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Rethinking the biopolitical: Borders, refugees, mobilities…

Minca, C.; Rijke, A.; Pallister-Wilkins, P.; Tazzioli, M.; Vigneswaran, D.; van Houtum, H.; van Uden, A.

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Short Symposium

Politics and Space

Rethinking the biopolitical: Borders, refugees, mobilities. . .

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Claudio Minca
University of Bologna, Italy; Macquarie University, Australia

Alexandra Rijke
Wageningen University and Research, the Netherlands

Polly Pallister-Wilkins
University of Amsterdam, the Netherlands

Martina Tazzioli
Goldsmiths College, The University of London, UK

Darshan Vigneswaran
University of Amsterdam, the Netherlands

Henk van Houtum
Radboud University Nijmegen, the Netherlands

Annelies van Uden
University of Utrecht, the Netherlands

Abstract
This Symposium reflects on the growing relevance of biopolitical perspectives in camps studies, border studies, refugee studies, and in particular in research at the intersection between mobility studies and political geography. The five interventions accordingly engage with questions regarding the use of biopolitics as an analytical framework, but also as a pervasive strategy and governmental tool in Western societies. Through an analysis of several empirical cases – most notably hotspots on the Greek Aegean Island, refugee's forced hyper mobility in Europe, speech acts connected to the ethnic cleansing of the Rohingya people in Myanmar and the 'voluntary return' policies in Europe, and the paper borders created by visa systems – the

Corresponding author:
Claudio Minca, Department of Culture and History, Alma Mater Studiorum, University of Bologna, Via Guerrazzi, 20, 40125 Bologna, Italy.
Email: claudio.minca@unibo.it

authors indicate new possible fields of enquiry related to the biopolitical critically inspired by the work of authors such as Giorgio Agamben and Jasbir Puar, while also clearly restating the fundamental importance of Foucault's original contribution to any biopolitical analytical framework today.

Keywords
Biopolitics, borders, refugees, mobilities

Introduction

Claudio Minca
University of Bologna, Italy; Macquarie University, Australia

Alexandra Rijke
Wageningen University and Research, the Netherlands

In the past two decades or so, biopolitics has become a catchy term used to analyse a vast range of processes, procedures, relationships of power and the workings of institutions related to the politicisation of life. The academic literature on the biopolitical is now a rich, vibrant and, in many ways, contested terrain which considers biopolitics as both an analytical framework *and* an increasingly pervasive strategy and governmental tool in Western societies. Twenty years after the translation of *Homo Sacer* (1998) and the related impact of Agamben's rereading of Foucault's original formulation of biopolitics, the 'biopolitical turn' in the social sciences is certainly not over. It has become diversified with the emergence of different trajectories and an increasing separation between the literature on so-called 'affirmative biopolitics' and that on 'negative biopolitics', as well as 'biopolitics' versus 'necropolitics'. With this Symposium - following a seminar held at Wageningen University in December 2018 – we wish to problematise this radical separation while at the same time reflect on the impact and the importance of the biopolitical in present-day camps studies, border studies, refugee studies, and in research at the intersection between mobility studies and political geography. This is done through five brief interventions in which the authors engage differently with the relevance of the biopolitical in studying mobility in relations to bordering practices and violence.

The first two interventions, authored respectively by Polly Pallister-Wilkins and Martina Tazzioli, both argue for the need to conceptually move beyond the Foucauldian 'make-live-and-let-die' binary in analysing border politics and the management of (unwanted) migrant mobility on the part of European governments and humanitarian organisations, as well as the experiences of the migrants themselves. Pallister-Wilkins notes how the often recalled dichotomy between biopolitics and necropolitics does not provide further insights when trying to understand the circumstances in which the migrants' lives are not fostered, but at the same time they are not left to die. In her analysis of the hotspots on the Greek Aegean Islands in Greece, she engages with Jasbir Puar's *The Right to Maim* (2017) and, accordingly, argues that these hotspots 'debilitate life'. As such, she reflects on how the Greek hotspots are implicated in the racialisation of mobility and hierarchisation of life itself. Tazzioli also engages with the work of Puar in her analysis of the forced hypermobility of migrants in Europe and argues that the biopolitical framework based on the 'make-live-and-let-die' formula does not adequately address the policies aimed at exhausting and

debilitating migrants. In order to further understand the nexus between biopolitics and migration, she suggests that the movements of these migrants might be considered as Foucault's 'bad circulation'. For Tazzioli, refugee mobility is not merely something governed by state authorities through practices of bordering, detention and expulsion, it is also a political technology used to discipline and control the migrants by keeping them on the move. The third intervention consists of a critical engagement with the recent work of Claudia Aradau and Martina Tazzioli (2020) on the 'biopolitics multiple' implicated in the production of the refugees' forced hypermobility across the borders and the territories of Europe. While Claudio Minca agrees with the necessity of engaging with multiple forms of biopolitical intervention to appreciate the attempts by the authorities to, literally, 'take away the terrain' from the migrants, at the same time he proposes to take this argument even further and reflect on the nexus between such biopolitics multiple and the structure of the sovereign ban as envisaged by Giorgio Agamben.

The fourth intervention highlights the need to critically reflect on the often occurring Euro-centric biases in analyses of the control of population movement based on the distinction between 'backward' sovereign practices identified with the Global South and more 'progressive' disciplinary/biopolitical practices implemented by Western traditional centres of power. Darshan Vigneswaran reflects in particular on this opposition through a textual analysis of several speech acts connected to the ethnic cleansing of the Rohingya people in Myanmar and the 'voluntary return' policies in Europe. While explicitly recognising that these policies are not comparable in terms of violence, he nonetheless states these two policies considered together provide ample insights into the ways in which Foucault's three overarching logics of rule – sovereign, disciplinary and biopolitical – overlap and intersect. The final intervention claims that visas should be seen as biopolitical instruments employed as bordering techniques to selectively control the circulation of people. While mainstream debates on borders and biopolitics often place particular emphasis on spectacular bordering practices – walls, barbed wire, armed border guards – Henk van Houtum and Annelies van Uden suggest that the 'paper borders' represented by visa systems are the state's first line of defence. They accordingly recommend to further consider how the permission to travel to a specific destination is an eminently biopolitical strategy, based on procedures that take place away from the actual territorial borders and that discriminate against particular individuals and groups by denying them the freedom to travel.

In conclusion, this symposium shows that roughly twenty years after the 'biopolitical turn' - stimulated by the (re)discovery of Foucault's path-breaking speculations on biopolitics - it is still very useful to 'think biopolitically' when it comes to understanding contemporary border practices and mobility (especially forced). While these interventions propose new possible fields of enquiry related to the biopolitical at the same time they confirm how biopolitics, in its different and highly debated declinations, represents a rich and useful framework of analysis, during a time in which border practices and the management of (forced) mobility are endlessly changing and taking ever new configurations.

Hot spots, debilitating life

Polly Pallister-Wilkins
University of Amsterdam, the Netherlands
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In October 2020 over 20,000 people (UNHCR, 2020) find themselves, in the words of Médecins Sans Frontières, "trapped" on Greece's Aegean Islands (MSF, 2019). Migrant im/mobility in the Aegean is modulated by the EU's Hotspot Approach aimed at regulating migrant mobility within Greece and the wider EU. Controlling migrant's mobility through the hotspot approach is often justified by policy makers under the logic of saving lives through stopping boats (see Pallister-Wilkins, 2018), while simultaneously making captured migrants the objects of humanitarian care through their enforced immobility.

The EU's hotspots — such as the infamous Moria on the island of Lesvos — have been discussed in recent literature as sites of data production making migrant populations (Pollozek and Passoth, 2019; Scheel et al., 2019) — that sees hotspots practice similar logics to refugee camps as spaces of registration, aggregation, and calculation (Bulley, 2014) — as sites of containment and disruption beyond detention (Tazzioli and Garelli, 2018); as (un)safe spaces for the practicing of an institutionalised EUropean humanitarianism (Mitchell and Sparke, 2018); and, as such, as spaces that produce migrants as objects of care within a humanitarian borderwork regime concerned with protecting EUrope's liberal order (Pallister-Wilkins, 2018), or what the EU Commission calls 'Protecting our European Way of Life' as race-neutral, coded language for protecting whiteness. All of these understandings of the work of hotspots are integral to the argument advanced here. However, this short intervention, based on a sustained research engagement with Moria hotspot, also brings recent critiques of biopolitical approaches to mobility, border control, and (in)security to bear on the study of hotspots.

Jasbir Puar's (2017) recent work on the bio and necropolitical has introduced the concept of debilitation to analyse particular practices and processes that fall somewhere between the biopolitical 'making live' of Foucault (2003) or Mbembe's (2003) necropolitical 'making die' reworking. Through a focus on debilitation Puar has introduced critical discussions of race, gender, and ableism into discussions of the human as more than the universal biological man in Foucauldian approaches to the biopolitical (see also Weheliye, 2014). For this intervention the concept of debilitation, as a form of government targeted at human life, is most useful in analysing the ways hotspots work with particular — yet partial — forms of humanitarian relief to produce racialised regimes of differential mobility and marginalised, unequal, and debilitated life. That is, human life not considered equal but at the same time not allowed to die, alongside life subjected to regimes of legibility and registration that (re) produce racialised populations within a framework of recognition reaffirming European white supremacy. This intervention offers an additional study of debilitation alongside Puar's extensive focus on the debilitation of Palestinian life under Israeli occupation.

Corresponding author:
Polly Pallister-Wilkins, University of Amsterdam, the Netherlands.
Email: p.e.pallister-wilkins@uva.nl

My argument here consolidates work in critical humanitarianism studies that has highlighted the ways practices of care are reliant on and engender practices of control (see Pallister-Wilkins, 2019; Ticktin, 2011) and reflects on humanitarianism's role in debilitating in contrast to its more popular image of saving. Beyond a focus on the hotspot regime and its performances of calculation, containment, and care giving, this intervention aims to advance discussions beyond the bio/necropolitical binary to include discussions on purposeful — rather than accidental — non-exceptional debilitating of migrant mobility and life. Too many discussions of mobility occur in the abstract without considering the highly consequential matter of the race (and other intersecting identities) of those who move, its effects on how people move (Seiler, 2016) and the (re)production of race through immigration and border controls targeted at particular racialised groups (El Enany, 2020). This intervention argues for an understanding of the hotspots as infrastructures engaged in the 'racialisation of mobility' and through their concomitant humanitarian functions the racialisation and hierarchisation of life itself.

The EU's hotspots are border control sites with a combination of functions including biometric and biographical data capture and curation, and the restriction and interruption of migrant mobility alongside deportations. However, hotspots, while carceral, are not prisons or closed detention centres andfunction under broader logics of humanitarian borderwork aimed at, as I have argued elsewhere, saving lives through immobilisation and deterrence (Pallister-Wilkins, 2018). Additionally, through their role in processing asylum requests and affiliated vulnerability procedures that enable movement off the islands "time itself is held hostage; time is lived as fear. Distance is stretched and manipulated to create an entire population with mobility disabilities. And yet space is shrunken, as people are held in place, rarely able to move far" (Puar, 2017: 136). As such hotspots do not immobilise in entirety; they alter the dynamics of mobility, slowing it down, redirecting it, and rendering it dependent on bureaucratic asylum frameworks and discretionary decisions regarding particular forms of vulnerability based on supposedly race-neutral nationality, gender, age, marital status, and specific physical — not psychosocial — visible, and recordable medical conditions (on the politics of vulnerability see, Turner, 2019). As sites of immigration registration and asylum claim submission, hotspots also enact a particular legal politics of recognition based on pre-existing white supremacist hierarchies about who has the right to move and who does not, that – as Nadine El Enany argues (2020) – have been written out of the bureaucratic and legal categories discussed above in an attempt to protect colonial spoils. Therefore, alongside creating racialised populations with differential access to mobility and settlement rights, hotspots make visible the work that race plays in structuring immobility regimes between the Global North and South.

The concept of debilitation is useful in relation to hotspots because, in Puar's framing, debilitation is not the result of the exceptional accident but is "employed as a mechanism for oppression" (2017: 89). For Puar, debilitation is a practice that escapes definition within both legal and biopolitical or necropolitical frameworks because it does not proceed through making live, making die, letting live, or letting die. Here Puar adds an additional, 'critical axis to these four quadrants,' arguing that debilitation is "a status unto itself that triangulates the hierarchies of living and dying that are standardly deployed in theorisations of biopolitics." (2017: 137)

Furthermore, according to Puar, debilitation opens up the space for a discussion on the ways certain racialised, gendered, class and capacity differentiated bodies are marked as defective and disruptive to a liberal order. Despite the centrality of racism in Foucault's (2003) own genealogy of biopolitics, Foucauldian inspired approaches to biopolitical (in)security have failed to adequately account for the role of race in what it means to be human (see Howell and

Richter-Montpetit, 2019). What debilitation opens up is the possibility to think more deeply about how the human subject targeted by the hotspot approach is not a universal human, but one that has been both historically and presently (by the hotspot system) produced as 'potentially dangerous' according to what Alexander G Weheliye calls "racializing assemblages" of white supremacy that "discipline humanity into full humans, not-quite-humans, and non-humans" (2014: 4). In this instance, hotspots are both a product of and a part of a racialising assemblage that upholds existing racial hierarchies and seeks to contain migrant mobility through processes of border control, immigration registration and identification and access to asylum alongside the hotspots' role in creating migrants as objects of care and the subsequent introduction of humanitarian logics, practices, and hierarchies.

The presence of humanitarian logics underwriting the design and deployment of hotspots and the practicing of limited forms of care giving within the everyday functioning of the hotspots and the targeting of migrants as a particular racialised category of life means that neither biopolitics nor necropolitics offers a comfortable analytical framework for understanding the dynamics of power and social production exercised by the hotspot approach. The work of hotspots in the production of particular racialised categories of 'not-quite humans', whose mobility is curtailed and futures denied in conditions condemned as unsafe (MSF, 2019) but who nevertheless through humanitarian intervention are kept alive with the provision of basic needs including shelter, sustenance, and medical care, results in *debilitated life*.

Debilitated life here "is not merely another version of slow death or of death-in-life or of a modulation on the spectrum of life to death" (Puar, 2017: 137). Debilitated life is a different status produced through humanitarian interventions where debilitation functions as "will not let die" or "will not make die." (2017: 139)

Debilitation as a concept therefore helps to think more concretely about the intersections of mobility, humanitarianism and the hierarchies of humanity produced that cannot be captured in a bio-necropolitical binary. Hotspots work to alter, interrupt and capture migrant mobility. But through humanitarian interventions in this altered space-time, hotspots do not make die either, as spaces of humanitarian intervention concerned with the provision of basic needs and the legal recognition of asylum they produce populations outside of the bio-necropolitical binary that humanitarianism — as part of, not additional to, the hotspot approach — will not let/make die. As Weheliye (2014) has argued, and others have taken up (e.g. Howell and Richter-Montpetit, 2019), Foucauldian approaches to biopolitics, with its focus on the governance of biological life, too often invisiblise racial differentiations steeped in colonial violence. Meanwhile legal approaches to migration and asylum (re)produce "race-neutral terms" that have racialised effects (El Enany, 2020: 72). Moreover, according to Weheliye, when race is considered as a product of colonialism in the past and present it "only attains relevance once it penetrates the borders of fortress Europe" (2014: 57) — where Europe is understood as a white space — rather than animating global immigration regimes since the early 1900s (El Enany, 2020; Lake and Reynolds, 2008).

In conclusion, thinking about hotspots as debilitating infrastructures opens up space for contemplating how their various functions, including registration and identification alongside the provision of basic humanitarian assistance, operate to perform both racialised border control and the disabling of mobility with the concomitant (re)production of those racial categories in the present. Meanwhile debilitation also opens up the possibility to think about hotspots within historical racialised mobility regimes, de-exceptionalising EUropean geographies of containment and control in the process and placing current border control efforts firmly within a genealogy of colonial violence that fosters human and life hierarchies within humanitarian frameworks.

‘Keeping on the move without letting pass’: Rethinking biopolitics through mobility

Martina Tazzioli
Goldsmiths College, The University of London, UK
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“This is the sixth time that I am coming back to the border, in Ventimiglia, after being taken by force to the city of Taranto. I am now trying again to cross to France, I hope that this time I make it, as I have no money and no energies left”. M., a Sudanese national who arrived in Italy in 2018 from Libya, is one of the many migrants who try to cross to France, along the coast, passing through the Italian city of Ventimiglia. Yet, most of those who try are pushed back to Italy by the French police, sometimes being held for hours in the police station at the border, without being allowed to claim asylum. On the Italian side of the border, some migrants are randomly caught by the police, put on a coach and transferred to Taranto, a southern city located 1200 km away from Ventimiglia. These migrants are taken to the Hotspot of Taranto and usually released few days later; the majority of them goes back to the Italian-French border, by train or bus, despite they might be exhausted and running out money. Such a routinised police practice of internal forced transfers does not discourage migrants from going back to Ventimiglia and from trying again and again; nor are migrants taken to Taranto with the goal of detaining them for long time. And yet, they are kept on the move, forced to divert their routes and to repeat the same journey multiple times. The forced hyper-mobility of the migrants who try to cross to France from Ventimiglia is not an exceptional case study; rather, it sheds light on the dramatic *migrants’ goose game*[1] - to quote an expression commonly used by migrant support groups in Italy to designate the convoluted geographies that migrants are forced to undertake due to legal restrictions, police measures, spatial blockages and administrative violence.

What is left of the ‘bad circulation’?

Mobility is used by state authorities as a political technology for regaining control over ‘unruly’ migration. This has been highlighted by geographers who have drawn attention to the politics of migrant dispersal (Darling, 2016) and the forced mobility of migrants from one detention centre to another (Hiemstra, 2013; Turner and Peters, 2017). Nick Gill (2009) speaks of ‘governmental mobility’ to refer to the state-led transfers of migrants. Yet, here I am interested in how migrants’ mobility is used as a technology of government in a more indirect way, that is by pushing migrants to move away, to reroute their journey and by keeping them on the move. More precisely, these political technologies are biopolitical mechanisms, insofar as they are deployed for managing and disrupting migrants’ lives. How should we rethink the nexus between biopolitics and mobility in light of that? How can we account for biopolitical tactics *through* mobility? And how do they affect migrants

Corresponding author:
Martina Tazzioli, Goldsmiths College, The University of London, UK.
Email: martina.Tazzioli@gold.ac.uk

and their 'infrastructures of livability'[2]? In order to engage with these questions, I suggest going back to Michel Foucault's understanding of biopolitics. While in the Lecture series at the College de France *Society Must Be Defended* (1976–1977) and in *The Will to Knowledge* (1978) Foucault defines biopolitics through the formula 'making live, letting die', in *Security, Territory, Population* (1978–1979) he historically situates the emergence of biopolitical mechanisms in relation to the governing of circulation: security, Foucault contends, "is simply a matter of maximizing the positive elements, for which one provides the best possible circulation, and of minimizing what is risky and inconvenient like theft and disease, while knowing that they will never be completely suppressed" (Foucault, 2007: 19).

Mobility studies literature has notably drawn on Foucault's work and put mobility at the core as an analytics for rethinking power relations (Cresswell, 2010; Cresswell and Merriman, 2011). Nevertheless, the intertwining between biopolitical modes and the governing of circulation has remained relatively marginal in the rich existing literature on biopolitics (but see Aradau and Blanke, 2010), and also, quite surprisingly, in migration scholarship. Indeed, both proponents of affirmative biopolitics (Hardt and Negri, 2000; Revel, 2008) and of negative biopolitics (Agamben, 1998) as well as of its multiple variations – necropolitics (Mbembe, 2003), thanatopolitics (Murray, 2006) – have prioritized the focus on life. At a close glance it is noteworthy that Foucault himself has never fully developed the nexus between biopolitics and circulation, nor did he elaborate a biopolitics of mobility. In fact, it should be stressed that Foucault speaks of governing circulation, and not of mobility (Aradau and Tazzioli, 2020)[3]; and that, in arguing that modern governmentality consists in "making a division between good and bad circulation" (Foucault, 2007: 18), he does not actually engage with the 'bad circulation', that is, with the ways in which criminalized and unruly subjectivities on the move are governed. Or better, while Foucault highlights that the government of cities in the eighteenth century was driven by the need to deal with "the influx of the floating population of beggars, vagrants, delinquents, criminals. . ." (2007: 18), he does not dwell upon how such a 'bad circulation' was disciplined and managed in practice.

Thus, rethinking biopolitics in light of the criminalisation of 'unruly' mobilities and, at once, of the use of mobility as a political technology for governing migration, entails analysing how the 'bad circulation' that Foucault mentions in passing is actually obstructed, contained and expelled. Yet, as Foucault himself points out, bad circulation and the unruly subjectivities it is formed by – like beggars, vagrants, delinquents etc. - could neither be fully eliminated nor stopped.[4] If we turn our attention to the present and the biopolitics of mobility at the internal frontiers of Europe, it is noticeable that migrants are neither detained nor expelled; they are disciplined and controlled by being kept on the move and being forced to undertake convoluted geographies (Tazzioli, 2020). It is precisely in the interstices between 'good' and 'bad' circulation that, I suggest, biopolitical technologies targeting illegalised migrants are implemented – by repeatedly disrupting migrants' movements and violently dismantling their infrastructures of livability without necessarily killing them nor letting them die. Indeed, it is not only a question of expanding on the exclusion and expulsion of bad circulation'; together with that, the mobility and presence of unruly subjectivities is also governed and obstructed by exhausting migrants, by keeping them on the move even without deporting or detaining them. Ultimately, while biopolitical technologies of exclusion involve investigating the governing of the so called 'bad circulation', the focus on the border-zone of Ventimiglia indicates that a more nuanced analysis is needed. That is, migrants' unruly presence is in fact the object of

heterogenous tactics of obstruction, which include deportation and detention but that are not limited to them.

Cramp, choke and disrupt

Before moving on with the analysis of the biopolitics of migrants' mobility at the internal frontiers of Europe, I briefly draw attention to other research pathways in Foucault's work that enable coming to grips with the bad circulation and all its grey areas. Indeed, in an earlier lecture series at the College de France, *The Punitive Society* (1972–1973), Foucault interestingly develops an insightful analysis of the criminalisation of popular illegalisms and of acts of vagabondage in the eighteenth century. More broadly, in the 1972–1973 lecture series Foucault pays attention to the 'bad circulation' just mentioned in passing in *Security, Territory, Population* to define dispositifs of security. In fact, in *The Punitive Society* he focuses on popular illegalism, that is, conducts and practices of mobility that started to be criminalised in the seventeenth century: "illegalism takes the form of absenteeism, lateness, laziness, festivity, debauchery, nomadism, in short, everything that smacks of irregularity, of mobility in space" (Foucault, 2015: 188). Thus, mobility is approached by Foucault not merely as movements in space but as those criminalised practices considered against the norms of (sedentary) societies – such as vagabondage – and that became the object of disciplinary controls. Such an insight into criminalised mobilities equips us with the analytical tools for distinguishing mobility from both circulation and movement, by bringing attention to the racialised hierarchies of access to mobility enforced by the global Visa regime and to the fields of tension between practices of freedom and modes of control.

A focus on mobility as a political technology and on migrants' convoluted routes thus foregrounds biopolitical tactics which cannot be fully captured through the 'making live/letting die' formula. Indeed, the exhausting mobility that migrants are forced into, pushes us to find ways for registering modes of governing that consist in pestering and harassing migrants. As Jasbir Puar has observed in relation to the Palestinian context that "alongside the 'right to kill' I noted a complementary logics [...] that of creating injuries and maintaining Palestinian populations as perpetually debilitated, and yet alive, in order to control them" (2017: x). Along similar lines, we might argue, migrants are exhausted and debilitated, both physically and psychologically, without necessarily being killed or let to die. Both in Ventimiglia and in Calais spatial tactics for choking, cramping and obstructing migrants' presence are enacted on a daily basis by the police (Tazzioli, 2020); tactics that chase migrants away, evict them from informal encampments and violently dismantle their temporary and precarious infrastructures of "collective livability" (Aradau, 2017: 7) and of what migrants themselves in Calais called 'liveable places' ('*lieux de vie*'). The incessant dismantling of informal encampments in Calais and the police operations apt at chasing migrants away, deprive these latter of a space to stay: these biopolitical tactics do not only obstruct migrants' presence, they also hinder the emergence of migrant collective formations and the persistence of shared infrastructures of support (Tazzioli, 2019).

Cramping, choking and obstructing are terms that refer to a generalised spatial harassment of migrants who are stranded in Europe's border-zones. And yet, they also involve a temporal dimension, that echoes what Shahram Khosravi (2018) defined as 'the stolen time' of migration, that is, the sequestration of time that many migrants experience by being stranded in camps but also by being entrapped in forced and convoluted hyper-mobility. The biopolitical technologies for governing migrants' mobility discussed here illuminate what might be called as *biopolitics through mobility*: indeed, mobility is not only an object of government; it appears to be also a political technology used by states for hindering and

disrupting migrants' presence, as well as for regaining control over them. Shifting the focus towards the nexus between biopolitics and mobility thus entails grasping modes of violence that are neither exercised through direct killing nor through blatant exposure to death. Relatedly, engaging in a 'politics of cramped spaces' (Walters and Luthi, 2016) consists in developing an analytical sensibility towards practices of resistance that emerge from within coerced and suffocating spaces and in which, however, there is always for the migrants a leeway for action. This involves scrutinising biopolitical technologies enforced not only by discarding and minimising the 'bad circulation' but also by incessantly disrupting, hindering and chocking unruly migrants' presence and mobility.

The biopolitics multiple and the refugee sovereign ban

Claudio Minca
University of Bologna, Italy; Macquarie University, Australia
DOI: 10.1177/2399654420981389c

Vučjak

Vučjak, Bosnia-Herzegovina: 1 August 2019. A few kilometres from the city of Bihać, in the Una-Sana Canton, an abandoned industrial landfill has been converted into a temporary refugee camp of sorts by the local authorities. Surrounded by minefields from the Yugoslav wars, this camp is where the refugees who were caught roaming around Bihać have been taken by the local police in recent months. The location is about 8 km from the Croatian border, the same border that all the refugees in this corner of the so-called Balkan Route are planning to informally cross. When I visited the camp, it accommodated about 700 men – mostly from Syria, Pakistan, Afghanistan – in white tents provided by Turkish Red Crescent and pitched up on soil contaminated by toxic waste and infested by snakes. Limited water was available for only a few hours a day, with most residents using the forest as a latrine, adding to the already precarious hygienic conditions of this temporary settlement. Cases of tuberculosis, hepatitis B and scabies among the residents were already recorded. In a larger tent food was distributed by the local Red Cross twice a day under the supervision of the police in an atmosphere marked by tension and a sense of precarity. The ruins of an abandoned building were used by the refugees to recharge their mobile phones thanks to the presence of a diesel generator. On the wall of the same building a map showed the location of the minefields and warned the refugees to avoid them. Despite these warnings, the refugees were allowed to leave the camp at any moment and attempt to cross the nearby border via the forest, that is, to try what they define as 'the game'. As I write, news about the closure of the camp now covered in snow in the middle of the Balkan winter are contrasted by new postponements due to the difficulties in relocating the refugees (BBC, 2019).

The case of Vučjak raises a number of questions regarding the biopolitical government of the refugees' mobility on the part of the Bosnian authorities. On the one hand, these refugees were forcibly relocated to a toxic landfill kilometres away from the city centre where they had been visible for months. Once in Vučjak, they were provided with some (very limited) support, including tents, a few latrines and water containers and two meals a day. At the same time, they were allowed to leave the camp and either return to the city centre – but the walk is long and relatively impervious – or walk towards the border unmonitored. Their trip to the border may have continued to Trieste, Italy after crossing Croatia and Slovenia, or, in most cases, intercepted by the Croatian border police who, in contravention to international human rights, would regularly deprive them of their few

Corresponding author:
Claudio Minca, Department of Culture and History, Alma Mater Studiorum, University of Bologna, Via Guerrazzi, 20, 40125 Bologna, Italy.
Email: claudio.minca@unibo.it

belongings (mobile phones, shoes, money, etc. – see No Name Kitchen, 2019) and bring them back to Bosnia. The Bosnian authorities therefore were not only aware of the implications of 'letting the refugees go', but actually seemed to provide such minimal support in the camp precisely to make the refugees' living conditions as dire as possible and implicitly stimulate their informal mobility.

The interplay of intervention and non-intervention in the management of refugees has been analysed in numerous other cases of makeshift camps in Europe, and often described as a form of governance based on the intention of letting the refugees just live/leave (see Tazzioli in this Symposium). This type of biopolitical intervention has also been linked to ideas of ban/abandonment, again, read as a strategy implemented by the authorities to avoid taking full charge of the refugees and making them move endlessly. By (semi)abandoning the refugees while letting them live-and-move, different forms of biopolitical technologies were implicated in Vučjak. The notion of biopolitical abandonment is thus important to understand the production of the new geographies of informal mobility in this part of Europe, but also perhaps to engage with some recent academic debates committed to rethinking the biopolitical in relation to the government of refugees. The literature on the most diverse articulations of the biopolitical is today vast and rich and I have no space in this short intervention to even start reviewing it (see Minca, 2015). However, inspired by the questions prompted by the camp in Vučjak, I would like to briefly engage with what I consider one of the most convincing presentations of the existing debates on the biopolitical and provocatively link it to Giorgio Agamben's conceptualisation of the sovereign ban.

The biopolitics multiple

In a recent article, Claudia Aradau and Martina Tazzioli propose a rather comprehensive critical analysis of the current body of work on the biopolitical and reflect on the current responses to the initial dominance of Foucault-and-Agamben-inspired engagements with biopolitics in the social sciences. After highlighting how "the literature on biopolitics – as deployed in migration and border studies, but also in security studies – has been criticized for the 'flickering presence' of race, its erasure through Agambenian readings of biopolitics or 'whitewashing' race in Foucauldian security studies" (Aradau and Tazzioli, 2020: 207) they suggest to investigate "the political technologies through which new distinctions and hierarchies of life are produced", rather than "focusing on the racialized body as such" (2020: 208).

What is important for my argument here is how Aradau and Tazzioli address "the limitations of approaching biopolitical control through the binary of 'making live/letting die'" (2020: 204) and ask: 'What are the effects of a discontinuous 'hold' over migrants' lives, made of some sites and moments in which migrants are highly controlled and others in which their movements are managed through (partial) non-governing, not-seeing and non-registration?" (2020: 201). The Vučjak camp seems to perfectly adhere to this description. The refugees are indeed partially and discontinuously governed by the authorities, in ways that escape any easy and immediate interpretation. What also often remains obscure in more conventional accounts of the situation in Northern Bosnia is the role played by the largely tolerated informal mobilities of the refugees.

Aradau and Tazzioli not only interrogate how "migrants are deprived of spaces of livability and infrastructures of support and they are entrapped into forced hyper-mobility" (2020: 202) but also suggest that "the unevenness of modes of government or 'biopolitics multiple' is what characterizes the current European migration politics. Such an opacity

inevitably generates disorientation for the migrants, making it hard to grasp how the EU border regime works" (2020: 203). They accordingly propose to think of biopolitics "not as a homogenous binary logic, but as plural technologies, which are simultaneously dispersed and connected, while being entangled with technologies of capitalisation and racialisation" (2020: 208–209). Following this line of thought, the analysis of how the authorities exercise their explicit violence and destroy or deliberately limit the material support offered to the refugees should thus be complemented by the examination of all the biopolitical technologies of intervention and non-intervention that result in what Puar (2017) (and Pallister-Wilkins in this Symposium) describes as the debilitation of racialized migrant bodies. This passage is very useful for my reflection on Vučjak since, like in other similar cases in Europe, what we witness in that camp is precisely "a mode of biopolitical governing through non-governing, a politics of making move 'without any perspective of installation' and with no exact destination" (Aradau and Tazzioli, 2020: 215). The refugees, after having been forcibly relocated, are in fact offered either the conditions for mere survival on a toxic piece of land or the (implicit) option to walk away through the forest and the minefields. It is in this sense that Aradau and Tazzioli – recalling the notion of 'continuum of violent inaction' "to designate the effects of destitution and suffering generated on migrants as a result of state's active withdrawal" (2020: 215) – resource to the concept of subtraction which they read etymologically as 'to draw or drag from under': in this case, subtraction is interpreted as 'taking away terrain' from migrants.

I engage elsewhere in detail with the theoretical and methodological implications of this approach, and in particular with how the biopolitical technologies adopted by the Bosnian authorities in 'taking terrain away from migrants' operate on mobility forcing them 'to reroute their trajectories and to do the same route multiple times'. Here, I instead wish to ponder for a moment on the question of intentionality related to the operations of subtraction described by Aradau and Tazzioli. While it is easy and useful to find empirical evidence – in Vučjak and elsewhere – of multiple biopolitical technologies contributing to the authorities' intervention-and-withdrawal interplay in governing (and reacting to) the refugees' informal mobilities, it is more difficult to grasp whether such biopolitics multiple is the result of specifically planned strategies to 'keep the game going' or, rather, the result of a plethora of uncoordinated and messy ideas and actions at the most diverse scales. And if it is relatively easy to identify in Bosnia how these technologies materialise in spatio-temporal delimitations that "forced migrants to become hyper-mobile between different sites and render the conditions of access to food, water and infrastructures mobile themselves" (Aradau and Tazzioli, 2020: 218), it remains unclear why the management of refugees is operationalized in this way and what active role the refugees play in its workings. While I could not agree more that "by rethinking biopolitics in light of political technologies used for regaining control over 'unruly' migration" it is possible to "move beyond the binary opposition between migrants' agency and resistance on the one side, and migrant victimhood on the other" (2020: 220), at the same time the question of intentionality on the part of the subjects involved and how its implications are negotiated 'on the ground' deserves further scrutiny, if anything to inform our methodologies when studying cases like Vučjak.

The refugee sovereign ban

This is why I would like to conclude this brief intervention by suggesting that Aradau and Tazzioli's powerful argument could perhaps be taken even further: is the interplay between intervention and non-intervention, force and neglect, material support and destruction, freedom of movement and pushbacks/detention perhaps a manifestation of a biopolitical

machinery aimed at reproducing the sovereignty of the state? Is intentionality in this process as fragmented, discontinuous, messy and multiple as the biopolitical technologies discussed here? And if so, how can sovereignty be understood in relation to such biopolitics multiple, its implementations and the (re)active responses to it on the ground? Can such biopolitics multiple be read as an expression of the sovereign ban?[5]

These questions obviously require a different kind of space. However, in the hope to keep this conversation going, I would like to provocatively recall Agamben's (relatively overlooked) speculations on the structure of the sovereign ban. For Agamben, inspired here by Jean-Luc Nancy, the ban is the capacity of the law 'to maintain itself in its own privation', to apply by '(dis)applying' itself:

> He who has been banned is not, in fact, simply set outside the law and made indifferent to it but is rather abandoned by it, that is, exposed and threatened on the threshold in which life and the law, outside and inside, become indistinguishable. It is literally not possible to say whether the one who has been banned is outside or inside the juridical order (Agamben, 1998: 28–29).

A key figure used by Agamben to reflect on the structure of the ban is the werewolf, a figure inhabiting a zone of indistinction between the human and the feral, between exclusion and inclusion, a bandito ('he who is banned'), since the werewolf is, at its origin, a human banned by their community (1998: 105). The werewolf, however, in Agamben's account, did not only metaphorically inhabit a zone of indistinction, but was also represented as inhabiting and moving through real spaces, normally the edges of a forest, or other sites marking the threshold between the community and its others: in this way, by means of this arcane spatialisation, the real-and-imagined presence of these hybrid figures represented the "survival of the state of nature at the very heart of the State" (1998: 106; see also Minca, 2007).

I do not have the space here to further analyse this aspect of Agamben's work; but if we provocatively compare the figure of the werewolf – a parallel that I fully examine elsewhere – to that of the refugees forced by the 'biopolitics multiple' to inhabit an ever-changing threshold of hypermobility, care, custody but also abandonment and withdrawal, we may perhaps recognize a (violent) manifestation of the 'survival of the state of nature at the very heart of the State'. Can we thus conceive such biopolitics multiple as a manifestation of the entanglements of the sovereign ban, a manifestation that identifies in the figure of the (semi-abandoned) refugee and in its endless (only partially governed) mobility the threshold that allows the authorities to endlessly reconfirm the legitimacy of their bordering practices, but also an expression of the deeper ontologies that sit at the core of the foundation of the nation state and of its permanent crisis? In other words, is the biopolitical subtraction described by Aradau and Tazzioli the process that allows the state and its violent reassertions (based also on violent inaction) to survive by electing the body of the refugee as a site where to endlessly trace its own borders, that is, the hidden spatialisation of its sovereign ban?

Myanmar and the moral cleansing of deportation and abandonment

Darshan Vigneswaran
University of Amsterdam, the Netherlands
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How might we engage critically with the uneven histories and geographies of bio-political forms of rule? This intervention seeks to elevate the importance of these questions in contemporary research on forced removals. As Claudio Minca (2006) has argued, the three overarching logics of rule – sovereign, disciplinary and biopolitical – in Foucauldian research have different points of origin and different histories, but are not temporally or spatially discrete. Rather, in practice, their histories and geographies overlap and intersect, often appearing simultaneously in specific forms of political behaviour. Remaining aware to both their simultaneity and dual use, as well as their separation and differentiations, can help us to engage critically with concrete examples of the forced removal of people and the normative judgements about different instances of this phenomenon.

More specifically, the Foucauldian conception of the relation between the sovereign, the disciplinary and the biopolitical can provide us with reasons to critically assess the judgement of acts of violently and chaotically uprooting people as abhorrent, while, at the same time, judging more non-violent and 'caring' forms of exclusion as unproblematic or even 'just'. More specifically, Foucault's mapping of these different logics, with unique but overlapping historical trajectories, compels us to question the relative neutrality and/or more humane character of bio-political forms of rule and their separation from more directly 'violent' sovereign forms. In order to elevate and interrogate these distinctions, I build simultaneously on two strands of Political Geography. On the one hand, there is a literature on migration politics at the global scale which looks beyond the territorial confines of individual nation-states, to discern the underlying principles guiding movement control policies and practices (Hyndman and Mountz, 2008; Punter et al., 2019; Van Houtum, 2010). This literature has demonstrated that we need to see sites within the Global North and South as caught up within a singular framework of power and exclusion. On the other hand, I draw on a literature that critiques our Euro-centric understanding of these global regimes of power (McKeown, 2008; Mongia, 2018; Vigneswaran, 2020). More specifically, I question the tendency to render as 'traditional/backward' the sovereign/violent practices evident in contexts of the Global South, and as 'modern/advanced' their disciplinary/bio-political counterparts in traditional centres of power.

I empirically illustrate the merits of this critical perspective, through a discussion of a technical dispute over the International Criminal Court's adjudication of Myanmar's genocide against the Rohingya. This discussion shows how distinctions between sovereign and bio-political forms of deportation have been framed in a specific set of speech acts (Tully, 1988). This reading exposes the manner in which elements of the ruling regime in Myanmar

Corresponding author:
Darshan Vigneswaran, University of Amsterdam, the Netherlands.
Email: d.v.vigneswaran@uva.nl

sought to draw a moral and legal equivalence between deportation and ethnic cleansing. Instead of dismissing this line of argument as pure obfuscation, the paper uses it to reveal the resemblances between practices of forced removal around the world and the problems involved in drawing moral and categorical distinctions between their instantiation in the Global North and South.

Competing depictions of the Rohingya exodus

The account begins with efforts to adjudicate the violent expulsion of large numbers of the Rohingya minority from the country in 2018. On September 6, 2018 the Pre-Trial Chamber of the International Criminal Court (ICC) ruled that it had jurisdiction over alleged crimes committed by Myanmar officials against its Rohingya population (2018). This was a controversial decision because the Rome statute established the ICC had limited its jurisdiction to acts occurring on the territory of state parties. Yet, Myanmar was not a state party.

The majority's grounds for nonetheless ruling in favour of ICC jurisdiction was that the crimes of 'deportation', 'minority persecution', and 'the causing of great suffering' had been perpetrated – in part – on the territory of Bangladesh, a country that was a state party to the Rome statute. The reasoning behind this ran as follows: an act of deportation cannot, by definition, take place without involving the territory of the state where the individual is deported to. While minority persecution and the causing of great suffering may occur within the territory of one state, some actions qualifying as such crimes – and particularly causing great suffering by preventing deportees living in camps from returning home – *might* involve actions perpetrated in a second jurisdiction. Therefore, the court ruled that its jurisdiction should extend to not only those parts of these multi-jurisdictional crimes that occurred in Bangladesh, but to the totality of these crimes.

At the time of writing, the Myanmar government had not made formal submissions to the court and in its official response had not engaged with the substance of the ruling (Ministry of the Office of the State Counsellor, 2018). However, the Thayninga Institute for Security Studies (Thayninga Institute for Strategic Studies, 2018), an NGO based in Yangon, and widely recognised as an unofficial mouthpiece for high-level officials in Naypyitaw, had unsuccessfully attempted to lodge an *amicus* brief (a submission to the court filed by a non-party to the dispute) that engaged with the substance. We can therefore take this brief as representative of the official position of high-level Myanmar officials.

The TISS brief did not directly address the question of jurisdiction. The brief also did not contest the fact that the Rohingya's flight to Myanmar was a direct outcome of 'area clearing' actions undertaken by the Tatmadaw. Nonetheless, the brief presented material to contest the idea that acts of deportation to Bangladesh or the causing of great suffering in Bangladesh had taken place. The grounds for this argument was the claim that the Rohingya population were not – in fact – legal residents of Myanmar. After providing a lengthy account of the group's migratory history, the brief stated that "it was well recognised by even the diplomatic community in Yangon that the Bengalis who had fled to Bangladesh were illegal immigrants". If true, this claim would pose salient questions about whether at least two cross border crimes could be considered to have taken place. Both the forcible removal of the Rohingya to Bangladesh and the denial of their re-entry could not be deemed illegal because the deportation of unauthorised residents and the refusal of entry to foreign nationals are both recognized as legitimate expressions of sovereign authority in international law. The TISS brief was here rehearsing a well-worn line of argument made by various official and non-official sources in the Myanmar government about its Rohingya minority, one that has been reinforced through the continued denial of

citizenship and freedom of movement to members of this group: that the Rohingya are not nationals of Myanmar at all, but instead should be deemed illegal immigrants and treated as such.

While it is the question of ICC jurisdiction that placed the crimes of deportation and causing of suffering in Bangladesh in the juridical spotlight, in abstracting these crimes from the other crimes against humanity for which the Myanmar government may be accused - e.g. murder, rape, extermination etc. - the ICC decision and the amicus brief also generated a unique conversation about the relative legitimacy of these different but related forms of forcible removal. While neither party contested the illegitimacy of forcibly deporting one's legal residents, the amicus brief asked us to consider the limits on a state's rights to define the terms of legal residence in its territory and deport and abandon those not legally resident. It raises in fact important questions about sovereign and territorial authority: who gets to decide what part of the population is legally resident? And what are the limits on the state's power to deport and abandon those people that the government defines as illegally resident? More broadly, when is an act of forcible removal a grievous international crime and when is it merely an instance of – perhaps poorly implemented – legitimate deportation of illegally resident foreign nationals? While the legality of such acts can possibly be definitively determined in international criminal tribunals, their relative legitimacy is something that is more contentious, with positions constituted across a much broader discursive sphere that extends well outside the courts, to include diplomatic exchanges, scholarly commentaries, newspaper reporting and beyond.

From this perspective, the amicus brief may still remain an instance of genocide denial, and at the same time encourage us to reflect critically on precisely where the red lines between the normalised practice of state deportation and the universally condemned acts of ethnic cleansing and genocide lie. Here, it is worth reflecting upon the fact that while the amicus brief was framed as an address to a global audience – no less than the ICC – the message was no doubt constructed with a smaller circle of interlocutors in mind, a circle that could be more easily convinced of the virtues of violent mass deportation of resident minorities: more specifically, other Association of Southeast Asian Nations (ASEAN) states.

In these contexts, deportation and the acts of ethnic cleansing perpetrated by the Myanmar military, bear much closer resemblance. Myanmar nationals have migrated in large numbers - often informally - to the neighbouring states of Malaysia and Thailand (Huguet and Chamratrithirong, 2014). Many Myanmar nationals have lived out their lives in these neighbouring countries with no chance of ever acquiring a pathway to permanent residence, let alone Malaysian or Thai citizenship. They have the legitimacy of their residency regularly contested and redefined by labyrinthine bureaucracies (Garcés-Mascareñas, 2010; Hall, 2011; Natali et al., 2014) . These migrants are regularly deported back to their country of origin. More occasionally, but still regularly, they are commonly subject to mass immigration crackdowns involving the systematic round-up of large portions of foreign nationals and the unceremonious dumping of these populations at the Myanmar border, where they commonly wait in camps or temporary shelters while strategizing how to return home (Bylander, 2018; Franck, 2015).

None of these forms of immigration control and citizenship policy can be equated with the genocide of the Rohingya. However, it is more than likely that in attempting to develop a *post-hoc* justification for why the deportation of the Rohingya might be regarded as conventional state practice, these examples set by ASEAN neighbours of how 'normal'

and 'prosperous' states make their migrant minorities deportable and worthy of abandonment, would have helped make the case seem plausible for the authors of the amicus brief. In short, the authors were making an appeal to suggest that these chaotic and banally violent mass deportations could be understood as normal and legitimate state practice.

If the comparison with nearby neighbours draws our attention to the close empirical resemblances between deportation and ethnic cleansing in practice, relating the Myanmar case to emerging European representations of 'legitimate deportation' compel more critical examination of emerging norms of non-violent forced removal. For example, in European immigration policy in recent years. In this context, side-by-side with the conventional practices of shutting down opportunities for unauthorised residents to live meaningful and purposeful lives, and the on-going violent practices of arrest, detention and deportation, 'voluntary return' has emerged as a tool designed to both convince unwanted migrants of the merits of returning to their countries of nationality, and to provide them with skills and resources to prosper there (Kalir and Wissink, 2016; Leerkes et al., 2017). While I am in no way vacillating between whether, if given the choice, I would choose the EU's gentle art of suasion over the Tatmadaw's circling helicopters as the factor pushing me to leave my place of residence, I also believe that a Foucauldian critique of the biopolitical encourages us to be keenly aware of the manner in which violence lies behind the life-supporting and life-enhancing discourses of territorial welfare states.

Moreover, it is important to note how, in the rhetoric of official return policies, we find a similarly euphemistic technique of hiding acts of violent expulsion behind a veil of normalised 'return' to that which we see in the TISS brief. Take, for example the Global Compact on Migration. This document is silent on the practice of deportation, even though it remains the mainstay of migration policy in every signatory state, involving the forcible removal and abandonment of millions of people each year. Instead, Objective 21 commits to a 'return' process described in the following terms: "Ensure that the return of migrants who do not have the legal right to stay on another State's territory is safe and dignified, follows an individual assessment, is carried out by competent authorities through prompt and effective cooperation between countries of origin and destination, and allows all applicable legal remedies to be exhausted, in compliance with due process guarantees, and other obligations under international human rights law." While the emphasis on due process is laudable, nothing in here recognises the fact that deported migrants do not want to leave their place of residence and, in many cases, force constitutes the only means by which governments are capable of ensuring that they leave. Furthermore, when governments are successful in securing 'voluntary' returns, it is primarily by means of sustaining the threat of violent arrest, detention and deportation that the capacity of the abandoned resident to 'return' to their original place of residence is undermined.

In this formulation, reading manifestations of sovereign and biopolitical discourse side-by-side can be a useful means of discerning a latent hypocrisy, alerting us to the fact that behind state actions conceptualized as life-supporting, lies a violent arbiter of who moves where. As with the amicus brief, we can find underlying intents of powerful state elites in the concrete use of violent means to demonstrate what might happen to those who stay, and to attribute responsibility for the conditions experienced by those who leave and are abandoned to their fate.

At the same time, it is also worth formulating a position regarding a future where sovereign power recedes from view and the biopolitical takes centre stage. Could we, for instance

envisage a moment in which highly developed states, having already shunned ethnic cleansing and forced removals as legitimate tools of state power, might also achieve a non-violent framework for mass deportation? Here, we might think how revolutions towards a cashless society, increasing powers of surveillance and increasing investment in processes of up-skilling and re-integration in countries of nationality substantially erases the need for more coercive and blunt measures to convince unauthorised residents about the virtues of 'return'. If unauthorised residents are 'voluntarily choosing' the journey home because of its substantive individual and collective health and livelihood benefits, will this calm concerns about the logic of exclusion as a social and political practice – or perhaps make us see it in a new way? In such a scenario, would we be inclined to reconsider the legitimacy of more violent and coercive deportation in countries that continue such practices?

The birth of the paper prison. The global inequality trap of visa borders

Henk van Houtum
Radboud University Nijmegen, the Netherlands

Annelies van Uden
University of Utrecht, the Netherlands
DOI: 10.1177/2399654420981389e

We were lucky. Without any effort, simply by being born in the Netherlands, we, two Dutch researchers, gained a golden travel ticket to the rest of the world (cf. Rawls, 1971). As citizens of the Netherlands we can travel up to 186 countries without a visa (Henley Passport Index, 2020). That makes up for 81% of the possible destinations in the world. Compare this to Syria or Afghanistan, whose citizens can travel only to 29 and 26 countries respectively. And this difference does not include yet the huge global inequality in the chances of getting a visa for citizens from higher ranked countries, such as the Netherlands, compared with those from low(er) ranked countries (Mau et al., 2015). Given this gross inequality in the freedom of movement, purely determined by the country of origin, it is remarkable that in public debates on borders, migration, and development, little attention is given to these what could be called 'paper borders' (Van Houtum and Bueno Lacy, 2020), certainly, compared with the focus on physically visible and, arguably, often more spectacular borders. In this short essay will analyse the birth and impact of the *global inequality* trap of paper borders.

The invention of national permission papers

Although hard to imagine in these days, the national monopolization of citizenship papers as the legitimate means of movement is a fairly recent invention (Torpey, 2000). It was only in the early 20th century, at the time of the First World War, with millions set adrift and a vast international insecurity about who belonged where, that national passports and visas began to be used. To this end, uniform guidelines of the layout and features of these travel documents were established at the International Passport Conference in 1920 (League of Nations, 1925). On that occasion, the leaders of the world deemed it necessary "for the time being", but were still hoping for "the total abolition of restrictions" (League of Nations, 1925: 1). As late as 1963, world leaders, at the UN Conference on International Travel and Tourism were talking about the desirability to abolish national travel papers, but again it was argued that the time was not yet right (Dumitru, 2016). Meanwhile, however, over time, states have been dressing up further this temporary instrument of paper borders, turning it increasingly into a locked-in normality.

Corresponding authors:
Henk van Houtum, Radboud University Nijmegen, the Netherlands.
Annelies van Uden, University of Utrecht, the Netherlands.
Email: h.vanhoutum@fm.ru.nl; a.m.vanuden@uu.nl

The tele-politics of pre-borders

Etymologically, the term VISA comes from charta visa, meaning 'paper that has been seen', 'a verified paper'. It is used to 'see' if and under what conditions a foreigner will be permitted to enter the territory (OED, 2020). For this decision, dominantly, a distinction is first made on the citizenship of the applicant, then on the intended duration of the stay (short visit, long stay or permanent settlement), and finally on the intentions and characteristics of the applicant. A visa could hence be understood as a bordering technique that is focused on the selection and channelling of people, aiming, to use Foucault's words on governmentality, to "eliminate its dangerous elements, making a division between good and bad circulation" (Foucault, 2007: 18). At first, the border guard would typically only put a date stamp in the passport as a sign of the visa-verification. Over time, however, in order to reduce bureaucracy and to avoid the coming of would-be refused travellers, travellers were (also) asked to apply in advance at a consulate or embassy in their home country. To put this development in biopolitical terms, and as the antonym to the Foucauldian term micropolitics, it implied the emergence of what could be termed tele-politics or tele-biopolitics. As a result of this dislocating or remoting of the border control, a visa has become a pre-border of a state, bordering people even in their actual travel to their intended destination, turning the entry permission of the visa thereby also into a leave permission to even travel to that country. It further implies that, in paradox with the origins of the etymology of the term which stresses visual control, that the discretionary decisions of entry have thus geographically been taken out of direct sight, adding to the 'non-spectacle' as well intransparency of visa borders. In short, rather than fenced walls guarded with guns it is the externalised paper walls guarded by pencils and computers that have become the first line of defence of states.

Geopower tool

To manage these tele-borders, states of the world each have made a list of countries whose citizens need to apply for a visa. Notwithstanding its major impact, the grounds for which to put countries on the visa-obliged or visa-free list are usually rather obscure. This is equally true for the EU's Schengen list. The Council Regulation of 2001 confabulates something about "a considered, case-by-case assessment of a variety of criteria relating *inter alia* to illegal immigration, public policy and security, and to the European Union's external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity" (EC, 2001: 81/1), a statement so woolly that invokes more questions than it answers. The unclarity seems intentional, as it gives the possibility to use visas as a geopower tool to secure economic or other interests. So, what was once a permission to let travellers pass at the border has thus underwent yet another mission creep, namely the turning into a quid pro quo tool between states.

Borderism: the global taxonomy by country of origin

What matters for us most, here, are the biopolitical consequences of this global blacklisting of people (Van Houtum, 2010). By way of the current configuration of visa borders, people of this planet are taxonomized on the basis of a profiled, depersonalized national origin. The people from the states on the negative list have to acquire a visa before travelling, which often is then refused (Mau et al., 2015). It implies that the people of the world are territorially trapped in state cages, paper prisons, sentenced by a lottery of birth (Carens 1987; Foucault, 1977; Rawls, 1971). It is, what could be termed, 'borderism', to be defined as a discriminatory practice that essentialises and politicises the value of human beings

depending which bordered (id)entity they are born into, reside in and/or travel from (see also Anzaldúa, 1987/1999; Bergström, 2014; Dalmage, 2000). And clearly, some paper cages are more equal than others. Dominantly, the affluent countries are excluding those who are seen as an economic or security risk, notably the global poor (Mau et al., 2015; Neumayer, 2006; Wang, 2004). When someone born on the 'wrong' side of the border, refuses that his/her life and opportunities are determined by his/her place of birth, and wishes to migrate or needs to flee from a country on the negative list, the world of legal possibilities is severely more limited than someone born on the other side of the border (Gemenne, 2020). Put differently, a global aristocracy, principally determined by birth, is locking-in a global underclass, and from afar. Paradoxically, at the same time, the privileged nations in this neo-feudal system are dominantly promoting an ideology of liberalism, equal opportunities and/or capitalistic meritocracy. But apparently, this mantra of liberty only applies for people who luckily have been born with the 'right' passport.

Autoimmunity of the paper border regime

The lack of legal channels to migrate has put a price on freedom, literally. Steep migration prices are being paid to help undo the lack of visa-free travel opportunities. The system of restrictive paper borders has thus led to the emergence of migration trade, a financial service industry for the normatively excluded, be they poor, or rich.

For the rich and wealthy, who would like to obtain a certain citizenship, there is a legal opportunity to gain access by 'citizenship-by-investment', for instance with the help of a firm like Henley and Partners, who mediate in the acquisition of visas and passports. They advertise their services as follows: "Today, a person of talent and means need not limit his or her life and citizenship to only one country. Making an active decision with regard to your citizenship gives you more personal freedom, privacy, and security… Citizenship-by-investment programs offer you the opportunity to legally acquire a new citizenship quickly and simply, without any disruptions to your life"' (Henley and Partners, 2020). This programme of buying residence or citizenship rights, what could be termed ius pecuniae, to circumvent the lack of opportunities of the dominant system of birth right based citizenships, is rapidly expanding (Stern, 2012). That there is a demand is clear, given the global inequality of access and evidently there is supply too, for the selling states see it as a way of boosting their employment and growth. The result is an increasing commodification of citizenship, turning the world into a citizenship shop, in which states are for sale for different prices (cf. Citizenshop, 2020). The highest prices are being paid for passports of countries with a high number of visa-exemptions and attractive national citizenship rights. The result is that 'golden visas and passports' are often bought by people carrying 'golden visa credit cards'. This commodification of passports is applauded for by some economists, who see the selling of passports as the most efficient and egalitarian way to select would-be migrants and a way to render extra national profit, but is frowned upon by some political theorists as well as some politicians, who consider it to be unfair, undermining sovereignty, and provoking criminality (Surak, 2016). However, before assessing the consequences of golden passports, it would be good to first normatively evaluate the very source of what led to the emergence of this externality. As it is only because of the self-installed unfair, discriminative border lottery and the scarcity of other legal migration channels –thereby purposely blocking the equality of opportunities for some –that golden passports exist in the first place.

In contrast to the rich and wealthy, for the globally less affluent, who do not have the means to acquire citizenship by investing large sums of money upfront, the possibilities of gaining access to another citizenship are much more limited. Visa borders therefore do not

only punish the poor for being poor by imprisoning them from afar into their own countries of origin, and by irregularising their travel, but in so doing, visa borders also actively prevent the poor from ameliorating their economic well-being. Hence, paper borders increase global inequality only further, and with that also only enlarge the push to migrate irregularly to richer states. Those who do migrate then, again in sharp contrast to the visa-obliged rich foreigners, face an incredibly dangerous irregular journey, including risks of exploitation, trafficking and slave trade, and ultimately, the chance to pay the highest price: death. Horrifically, over time, the death of irregular migrants has come to be seen as a collateral damage of the own policies for which, slanderously, the migrants themselves are blamed as well as their smugglers, ignoring that irregular travel and smuggling are the very result of the self-constructed paper border regime. It has even come to the point, where rescuing missions, and acts of solidarity are now being criminalized and scapegoated. Put differently, the birth of paper borders, a biopolitical technique to secure the way of life for the exclusively included, has thus resulted in a politics of death, a necropolitics (Mbembe, 2003) or thanatopolitics (Murray, 2006).

In sum, the system of visa borders that have been put in place, although meant to protect the state, has, on a whole, had a strong negative vicious cycle-effect on what the borders mean to protect: what we earlier termed the autoimmunity of the border regime (Van Houtum and Bueno Lacy, 2019; 2020). For the current pre-bordering of visa has not led to less but more irregularity and people without citizenships rights, more criminality and insecurity, more fenced in-situ borders, more border deaths, more violation of human rights, freedom and equality, to outsourcing and 'laundering' of the border control to militia and autocratic regimes, and to the rise of barbarizing post-border detention camps and deportation programmes. And in result, it has enlarged the global inequality of freedom, opportunities and development.

Conclusion

In most studies on borders and biopolitics, and understandably so, much attention has been devoted to the ongoing, often spectacular morphological and biometrical, bordering of human mobility: walls and fences (Amoore, 2006; Yuval-Davis, et al. 2018). Yet, to fully come to terms with this ongoing border biopolitics, we need to include the significant impact of the remarkably under-researched bordering that precedes these in-situ borders: the pre-borders of visa papers. It is these paper walls that are caging people from a distance and on a discriminatory basis. It is in the lurky offices of embassies, far away from the zoom lenses of media and populist focus of political leaders, where a consequential border violence takes place. For it is here where human beings' worth and freedom are determined on the basis of their origin, condemning them to journeys of life and death if they wish to undo that injustice and cannot afford to buy golden passports. The paper prisons that the current configuration of visa borders have created are sustaining and amplifying the global inequality in mobility and welfare. To b/order, value, and even punish human beings on the basis of a global lottery of birth is neither just, nor sustainable. Surely, this borderism is deeply internalized by now and may seem practically unbreakable, but so did the divine right of kings, feudalism and slavery once (Van Houtum and Bueno Lacy, 2020). Not only do we therefore need more in-depth studies on the biopolitics and necropolitics of paper borders, but also, arguably, on alternative visions on just and sustainable border policies (e.g. Bauder, 2018; Carens, 2013; Shachar, 2009) in order to, what the early League of Nations already envisioned, look for possibilities to finally close this "for the time being" regime of modern visas.

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ORCID iD


Claudio Minca https://orcid.org/0000-0001-6619-6614

Notes

1. https://www.osservatoriodiritti.it/2017/05/04/gioco-delloca-migrante/
2. With this expression I mean the material infrastructures of life support – which consists in temporary encampments, solidarity networks and what migrants in Calais define as *lieux de vie* ('spaces of life'), as well as digital infrastructures.
3. By speaking of circulation, Foucault mainly refers to the emergent capitalist economy and, therefore, the need of regulating the influx of goods and people at the same time. Analytically, I argue that it is important to distinguish between circulation and mobility; here, I use 'mobility' to designate the movement of human beings as long as it is subjected to and restricted by a multiplicity of rules and laws that are not the same for everyone.
4. Rather, according to Foucault, "it is simply a matter of minimising what is risky and inconvenient, like thefts and disease, while knowing that they will never be completely suppressed" (2007:19).
5. For similar questions on 'intentionality' related to immigration policy and enforcement practices in the North American context see, among others, Mountz and Hiemstra (2014).

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Claudio Minca is a professor of Geography at the Alma Mater Studiorum – University of Bologna. His main research projects focusses on the relationship between space and biopolitics and on the geographies of refugee camps in the Balkan region. His most recent books are *Camps Revisited* (2019, with I. Katz and D. Martin), After Heritage (2018, with H. Muzaini), *Hitler's Geographies* (2016, with P. Giaccaria), *Moroccan Dreams* (2016, with L. Wagner) and *On Schmitt and Space* (2015, with R. Rowan).

Alexandra Rijke is a lecturer at the Cultural Geography chair group at the Wageningen University and Research. Her research focuses on militarised borders and bordering practices. She aims to understand how militarised border regimes are created, recreated and resisted in the daily interactions taking place between border guards and commuters. In her PhD, for which she received the distinction cum laude, she has analysed checkpoints in Israel/Palestine as spatial political technologies, but she has also published on border walls in Europe.

Polly Pallister-Wilkins is an associate professor in Political Science at the University of Amsterdam and a Scientific Collaborator at REPI, L'Université libre de Bruxelles. Her research focuses on the political geographies of humanitarianism, mobility injustice and violent borders and the continued presence of colonial logics in European immobility regimes. She is the author of Humanitarian Borders: Unequal Mobility and the Need to Save Lives forthcoming with Verso.

Martina Tazzioli is lecturer in Politics & Technology at Goldsmiths. She is the author of The Making of Migration. The biopolitics of mobility at Europe's borders (Sage, 2020), Spaces of Governmentality: Autonomous Migration and the Arab Uprisings (2015) and co-author with Glenda Garelli of Tunisia as a Revolutionised Space of Migration (2016). She is co-editor of Foucault and the History of our Present (2015) and Foucault and the Making of Subjects (2016). She is on the editorial board of journal Radical Philosophy. Her new book project is entitled "Border abolitionism: migration containment and the genealogies of struggles and rescue".

Darshan Vigneswaran is the Co-Director of the Institute for Migration and Ethnic Studies, University of Amsterdam, and a Senior Researcher at the African Centre for Migration and Society, University of the Witwatersrand. His research lies at the intersection of International Relations and Political Geography. He aims to understand and explain changes in the structure of international politics. His research is focussed on how states' claim to territory has been reconfigured in response to changing patterns of human mobility and settlement. He edits the European Journal of International Relations and Migration Politics and is involved in two projects funded by the Swedish Research Council: "Protecting Migrants Against Violence in South East Asia" and "Outsourcing migration control, Externalizing EU borders to Africa".

Henk van Houtum is a professor of Political Geography and Geopolitics, Radboud University, Nijmegen Centre of Border Research, the Netherlands and Research Professor of Border Studies, University of Eastern Finland, Finland. His research focuses on the Ethics of B/ordering and Othering, Borderism, Global Inequality, Migration and Critical Cartography, see www.henkvanhoutum.nl, LinkedIn: https://www.linkedin.com/in/henkvanhoutum/, Twitter:@HenkvanHoutum

Annelies van Uden is an assistant professor at the Copernicus Institute of Sustainable Development, University of Utrecht, the Netherlands. Her research focuses on Social Sustainable Organizations, Social Innovation, Solidarity, Agape, Inequality, Innovation in Lower-Income Countries and Ethics in Economics. See https://www.uu.nl/staff/AMvanUden, LinkedIn: https://www.linkedin.com/in/annelies-van-uden-40024a43/