nongovernmenal Politics*, Zone Books, New York 2007, p. 151.

[34]   Gregory Feldman, *The Migration Apparatus: Security, Labor, and Policymaking in the European Union*, Stanford University Press, Stanford 2012, p. 11.

[35]   Martina Tazzioli, "Border displacements. Challenging the politics of rescue between Mare Nostrum and Triton," *Migration studies,* 4(1/2016), p. 5.

[36]   Didier Fassin, "Humanitarianism as a Politics of Life," *Public Culture,* 19/3, pp. 499–520.

borders of the Global North faced with an 'invasion' of migrants and asylum seekers" in order for "border crossing [to] become a matter of life and death."[37]

The emergence of "the border as a threshold of life and death"[38] thus marks the birth of the humanitarian border as a new type of border, a kind of a zero degree of biopolitics, a point at which biopolitics immediately switches into what Achille Mbembe calls "necropolitics", unmasking thereby the deadly racist enactment of the European borders. By focusing on "contemporary forms of [the] subjugation of life to the power of death,"[39] Mbembe puts into focus the functioning of borderspaces defined as humanitarian borders in order to make visible what is being hidden, a "space of nonexistence" where the very fact of invisibility is constitutive of the state of exception. The concept of necropolitics enables us not only to better understand the racialised constitution of lives left to die, as Mbembe puts it, but to denounce the necropolitical condition that humanitarianism necessarily involves as the life that must be protected is biological life, a sheer ability to survive. Being one of the most effective technologies for dissimulating the veering of biopolitics into necropolitics, the humanitarian border can shed light on contemporary strategies of border-making in the EU. Using borders as filters to separate citizens from non-citizens, insiders from outsiders, the wanted from the unwanted, ultimately, humans from not-quite-humans or outright non-humans, this biopolitical mechanism produces certain bodies as "targets" exposed to institutional violence and thereby transforms every borderspace into a potential "state of exception", as Giorgio Agamben defines it, a space where law is suspended, yet remains in force.[40]

With respect to the functioning of the humanitarian border as a zone of the state of exception, it should be noted, however, that what is at stake in necropolitics is not the question of the dehumanisation of the migrant bodies in borderspaces, but rather the continuing production and reinforcement of the conditions of bare life.[41] Taking his cue from the Arendtian "right to have rights" that reveals

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[37]   William Walters, "Foucault and Frontiers: Notes on the Birth of the Humanitarian Border," p. 146.

[38]   *Ibid.,* p. 149.

[39]   Achille Mbembe, "Necropolitics," *Public Culture,* 15 (1/2013), p. 16.

[40]   Girogio Agamben, *State of Exception,* trans. K. Attell, University of Chicago Press, Chicago and London 2005, p. 87.

[41]   *Ibid.,* p. 12.

the circularity of rights and citizenship, whereby the lack of membership in a political community constitutes rightlessness, thus preventing migrants and/or refugees from claiming their basic human rights,[42] Agamben further develops the constitutive exclusion of bare life under the guise of the migrant or refugee. Exclusion is not only a measure to make undesirable migrants unable to claim the "right to have rights." By reducing human life to nothing but (bare) life, the latter is not entirely outside the realm of sovereign power, but neither is it protected within the given political-legal system. Excluded from and at the same time captured within the political order, bare life – exactly through its inclusive exclusion – is the constitutive feature of sovereign power.[43] That "*the production of a biopolitical body is the original activity of sovereign power*"[44] is nowhere seen more clearly than in the case of migrants and asylum seekers. The mechanisms of border control are biopolitical instruments in Agamben's sense precisely to the extent that they are used to install the conditions of bare life in the borderspace. In maintaining bare life intimately connected to the reproduction of sovereign power, the zone of bare life turns into the ever-politicisable territory of sovereignty.[45] The borderspace as a zone of deportability is by definition a zone of exception not only because the state agencies involved in policing the border violate certain norms of treatment and deny certain rights to migrants, but rather, the borderspace is a zone of the state of exception because it is a space where the interweaving of death and freedom renders life and death indistinguishable.

Extending Agamben's and Mbembe's critique of biopolitics to border policy in the EU the critical border studies emphasise those facets of the borderspace in which the differentially constructed bodies of migrants are exposed to structural oppression and violence. Due to the fact that the border is in a certain sense immanent to the migrant body, inasmuch as the borderspace emerges when-

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[42] "Rights [...] are attributed to the human being only to the degree to which he or she is the immediately vanishing presupposition (and, in fact, the presupposition that must never come to light as such) of the citizen." Giorgio Agamben, *Means without End: Notes on Politics,* trans. V. Binetti and C. Casarino, The University of Minnesota Press, Minneapolis and London 2000, p. 21.

[43] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life,* trans. D. Heller-Roazen, Stanford University Press, Stanford 1998, p. 9.

[44] *Ibid.*, p. 6.

[45] Nicolas De Genova and Nathalie Peutz, "Introduction" in Nicholas De Genova and Nathalie Peutz (eds.), *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement,* Duke University Press, London 2010, p. 37.

ever undocumented, illegal migrants are present, refugees and irregular migrants, being immobilised, tied to a local borderspace, in some radical sense, never actually cross the border, never leave the borderspace. This is because the borderspace, for them, is mobile, it fluctuates, and it can be enacted at any moment and everywhere. But precisely for being a changeable, unstable space that can be created anywhere, and at anytime, provided that it is populated by migrant bodies, the borderspace can best be described, by using Agamben's term, as a zone of exception. Thus, if the borderspace, populated by undocumented, irregular migrants can be compared to a state of exception, this is because the law, while being suspended and therefore becoming indistinguishable from the exception, remains nevertheless in force.

The migrant body, reduced to nothing but "bare life", could then be seen as a contemporary figure of homo sacer. Balibar seems to be joining Agamben in this respect since for him, the border functions "as an institutional distribution of survival and death."[46] While Balibar does not speak of the production of homo sacer as being constitutive of the production of sovereign power, as Agamben does, he nevertheless designates the inhabitants of the borderspace, this being a true zone of death, as "garbage humans", who are "always already superfluous" and, because of that, "not likely to be productively used or exploited."[47] Considered as being superfluous, because they are not even productively exploitable, as Balibar emphasises, the death of the undocumented migrants does not count, they remain in a sense "un-noteworthy". In a remarkable way, the lives of the illegal migrants share some crucial traits with "infamous lives" described by Foucualt: in both cases we are dealing with lives that are "destined to pass away without a trace" had they not – due to their "encounter with power" – been "snatched [...] from darkness in which they could, perhaps, should, have remained".[48] For being considered (by Europe) as superfluous and therefore disposable, losable lives, the lives of illegal migrants, because they do not matter, are also ungrievable lives. These lives, as Butler describes them, are not even grievable as they are not lives in the true sense. Butler in particular emphasises that as "a living figure outside the norms of life [...] *it is living, but*

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[46]   Balibar, "Outlines of a Topography of Cruelty", p. 16.

[47]   *Ibid.*, p. 25.

[48]   Michel Foucault, "Lives of Infamous Men," in *Power*, J. D. Faucion (ed.), Penguin Books, London, 1994, p. 161.

not a life. It falls outside the frame furnished by the norm, but only as a relentless double whose ontology cannot be secured, but whose living status is open to apprehension."[49]

Those who have died along the European "humanitarian border" cannot be mourned since they are "not conceivable as lives within certain epistemological frames, [their lives] are never lived nor lost in the full sense."[50] Drawing on Foucault's biopolitical conception of racism that functions as an instrument of division since it establishes what "a biological-type caesura within population",[51] Butler situates the filtering out of supposedly inferior groups of population at the level of a differentiated perception of lives whose loss is grievable and others whose loss remains ungrievable.[52] By bringing together two, seemingly incompatible conceptions of sovereign power, biopolitical and necropolitical, racism puts into sharp relief the fact that, from the point of view of the contemporary sovereign power, not every life is considered to be worth optimising. To follow Foucult's argument, "racism justifies death-function in the economy of biopower by appealing to the principle that the death of others makes one biologically stronger insofar as one is a member of a race or a population, insofar as one is an element in a unitary living plurality."[53] Hence, in order to foster (some) life, (other) life that is always-already stigmatised as a biopolitical threat, supposedly endangering the life of the human species must be rendered dispensable and let to die. Taking her cue from Foucualt, Butler states that the loss of such lives is "deemed necessary to protect the lives of 'the living'."[54] Interestingly, Butler situates the resistance of the ungrievable life precisely in its refusal to die, a state that resonates with the undeadness of *Muselmann* in the Nazi death camps. The exacerbated violence against those losable lives curiously fails, not only because it is not possible to negate what has already been

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[49] Butler, *Frames of War,* p. 8.

[50] *Ibid.*, p. 1. (Our emphasis.)

[51] Michel Foucault, *Society Must be Defended. Lectures at the Collège de France, 1975 – 1976,* trans. D. Macey, Picador, New York, 2004, p. 255.

[52] Butler, *Frames of War,* p. 24.

[53] Foucault, *Society Must be Defended.* p. 254.

[54] Butler, *Frames of War,* p. 31.

negated. It is also not possible to kill life that is not truly alive "since [such losable lives] seem to live on, stubbornly, in the state of deadness."[55]

An image from Edgar Allan Poe's poem "Dream-Land"[56] can shed some light on this "zone of deadness." In her highly illuminating essay "Repetition and Inscription in Europe's Dream-Land," Sigi Jötkandt reads Poe's "Dream-Land" in order to confront the fantasmatic landscape depicted in Poe's poem with "Norway", the ultimate object of refugees' desire, which guides them throughout their risky, death-defying journey to safety. The refugees' "Norway" is depicted as a place preferable even to heaven, as can be illustrated by a popular anti-immigrant joke from the times of socialist Yugoslavia, yet which has become curiously topical in the current refugee crisis: "Mujo (short for Mohammed) dies in a car accident on the "Balkan refugee route". When Saint Peter asks him: Where would you like to go, you wretch, heaven or hell? Mujo replies: Can I go to Germany?"[57] Mujo appears to be a calculating contemporary refugee/migrant who instead of settling down, say, in Turkey, Greece, Slovenia, or Hungary (or even Italy and France) in order to save his bare life, prefers to move to Germany if not to one of the richer countries of Northern Europe, Sweden or Norway, where he expects to enjoy the privileges of the welfare state. For refugees fleeing war and starvation, Norway thus represents the *ultima Thule*, to be taken in the sense of the end and the ultimate reason for their journey.

What the poem's narrator – recounting his travels towards Thule, the name given by ancient historians to a place beyond the borders of the known world, supposedly situated between Iceland, Greenland, and Norway – encounters instead is what Poe calls "an ultimate dim Thule," a sublime place "Out of SPACE–Out of TIME." The ultimate goal of Poe's traveller, ultima Thule, emerges before the startled traveller's eyes as a liminal state

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[55] Judith Butler, *Precarious Life, The Power of Mourning and Violence,* Verso, New York 2004, p. 33.

[56] Edgar Allan Poe, "Dream Land", www.poetryfoundation.org/poems-and-poets/poems/detail/48631.

[57] See Vlasta Jalušič, "Why Does Mujo Want to Go to Germany?" in Igor Ž. Žagar, Neža Kogovšek, Marina Hacin Lukšič (eds.), *The Disaster of European Refugee Policy: Perspectives from the "Balkan Route"*, Cambridge Publishing Scholars, 2018, p. 157.

> With forms that no man can discover
> For the tears that drip all over;
> Mountains toppling evermore
> Into seas without a shore;
> Seas that restlessly aspire,
> Surging unto skies of fire;

In "Dream-Land" Thule is presented as a pre-ontological real ruled by "an Eidolon, named NIGHT," a place where, as Jötkandt notes, "the very limit separating life from death [...] never took place. Inhabited by strange creatures occupying in-between states."[58] Crucially, Poe's fantasy of a "dream-land" forecloses in advance the possibility of escape, a possible way out. What Poe's dreamed ultima Thule presents instead is "a space of nonexistence." In this place between life and death, out of space and out of time, we can recognise a poetic depiction of the hell that awaits today's refugees: a necropolitical "*lituraterre*", a death zone or a state of exception where the life of the populations, considered as "garbage humans," who are "always already superfluous" and not likely to be productively used or exploited,"[59] to quote Balibar's "Outlines of a Topography of Cruelty", is stillborn, for the limit separating life from death never took place for them.

What lesson can we draw from Poe that will help us illuminate the refugees' dream of reaching Norway? No doubt, refugees, by refusing to be satisfied by a minimum of safety, in short, by refusing to have their life reduced to bare life, claim their right to take the freedom to move within Europe literally. Read in terms of the right to move and find a space for living in whatever country they choose, the refugees' Norway dream would be the clearest expression of what Badiou calls the "desire for the West," because, far from striving to change the world by changing the economic, social, and political conditions that have imposed on them the status of refugees, their only goal is to leave behind their devastated country and to rejoin the promised land of the developed West.

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[58] Sigi Jötkandt, "Repetition and Inscription in Europe's Dream-Land," in Kate Montague, Sigi Jötkandt (eds.), *Reason + Enjoyment, Filozofski vestnik,* no. 2 (2016), p. 242.

[59] Balibar, "Outlines of a Topography of Cruelty: Citizenship and Civility in the Era of Global Violence," p. 25.

In response to this more or less explicit criticism of the refugees/migrants "desire for the West", Jötkandt judiciously remarks that to be able to change reality instead of chasing a nonrealisable dream of "Norway", this would presume "that one knows what 'reality' is."[60] Yet the "hard lesson" we can learn from Freud, Jötkandt claims, is not only that the presentation of the object of satisfaction in thought is hallucinatory. What is also illusory, Jötkandt continues, is our attempt "to make a real alteration" in the real circumstances, "in the external world."[61] However, if we are to follow Freud's lead, as Jötkandt's argument goes, namely that "the idea of making an alteration in reality is [...] equally fantasmatic a solution as the refugees' dream of Norway, should we conclude there is only the rule of Eidolon today,"[62] in short, that there is no escape, no way out; that, like Poe's traveller, instead of finding in the northern land a Dream-Land, a sublime place, the refugees seeking asylum in Europe, discover only a death zone in which life is still born or, at best, *in statu nascendi*?

But would it not be possible to read refugees' desire for "Norway", their idea of Europe, from a radically different perspective? The change in the status of borders has some repercussions for the possible alternatives. For Balibar, the alternative is "between an authoritarian, and indeed violent, intensification of all forms of segregations, and a democratic radicalism which has as its aim to deconstruct the institution of the border."[63] This alternative thus indicated by Balibar, is curiously evocative of Lacan's prediction according to which "[o]ur future as common markets will be balanced by an increasingly hard-line extension of the process of segregation."[64] Balibar offers a similar argument stating that, for his part, he would hesitate to embrace

> a radical democracy – which is necessarily international or, more accurately, transnational – with the pursuit of a 'borderless world' in the juridico-political sense of the term. Such a 'world' would run the risk of being a mere arena for the

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[60] Jötkandt, "Repetition and Inscription in Europe's Dream-Land," p. 246.
[61] Sigmund Freud, "Formulations on the Two Principles of Mental Functioning" (1911), *The Standard Edition*, vol. 12, trans. James Strachey, The Hogarth Press and the Institute of Psycho-Analysis, London 1961, p. 218.
[62] Jötkandt, "Repetition and Inscription in Europe's Dream-Land," p. 247.
[63] Balibar, *Politics and the Other Scene*, p. 92.
[64] Jacques Lacan, "Proposition of 9 October 1967 on the Psychoanalyst of the School", *Analysis*, no. 6, p. 12.

unfettered domination of the private centres of power which monopolize capital, communication and, perhaps also, arms. It is a question, rather, of what democratic control is to be exerted on the controllers of borders – that is to say, on states and supra-national institutions themselves. This depends entirely on whether those on the different sides of the border eventually discover common interests and a common language (common ideals). But it depends also on the question of who will meet in those unliveable places that are the different borders.[65]

After migrants have found themselves in the hell of the "borderspaces" at the margin of Europe, an image of a racial, post-colonial Europe emerges, an image that Europe is not only unwilling to assume, but strives to repress if not to foreclose, however, without completely succeeding in this effort. This is because, as Butler suggests, "[t]he frame never quite determined precisely what it is we see, think, recognize, and apprehend. Something exceeds the frame that troubles our sense of reality; in other words, something occurs that does not conform to our established understanding of things."[66] The stark contrast between humanitarisation of Europe's borders and their divisive enforcement is nowhere seen more clearly than in the humanitarian project. Designated as an "uneasy alliance of a politics of alienation with a politics of care", the humanitarian border creates "a site of ambivalence and undecidaeability"[67] to the extent precisely to which humanitarian care involves the inclusion and exploitation of the migrant body reduced to the passive other.

In an attempt to break with the traditional conception of migration as a more or less passive reaction to economic, political or social practices of marginalisation and exclusion, the so-called "Autonomy of Migration" scholars consider migration as a positive political practice which, in prioritizing the subjective aspect in migratory movements, i.e., the desires, the expectations and the actions of the migrants themselves, develops into a subversive social and political force. Thus, in order to examine the conditions for the political mobility of migrants, the AoM theorists focus not only on bordering practices as enactments of exclusion but also on what De Genova detects as "obscene" practices of inclusion. While the deportability of undocumented migrants is visibilised and

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[65] Balibar, *Politics and the Other Scene,* p. 85.

[66] Butler, *Frames of War,* p. 9.

[67] Walters, "Foucault and Frontiers: Notes on the Birth of the Humanitarian Border," p. 145 and 144.

publicly displayed, the enactment of Europe's border policy involves also, as De Genova claims, "its shadowy, publicly unacknowledged or disavowed, obscene supplement: the large-scale recruitment of illegalized migrants as legally vulnerable, precarious, and thus tractable labour."[68] That the permanent threat of deportability, as De Genova argues, has rendered "undocumented migrant labor a distinctly disposable commodity,"[69] can only be examined and problematized from a perspective of globalisation.

In our global world, the world of capitalist globalisation, commodities circulate freely, but not people. Indeed, one is tempted to state that neoliberal rationalisation of capitalism does not necessarily imply the freedom of movement. By taking the freedom of movement seriously, the refugees, in contrast, aim at transposing free global circulation from commodities to people. From the perspective of global capitalism, the freedom of movement of individuals is inherently contradictory: under the current neoliberal conjecture, the exploitation of undocumented, which is to say deportable migrants, who are purposefully made "illegal" through the seemingly inconsistent bordering policy, alternatively marking out the porosity or impermeability of the European borders, is mirrored by the continuous reproduction of permanently precarious and dispensable cheap labour. Capitalism thus requires an endless reservoir of cheap and dispensable labour force, but it can only attain this goal through new modalities of segregation and bordering that hinder the freedom of movement by restating deportability and thus exploitability of illegalised migrants.

So, what lesson can we draw from the refugees' demand for radical freedom of movement precisely because it cannot be met within the existing world order? Can refugees and migrants be seen, as Badiou does, as a "virtual vanguard of the gigantic mass of the people whose existence is not counted in the world the way it is"?[70] In short, as a "nomadic proletariat" endowed with a tremendous, although still opaque emancipatory, revolutionary potential? Before trying to tackle this question, it should be noted that this issue will be dealt from a slightly different perspective, while avoiding two traps: that of romanticisation

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[68] Nicholas De Genova, "Spectacles of migrant 'illegality': the scene of exclusion, the obscene of inclusion'," *Ethnic and Racial Studies,* 36 (7/2013), p. 1183.

[69] *Ibid*., p. 1181.

[70] Alain Badiou, *Notre mal vient de plus loin,* Fayard, Paris 2018.

of migration which would consider migrants as a "political avant-garde of the present" as well as that of perceiving migration as a mere reaction or response to various practices of exclusion (political, economic, social, etc.), an approach all the more problematic as it seems to pave the way to considering migrants from the perspective of victimisation and objectification.

While the figure of the migrant has been extensively discussed in terms of mobile social positions rather than in terms of fixed identities, there has been little discussion of various forms of migrants' struggle and resistance and even less of the migrant in terms of political subjectivation. This neglect is surprising because migrant movements and their resistance are crucial to understanding not only the logic of exclusion that governs and determines the (bio)political practice of bordering in Europe today, but also the functioning of the dominant discourse or the "frame", to use Butler's term. Thus, to analyse the capacity of contemporary migrants to provide – through their struggle, resistance, new forms of organisation – an alternative to the logic of exclusion that dominates today, requires an in-depth inquiry into contemporary migration as resulting from one or a combination of several forms of exclusion (political, territorial, social, juridical, or economic). However, there are two aspects of the status of the migrant that need to be examined in order to develop a theory of the migrant as a new figure of the political subject. Unlike any of the traditional political figures (sovereign, citizen, friend, enemy, etc.), the figure of the migrant is less defined in terms of its being, its identity or place than in terms of its displacement, disidentification and placelessness.

Thomas Nail's book *The Figure of the Migrant,* perhaps one of the most interesting recent political theoretical accounts of the contemporary status of the migrant, is an attempt to address this lacuna. Refusing to consider the migrant "*as a failed citizen*" or a citizen in becoming, Nail stresses instead the migrant's movement as his/her defining feature. In this respect, Nail takes his cue from Hardt and Negri who, in famously claiming that the 21st century will be the century of migrants, highlight not only one of the main aspects of our time, namely the incredible increase in human mobility, but also put into focus the migrant as a political figure. While seeking to examine the economic, social, political and historical conditions under which the figure of the migrant emerges today, Hardt and Negri mark a break with the traditional understanding of the figure of the migrant. Perceived primarily from the perspective of the state and thus

as secondary or derivative with respect to place-bound citizenship, the figure of the migrant, insofar as it is defined through its movement, without being rooted in a given social network of relations, is thus considered as a figure without history or symbolic existence, to the extent precisely that, as Hegel remarkably clearly pointed out, "all the value that human beings possess, all of their spiritual reality, they have through the State alone"[71]. In contrast to this traditional way of thinking human mobility, Hardt and Negri consider the figure of the migrant from the perspective of movement in order to emphasise the idea of mobility as a creative, although imperceptible social force. In challenging thereby both traditional conceptions of migration and politics, Hardt and Negri put into focus the policitality of migration as such which allows them to redefine the migrant as a new figure of the political subject.

In the same vein, Nail sets out from "the primacy of movement and flow that define the migrant," in order to explore "*the capacity of the migrant to create an alternative* to social expulsion."[72] It is the perspective of movement that allows Nail to designate the migrant as a novel figure of the political subject. Indeed, for him, the migrant is "the political figure of our time."[73] While we are reluctant to follow Nail in stating that "the figure of the migrant has always been the true motive force of social history,"[74] we would extend our inquiry into migrants' struggles not only beyond examination of the concept of sovereignty defined as the agency of the undecidability of bio- and necropolitics, but also beyond the questionable primacy of mobility and movement.

Citizenship: A demand for being

There are many modalities in which the inclusion/exclusion divide is challenged by migrants' struggles. However, the approach that opens such a perspective from which the inclusionary and exclusionary bordering practices in Europe can be questioned – inasmuch as they involve what Balibar terms the polysemic character of borders implying "different experiences of the law, the

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[71] Georg Wilhelm Friedrich Hegel, *Introduction to the Philosophy of History,* trans. L. Rauch, Hackett, New York 1988, p. 42.

[72] Thomas Nail, *The Figure of the Migrant,* Stanford University Press, Stanford 2015, pp. 3–7. (Emphasis in the original).

[73] *Ibid.*

[74] *Ibid*., p. 7.

civil administration, the police and elementary rights" for different groups of people[75] – is one that considers migrants' struggles as being always situated and context-specific. Thus, just as divisions and segregations enacted in Europe's borderspaces materialise in various spatial and temporal modalities in order to determine who belongs to Europe's community and who must be excluded, migrants' struggles mobilise, in life-threatening conditions, various spatialities and transversal temporalities in order to create alternative spatial arrangements, literally "other," heterotopic spaces[76] in which their being "otherwise" can only be re-invented. It is precisely in such heterotopic spaces created within Europe through the migrants' struggles themselves that the idea of Europe centred around peace, unity, and humanity, finds itself radically put into question. Foucault can help us to understand how a fragile, provisory "we" is created through migrants' resistance. According to Foucault,

> the problem is, precisely, to decide if it is actually suitable to place oneself within a "we" in order to assert the principles one recognizes and the values one accepts; or if it is not, rather, necessary to make the future formation of a "we" possible, by elaborating the question. Because it seems to me that the "we" must not be previous to the question; it can only be the result – and the necessarily temporary result – of the question as it is posed in the new terms in which one formulates it.[77]

The possibility of becoming-other, according to Foucault, depends on our ability to "imagine and to build up what we could be," to the extent precisely that "the target nowadays is not to discover what we are but to refuse what we are."[78] This refusal or, rather, this setting in motion the practice of desubjectivation is precisely what is involved in migrants resistance today. Although Rancière's conceptualisation of politics is in many respects opposite to Foucault's understanding of politics in terms of power and resistance, the bringing together of both perspectives allows us to explore some of the most interesting modalities of migrants' struggle. As Rancière himself points to some of the key divergences between his understanding of politics and Foucault's notion of biopolitics, the question of politics, for him, "begins when the status of the subject able and

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[75] Balibar, *Politics and the Other Scene,* p. 81.

[76] See Michel Foucault, "Of other spaces," *Diacritics,* no. 16 (1986), pp. 22– 27.

[77] Michel Foucault, "Polemics, Politics, and Problematizations: An Interview with Michel Foucualt," in *The Foucault Reader*, Paul Rabinow (ed.), Penguin, London 1991, p. 385.

[78] Michel Foucualt, "The Subject of Power," *Critical Inquiry*, 8 (1982), p. 785.

ready to concern itself with the community becomes an issue."[79] And while for Foucault, as Rancière reads him, the question of political subjectivation is not central to his understanding of politics that revolves around the question of power, for him, by contrast, politics is primarily a question of knowing which parts of society are capable of counting for something, and which ones are not. "Politics," according to Rancière, "is primarily conflict over the existence of a common stage and over the existence and status of those present on it."[80]

To formulate the question of emancipatory politics in terms of "political subjects who are not social groups but rather forms of inscriptions of the count of the uncounted,"[81] means, according to Ranciere, to acknowledge that the proper place for emancipatory politics is the very terrain in which the system of the dominant divisions between included/excluded operates, a system that radical political theorists characterise alternatively as a system of representation, identification, or counting. At present, however, this question of counting the uncountable, crucial for emancipatory politics, cannot be raised at all to the extent that globalisation means that everybody is always already included. If everybody is included, this obviously means that the exclusion of the uncounted has become invisible. Which is why the problem we are facing today is not that of opening the closure, but, rather, of making this supposedly all-inclusive universe legible. It is on this situation that migration, and more specifically migrants' struggles, can shed some light.

For something has radically changed with the globalisation of the capitalist discourse. Globalisation, in this respect, does not mean simply that nothing is left in its place as no trope seems to be capable of controlling the unending movement of displacements and substitutions. Indeed, in the current space of discursivity, the notion of place itself is strangely out of place. What is more, with the category of place thus rendered inoperative, it is one of the key categories of emancipatory politics, the notion of lack, necessary for the subject to sustain itself in the symbolic Other, which as a result becomes obsolete. There are two structural consequences of this. The first is that, contrary to the sovereignty dis-

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[79] Jacques Rancière, "Biopolitics or Politics? ", *Dissensus: On Politics and Aesthetics,* trans. S. Corcoran, Continuum, London 2010, p. 93.

[80] Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. J. Rose, University of Minnesota Press, Minneapolis 2004, pp. 26–7.

[81] Jacques Rancière, "Onzes thèses sur la politique," *Filozofski vestnik,* no. 2 (1997), p. 99.

course, which assigns its identity to the subject; in the capitalist discourse the subject appears to be disidentified. By situating, in the place of the agent, the barred subject that is essentially guideless, caught in an infinite quest for the missing signifier, the one that could at last name him, the capitalist discourse exploits the lack it installs in the subject as a way of reproducing itself.

The cunning of the capitalist discourse then consists in exploiting the structure of the desiring subject: by manipulating his/her desire, i.e. by reducing it to demand, the capitalist discourse creates the illusion that, thanks to scientific development and the market, it is able to provide the subject with the complement of being that s/he lacks by transforming the subject's lack of being into the lack of having. In this view, "having" is considered to be a cure for the lack of being of the subject of the capitalist discourse. The second structural consequence is that the subject of the capitalist discourse is completed by products thrown on the market. That is why Lacan named the subject of the capitalist discourse, the subject that is the embodiment of the lack of being, "*the proletarian*". As the dominant structure of social relations, the capitalist discourse provides the conditions for an obscure subjectivation that depends on the conversion of the surplus-value, that is to say, any product thrown on the market, into the cause of the subject's desire. It is precisely this indistinction between the surplus-value and the surplus-enjoyment that makes it possible for the capitalist production of "whatever objects" to capture, indeed, to enslave the subject's desire, its eternal "this is not it!".

What is thus put into question is precisely the social bond. Or to be more precise, the social bond that exists today is one presented under the form of dispersed individuals, which is another name for the dissolution of all links and the unbinding of all bonds. Both of these features of the capitalist discourse could, then, be brought together in a single syntagm of the generalised proletarisation. In the words of Lacan, "there is only one social symptom: every individual is really a proletarian, in other words has no discourse with which to make a social bond."[82] Ironically, proletarisation remains a symptom of contemporary society. Only, this proletarisation is of a particular kind, one that, by being articulated with the intrinsically metonymic nature of the capitalist discourse, has lost all its subversive effectiveness, all its revolutionary poten-

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[82]   Jacques Lacan, "La troisème," *Lettres de l'Ecole freudienne de Paris,* no. 10, 1975, p. 187.

tial. This contemporary proletarisation can shed some light on the difficulties of contemporary emancipatory politics in finding a way out of the present impasse.

As noted, capitalist globalisation does not abolish borders, it makes them invisible by blurring inside-outside distinctions that enable the placing of exclusions that occur within and beyond European space. It is here, obviously, that questions of how to filter, regulate, monitor, or deter migration reveals the complexity of the border issue in contemporary Europe. For the question of how to govern migration mobility ultimately revolves around the issues of the supposedly non-existent divisions between inclusion and exclusion, belonging and non-belonging. Thus, to take the freedom of movement seriously, the fundamental presupposition of migration, already implies that we should view migrant mobility as being inherently political. It is political precisely to the extent that it necessarily challenges the demarcation that defines the realm of belonging and non-belonging, the realm of citizenship and the realm of non-citizenship, ultimately, the realm of existence and the realm of nonexistence. By putting into question the belonging/non-belonging dichotomy, migration resistance undermines the supposed normality of division that includes some and excludes others. From this perspective, the starting point of migrants' struggles is the irreducible gap between the subject's being, his/her bare life, and his/her symbolic existence, or, as in the case of refugees and asylum seekers, inexistence or non-existence. The crucial question for every migration struggle worthy of the name is of course: How can that come into being which, within the existing European border dispositive or regime, does not exist or is discarded as not really existing?

Here, we will briefly discuss a case of migrants' struggles, that of the struggle for citizenship of the "Non-Citizens" in Germany.[83] By refusing to be defined by

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[83]   For information about the Non-Citizens struggle see, for example, "March for Freedom", *General Flyer, Strasbourg-Brussels May-June 2014;* Non-Citizen Struggle Congress Munich, "Frist Statement", http://refugeecongress.wordpress.com; Non-Citizens, "On the position of asylum-seekers and asylym seekers" struggles in modern societies", http://regugeetentaction.net; Non-Citizens, "Fifth Stetement", http://www.refugeetentaction.net/index.php?lang=en; Non-citizens, "Refugees Revolution Demonstration," http://refugeesrevolution.blogsport.de/downloads; Non-Citizens, "Striking Non-Citizens of Rindermarkt – Analysis and Persectives!", http://www.refugeetentaction.net/index.php?lang=en;

a depoliticized figure, the victim, and choosing instead to be something other than mere survivors, the Non-Citizens resistance represents a challenge to the current borderisation of Europe, combining a practice of economic apartheid, protecting the "citizen" from the (criminalised) "migrant", with a deliberate policy of deterrence indifferent to the loss of human lives that are deemed to be expendable. By calling for equality, political rights, and inclusion, the Non-Citizens' acts of "unbordering" render visible and challenge those socio-political conditions that have forced them into "non-citizenship", into non-existence. What we find particularly interesting in the case of the Non-Citizen movement is the way in which they publicly staged their politicality, demanding to be heard and seen as political subjects, in particular by staging their demands for citizenship and the rights that follow therefrom.

At first sight, it may well be strange if not counter-intuitive to consider their demands for citizenship as politically emancipatory, indeed, constitutive for a radical politics today. Presented as a cut separating the pole of full rights from the pole of complete illegalisation and invisibility, citizenship constitutes that technology that renders certain populations as legitimate bearers of rights, and other populations as inexistent. Dimitris Papadopoulos, Nicholas De Genova, and Martina Tazzioli are among those "Autonomy of Migration" scholars who are sceptical of the emancipatory impact of the citizenship demands.[84] Considering citizenship primarily as a divisionary policy, De Genova, one of the most prominent the AoM theorists, highlights the deadly effects of borderisation at the margins of Europe, in order to draw the following logicaly irrefutable conclusion: "if there were no borders, [...] there would indeed be neither citizens nor migrants"[85] Rather than striving to expand the limits of citizenships, the AoM

Non-Citizens, "European States are not in the position to render a judgement about our forced migration!", Flyer, 2014; Non-Citizens, "No Justice No Peace", Leaflet (2014).

[84] See Martina Tazzioli, "Border displacements. Challenging the politics of rescue between Mare Nostrum and Triton", *Migration Studies*, 4 (1/2016), pp. 1–19; Martina Tazzioli, *Spaces of Governmentality. Autonomous Migration and the Arab Uprisings*, Rowman and Littlefield, London 2015; Dimitris Papadopoulos and Vassilis Tsianos, "After citizenship: autonomy of migration, organistiona ontology and mobile commons", *Citizenship Studies*, 17 (2/2013), pp. 178–196; De Genova, Nicholas, (ed.) *The Borders of "Europe". Autonomy of Migration, Tactics of Bordering,* Duke University Press, Durham and London 2017.

[85] Nicholas De Genova, "Extremities and Regularities: Regulatory Regimes and the Spectacle of Immigration Enforcement," in Y. Janssen et al (eds.), *The Irregularization of Migration in Contemporary Europe*, Rowman and Littlefield, London 2015, p. 13.

scholars examine the political, which is to say, emancipatory potential of the freedom of movement, a "defiant remainder that the creative powers of human life [...] must always exceed every political regime,"[86] in order to put into focus the freedom of movement as a force capable not only of changing the existing situation but also of making (new) worlds.

The AoM theorists certainly have a point since all-inclusive citizenship is contradictory, in the same way as the notion of a borderless nation-state is contradictory. In view of this scepticism vis-à-vis citizenship it is all the more important to figure out what exactly is at stake in the Non-Citizens' demand for citizenship. If Rancière's conception of politics provides precious indications that help us to understand the rather exceptional political phenomenon that represents the Non-Citizens' struggle, this is because it sheds light not only on their particular mode of struggle but also on the enactment of Europe's border policy that relegates them to the public invisibility and inexistence. In openly confronting the state and its police in order to provoke a response to their actions and political demands, Non-Citizens set in motion what Rancière designates as the "process of a wrong, in the construction of a dissensus."[87] Through various strategies of resistance that include stating openly their demands, hunger-striking, occupying public spaces, sewing their lips together, etc., Non-Citizens have practiced political disruptions that resonate with Rancière's conceptualisation of dissensus thought as "a division inserted into "common sense": a dispute over what is given and about the frame within which we see something as given." Thus, just as Olimpe de Gouges and feminist activists in the time of the French Revolution, Non-Citizens could be considered to act "as subjects that did not have the rights that they had and that had the rights that they had not." In so doing, they have succeeded in creating "a dissensus: the putting of two worlds in one and the same world."[88] In setting in motion of a "process of a wrong" via "an intervention in the visible and the sayable,"[89] Non-Citizens could be said to have acted as political subjects. Thus, if politics, as

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[86]   Nicholas De Genova, "The Deportation Regime: Sovereignty, Space and the Freedom of Movement," in Nicolas De Genova and Nathalie Peutz, (eds.), *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement,* p. 59.

[87]   Jacques Rancière, "Who is the subject of the rights of Man," *South Atlantic Quarterly,* 103 (2–3/2004), p. 69.

[88]   *Ibid.*

[89]   Jacques Rancière, "Ten Theses On Politics," in *Dissensus: On Politics and Aesthetics*, p. 37.

Rancière understands it, begins with "the manifestation of dissensus as the presence of two worlds in one",[90] the intervention in the distribution of the sensible, organised by what Rancière calls "the police", a structuring principle that attempts to include that which is by classifying and allocating ways of being, seeing and saying to different parts of the existing community, a political subject, as Rancière defines it is nothing but "a capacity for staging scenes of dissensus."[91] Against the logic of the police as a distribution of that which is there in order to exhaust that which can be, "politics proper" emerges as "a gap in the sensible itself", an intervention that "makes visible that which had no reason to be seen".[92]

What is worth remarking on regarding the Non-Citizens' struggle is the performative aspect of their interventions that construct "the encounter between two heterogeneous processes," the policy's process of governing and the process or rather the demonstration of equality. Hence, Non-Citizens bring, through their acts of dissensus, the logic of the police and the logic of the politics of emancipation into conflict. Put otherwise, Non-Citizens, being those who take part there where they are not supposed to, in so doing verify "the equality of any speaking being with any other speaking being."[93] Non-Citizens in acting politically as those who, strictly speaking, are not "qualified" to act, as they are not German citizens, in acting nevertheless, therefore mark an antagonistic division between citizenship and non-citizenship, bringing thereby into focus the always-existing condition of equality. On this reading, that follows closely Rancière's theory of politics and equality, their demand to be included as members of a political body in Germany, constitutes the equality test in Rancière's sense, since through their demand they demonstrate their equality to anyone else (German citizens). The Non-Citizens' struggle to be included as members of the German citizenry demonstrates how the excluded, invisible, non-existent can claim and enact their status as political subjects, while being socially and politically marginalised, illegalised, or even criminalised. From such a perspective it is then possible to claim citizenship without necessarily legally possessing the status or even believing that this aim is achievable in order to

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90   *Ibid.*
91   Rancière, "Who is the subject of the rights of Man," p. 69.
92   Rancière, "Ten Theses On Politics," p. 38.
93   Jacques Rancière, "Politics, Identification, and Subjectivization," *The Identity in Question,* no. 61 (1992), p. 58.

produce a political impact in contemporary Europe, for what is crucial in such public demands for citizenship is the visibilisation of the inside/outside divide.

In revealing the antagonistic division between citizenship and non-citizenship, German Non-Citizen activists constitute themselves as political subjects in Rancière's sense. That is to say, by enacting their capacity to stage scenes of dissensus they bring up two supposedly incompatible worlds: the world of rights, visibility, and existence, and the world of no rights, invisibility, and non-existence. In aiming to include by force in the German political community that which does not seem to belong there, Non-Citizens practice what Rancière refers to as a "heterology", defined as a form of political subjectivisation that begins by the act of a refusal of "right names" assigned to the speaking being by the police order. As Rancière argues, what political subjectivisation involves is

> never the simple assertion of an identity; it is always at the same time, the denial of an identity given by an other, given by the ruling order of policy. Policy is about "right" names, names that pin people down to their place and work. Politics is about "wrong" names – misnomers that articulate a gap and connect with a wrong. Second, it is a demonstration, and a demonstration always supposes an other even if that other refuses evidence or argument. [...] Third, the logic of subjectivization always entails an impossible identification.[94]

From this perspective, the Non-Citizens demand for gaining the status of citizens is at the same time a demand for gaining an "other name", better, for gaining "the name", one that enables all other names: citizen. Citizen is a name that allows them to reject the names that were given them insofar as, being speaking beings who are allocated to the places of invisibility and inexistence, these names were given to them as "not-really existing". In calling themselves "Non-Citizens", they give themselves a misnomer or a wrong name, to use Rancière's terms, an ambivalent name in order to mark that all other names that have entailed their social, political, in short, their symbolic existence, have been lost for them. Thus, in choosing for themselves a non-name as a political name – because they are considered as "an other that has no *other* name becomes the object of fear and rejection"[95] – they re-pose the question that signals, according

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94   *Ibid.*, p. 62.

95   *Ibid.*, p. 61.

to Rancière, the act of political subjectivation: "Do we or do we not belong to the category of men or citizens or human beings, and what follows from this?"[96]

As we have seen, politics in Rancière's conceptualisation is not to be determined by a certain type of political action, nor a specific demand, nor by the involvement of a particular group (the "excluded", for instance), but depends instead on the active appearance of a singular demand temporarily identified with the universal claim to be recognised. Such a demand is the demand for freedom of movement insofar as advocating and practicing it is based on the desire to create conditions that allow anyone to move and reside anywhere for whatever reasons. Indeed, the emergence of politics, we would argue, is the moment at which the existing socio-symbolic order is challenged not by specific, concrete content, whatever that might be, but by the fact that the demand is perceived by the state to be a sign of an insatiable More! that no amount of giving or concessions on the part of the political Other could satisfy. The mere fact that the demand could persist, insist beyond all particular content, that it could live on despite its fulfilment requires – at least in politics – that we make a rigorous distinction between two structurally different demands. There are indeed two quite distinct demands: a demand for having and a demand for being.

The elementary form of demand is situated at the level of having. Whenever we demand something, whatever that might be, we not merely express our lack of having but also suppose that the big Other, the State, has 'it'. Every demand, inasmuch as it is formulated in terms of the lack of having, is directed at the Other that is supposed to have what we lack. By making the subject dependent on the Other – since in order to obtain what one is lacking it is necessary to presuppose an Other that lacks nothing – a demand for 'having' is therefore constitutively alienating. A demand for 'being', in contrast, is a demand that, properly speaking, makes no claims addressed to the Other as the one who 'has'. Rather, it is articulated to the Other's lack. To take again the Non-Citizens' demand for citizenship: such a demand is paradoxical since it cannot even be perceived, received, as a demand by the state. Instead, it is considered to be foolish, unrealistic, or utopian if not simply irrational.

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96 *Ibid.*, p. 60.

The mere possibility of expressing such a demand indicates that one cannot find one's place in the Other, such as it is. And, indeed, non-citizens cannot exist in a socio-political space in which social and political existence depends on one's status as a citizen. The crucial point here is that whereas a demand for having allows the Other to gain a tighter grip on the subject, a demand for being involves the subject's separation from the Other. It is for this reason that a demand for being is intrinsically subversive, revolutionary.

As such, a demand for being is a paradoxical demand. It is paradoxical, first of all because it can never be expressed as such. Strictly speaking, a demand for being cannot be articulated at all. Indeed, if it were articulated it would have to be articulated in the language of the Other. And, indeed, political intervention, as Rancière understands it, i.e., the bringing of two incompatible worlds into one, is grounded on "a logic of the other".[97] This is the reason why a demand for being is always 'dressed up' in a demand for having. In a certain sense, it can only assert itself as a demand for something, whatever that might be, a having which is a stand-in for the unsayable demand for being: the Non-Citizens' demand for citizenship. A demand for being is, in the strictest sense, a demand for an impossible having, that is to say, a demand which, under the existing positive social order, has to remain unfulfilled.

A demand for being is a paradoxical demand for yet another reason. On one hand, a demand for 'being', as any other demand, is addressed to the Other. Only here the very fact that it is a demand for being, for citizenship, signifies that there is no room for the subject in this Other, to which the subject addresses its request. A demand for being is addressed to the Other by an inexistent element of sorts, those who are denied an identity in a given social order, that part of society that is in excess of the classification, unaccounted for by the dominant discourse. Which is why Non-Citizens occupy public spaces in order to make their invisibility visible, their absence present. In this view, a demand for being is not a demand for something in particular, the satisfaction of which would depend on the Other's 'good will', for it is quite clear that the satisfaction of the demand for being, for instance, the demand (say, for citizenship) made by the inexistent part of society, those who are not entitled to citizenship, one which is uncounted and unaccounted for in the given structure of assigned

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[97]   *Ibid.*

places, would have the effect of making the Other disappear, a disappearance by which the whole of its order would be annihilated, too. To regularise all non-citizens, obviously, would be the end of the nation-state. To follow the logic of the Non-Citizens' demand for collective regularisation would lead to the abolishment of the existing nation-state space insofar as it is grounded on the division between belonging/non-belonging.

This means, of course, that to find one's place in a given symbolic order, if this place is not already provided by the Other itself and assigned by it to the subject, therefore requires that the subject bore its way into the Other, to carve a place for itself in the Other and situate itself in that place. There is perhaps no better illustration for such an inexistent place created by the act of political subjectivation than what Foucault called "heterotopia". In occupying public spaces Non-Citizens transform them into heterotopic spaces that have "the curious property of being in relation with all other sites, but in such a way as to suspect, neutralize, or invert the set of relations that they happen to designate, mirror or reflect."[98] In intruding in public spaces, Non-citizens produce heterotopias that displace or distort the "normal" function of public spaces and in so doing call the presumed distinctness of spaces into question.

It is, therefore, only to the extent that being itself is at stake in the demand for being that the mere fact of expressing such a demand can bring about a radical modification of the connection between the subject and the Other, refugees and asylum seekers, and the state. A demand is, as such, always addressed to the Other. All demands call for a response from the Other. This explains the panic on the part of the German authorities and the excessive use of force in the eviction of the "occupied zones". What this immediately implies is that for a demand to be recognised by the politico-social Other in the first place, it has to be reduced, downgraded to a "lack of having." This may be why in an era of a proliferation of demands, all these demands, inasmuch as they are made in the name of belonging to some already existing group, in the name of some communal identity, such as is represented in the current governmental regime, can, in principle, be acknowledged by the latter.

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[98]   Foucualt, "Of other spaces," p. 24.

We would therefore conclude that it is this particularity of a demand, its fundamental dependence on the Other, that a demand for being subverts by revealing that a demand issued from some unthinkable place, literally a non-place, to be precise, since it is made by an instance which, being a waste product of the constitution of the social order, cannot, by definition, have a place within it. A demand for being cannot be recognised by the Other as a legitimate claim since it is made by something which, from the standpoint of the Other, counts as nothing – this is exactly the position of the Non-Citizens as the actual 'uncounted', a remaindered excess, that which, from the standpoint of the Other, is considered to be inexistent. This means that in order to make itself be there, i.e. to be included in the Other's order, the subject first has to make a place in which to inscribe its being. For instance, by intruding corporeally – through the occupation of public spaces, through the setting up of tents or *lieux de vie*, spaces not deemed theirs. One might even add here that there is no demand for being that does not in some sense create the space in which it is to be inscribed. One can therefore argue that the emancipatory subject speaks out or makes its demand for being from the point at which the Other falls silent.

However, no demand can be made if one does not exist. Strictly speaking, there cannot be a subject of any (political) demand except through a proclamation of existence: "*nos sumus, nos existimus*",[99] a proclamation that signifies that something which, for the Other, does not exist at all, which was therefore mute, starts to speak out. The subject speaks out as if it already existed – as a citizen endowed with certain rights that follow from this legal status. In truth, the declaration "we are, we exist" can be issued at the moment in which the subject who claims to exist, does not yet exist, because, in the socio-political configuration established by the Other, there is no possible place for it to be situated in.

Hence, the subject can speak out only by making holes in a given order of power, or better still, by adding something that, with regard to this order, is regarded as superfluous, in excess, a disturbing surplus that should not be there in the first place, indeed, that which, from the moment the Other acknowledged its existence, would cause the disappearance of that Other. In some sense, there is no appropriate, adequate regulation, directive, measure, or law that would allow the massive regularisation of non-citizens that now find themselves in the

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[99]   This formulation is borrowed from Rancière's *Disagreement. Politics and Philosophy,* p. 36.

zone of illegality or criminalisation. The massive recognition of the demand for citizenship, the regularisation of their illegal status, would mean that the nation-state as we know it is done. In this sense, we would argue that whenever the demand for being succeeds in forcing the socio-political Other to acknowledge it, this necessarily involves a complete reconfiguration of the existing socio-political framework, thus engendering a new Other; ultimately, it involves the creation of a new order. This is perhaps the most precious lesson to be drawn from migrants struggles. This would imply that, instead of viewing migrants as passive, vulnerable victims, we should view them as political subjects, as agents of the construction of a new, non-segregative European community rather than its constitutive "outside".