

DEBATING AND DEFINING BORDERS

Edited by Anthony Cooper and Søren Tinning

Routledge

*Routledge Borderlands Studies*

# DEBATING AND DEFINING BORDERS

PHILOSOPHICAL AND THEORETICAL PERSPECTIVES

Edited by  
Anthony Cooper and Søren Tinning

Border Studies / Philosophy

 **Routledge**  
Taylor & Francis Group  
[www.routledge.com](http://www.routledge.com)

Routledge titles are available as eBook editions in a range of digital formats

an **Informa** business

ISBN 978-0-8153-5717-9



9 780815 357179

 **ROUTLEDGE**

First published 2020  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge  
52 Vanderbilt Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2020 selection and editorial matter, Anthony Cooper and Søren Tinning; individual chapters, the contributors

The right of Anthony Cooper and Søren Tinning to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

*British Library Cataloguing-in-Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging-in-Publication Data*

A catalog record for this book has been requested

ISBN: 978-0-8153-5717-9 (hbk)

ISBN: 978-1-351-12488-1 (ebk)

Typeset in NewBaskerville  
by Apex CoVantage, LLC

## Contents

|                             |      |
|-----------------------------|------|
| <i>List of figure</i>       | x    |
| <i>List of table</i>        | xi   |
| <i>List of contributors</i> | xii  |
| <i>Foreword</i>             | xvii |

SANDRO MEZZADRA AND BRETT NEILSON

### **Introduction: thinking theoretically and philosophically about the concept of the border**

1

ANTHONY COOPER AND SØREN TINNING

### **PART I**

#### **Border studies** 15

- 1 How do we theorise borders, and why should we do it?:  
Some theoretical and methodological challenges** 17

ANTHONY COOPER

- 2 Borders and boundaries?: Reflections on conceptual  
distinctions of borders in sociological theory** 31

MAGNUS RING

- 3 Borderwork and its contraries: boundary-making and  
the re-imagining of borders** 43

NOEL PARKER

- 4 Dwelling space versus geopolitical space: reexamining  
border studies in light of the “Crisis of Borders”** 57

JOHN AGNEW

- 5 Outflanking the border wall at La Frontera** 70

EDWARD CASEY

## PART 2

**Philosophy**

|                                                                                                                     |     |
|---------------------------------------------------------------------------------------------------------------------|-----|
| <b>6 The bounds of hospitality</b>                                                                                  | 83  |
| NICHOLAS DAVEY                                                                                                      | 85  |
| <b>7 Emplaced at the thresholds of life: toward a phenomenological an-archaeology of borders and human bounding</b> | 97  |
| RASMUS DYRING                                                                                                       |     |
| <b>8 Homeland and politics of space</b>                                                                             | 112 |
| JÉSUM ADRIÁN ESCUDERO                                                                                               |     |
| <b>9 Translating as bordering: an encounter with the foreign</b>                                                    | 124 |
| SAŠA HRNJEZ                                                                                                         |     |
| <b>10 Limit and threshold: knowledge and ethics in the making</b>                                                   | 138 |
| DORTHE JØRGENSEN                                                                                                    |     |
| <b>11 One small step: onto-politics of the limit as ontology of the possible transformation</b>                     | 152 |
| GAETANO CHIURAZZI                                                                                                   |     |
| <b>PART 3</b>                                                                                                       |     |
| <b>Border studies and philosophy</b>                                                                                | 165 |
| <b>12 Bridging border studies and philosophy: the border and the limit</b>                                          | 167 |
| SØREN TINNING                                                                                                       |     |
| <b>13 The Janus-border of the Monad and the Nomad: an essay on the philosophy of b/ordering and othering</b>        | 181 |
| HENK VAN HOUTUM                                                                                                     |     |
| <b>14 Moving borders</b>                                                                                            | 195 |
| THOMAS NAIL                                                                                                         |     |
| <b>15 Walled borders: beyond the barriers of immunity of the nation-states</b>                                      | 206 |
| CATERINA RESTA                                                                                                      |     |

|                                                                              |     |
|------------------------------------------------------------------------------|-----|
| <b>16 Beyond borders: autoimmune practices in a state of law (an aporia)</b> | 220 |
| ROXANA RODRÍGUEZ ORTIZ                                                       |     |
| <b>17 Threshold experience and the delineation of boundaries</b>             | 234 |
| BERNHARD WALDENFELS                                                          |     |
| TRANSLATED BY RASMUS DYRING                                                  |     |
| <b>Conclusion</b>                                                            | 251 |
| ANTHONY COOPER AND SØREN TINNING                                             |     |
| <i>Index</i>                                                                 | 258 |

## 16 Beyond borders

### Autoimmune practices in a state of law (an aporia)

Roxana Rodríguez Ortiz

As I started studying the limits, frames and boundaries between Northern Mexican literature and Chicano literature, I realized that *border studies* was not only research about space or geopolitical frontiers or the re-significance of the other and the difference. The study of borders is also the study of ontology and the metaphor of the political philosophical event. In this sense, over the last few years, I have been developing the *Epistemological Model of Boundaries* (Rodríguez, 2014a), which consists of the deconstruction of the conceptual and spatial mapping of the classical border *corpus* considering specific cases of frontier zones (a border region and a cross-border region) such as the European Union-Africa, Europe-Middle East, Palestine-Israel, Morocco-Spain, Morocco-Algeria, as well as United States-Mexico-Central America (Rodríguez, 2016).

I refer to the study of *frontier zones*<sup>1</sup> as one of the nine categories that I developed while conducting comparative studies between continents to understand the boundary phenomenon around the world. I realized that while the border is the administrative limit between two or more countries, frontier zones are more than a wall, a frame or a limit, and are the possibility of the event to come and the possibility of the pharmakon to sovereignty and democracy in the 'state of law'.

As commonly known, the state of law guarantees obligations to the world community and the requirements of international law, but it is also an exception for some nation-states (rogue states),<sup>2</sup> where, in the name of the sovereignty, they are closing their borders to others, paradoxically applying several autoimmune practices (self-destruction) that directly attack the ideal of democracy and even the ideal of free movement within the European Union.

In this sense, whatever could occur with the autoimmune practices at the frontier zones open the possibility to the pharmakon as the poison in which nation-states impose their foreign and border policies in attempting to stop human mobility (I prefer to use this term instead of migrants and refugees) and as the antidote for the surveillance of the state of law, the democracy to come, that could be understood as unconditional hospitality or the thinking of *différance*.

As we can observe, some of the autoimmune practices in Europe and America consist of the construction of walls between countries as well as border externalization (others refer to outsourcing migration management) that need the figure of a safe third country to function (most of them countries without standards of human rights to handle human mobility issues). These border policies contradict certain democratic ideals that reinforce the idea that there is no sovereignty without force – that Derrida deconstructs in *Rogues, Two Essays on Reason* (2005). In this sense, in this chapter, I deconstruct the euphemistical policies of certain autoimmune practices at the frontier zones which avoid in the name of sovereignty human mobility between two or more countries in the European Union.

To deconstruct autoimmune practices at the frontier zones, which form part of border processes, I recover the premise to which Derrida refers: 'Abuse of power is constitutive of sovereignty itself' (2005, 102). I understand this abuse of power to be a self-protection of national borders, but not in the classic sense of war between states in which the need to liberate or found a national community, territory or sovereignty was the principal aim. What we are observing is a self-protection, which allows rogue states to transgress the rationality of their own sovereign exception in order to abuse their power (2005, 155–156).

Derrida understands the sovereign exception of the nation-state as 'the recourse of terror and fear', the last 'recourse of the sovereign power of the state' (Derrida, 2005, 156–157). This recourse is observed at the frontier zones not only of the European Union but also at the south and north of Mexico against the entry of irregular human mobility. In this sense, the increase of self-protection of the nation-state is possible because of the conception of the global blurs and the local-national divide. Therefore, the actual policies of most of the governments consist of closing their borders, even if this fact contradicts the cosmopolitan ideal of the European Union or the defense of hospitality in Mexico.

Table 16.1 Matrix of the autoimmune process of nation-state borders

|                                         |                                          |                                                                                  |                                            |
|-----------------------------------------|------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------|
| Three moments of the autoimmune process | 1 Double suicide: Symbolic and strategic | 2 Trauma: Fear that the worst is yet to come                                     | 3 Repetition: vicious circle of repression |
| Historical colonialism                  | Epistemicide and biopolitics             | Nakba/Intifada<br>Persian Gulf War<br>Balkan War<br>Iraq War<br>Syrian Civil War | International terrorism                    |
| Externalization of borders              | European project                         | Crisis in human mobility (economic migrants and refugees)                        | Xenophobia                                 |
| Artificial states                       | Internal colonialism                     | ISIS                                                                             | Genocide                                   |

Source: Rodríguez (2016)

Deconstructing autoimmune practices in the frontier zones to problematize the notion of the 'state of law' allows me to imagine, as Derrida (2005, 159) affirms, 'the event of what or who comes' across the current geopolitical landscape. This is a possibility to rethink the reasonable response that certain governments are offering to human mobility based upon assuming their responsibility and juridical justness (unconditional hospitality), instead of perpetuating violence and terror. The trauma of the worst is coming.

### Autoimmune practices beyond borders

For this chapter I put forward the proposal of the autoimmune category in two texts: *Rogues* (2005) and a discussion piece called *Autoimmunity: Real and Symbolic Suicides: A Dialogue with Jacques Derrida*, in which Giovanna Borradori (2003, 85) interviews Derrida. There are two other texts in which Derrida develops the notion of autoimmunity: *Specters of Marx: The State of the Debt, The Work of Mourning, and the New International* (1994) and *Faith and Knowledge: Two Sources of 'Religion' at the Limits of Reason Alone* (1998).

In these four texts, Derrida exemplifies in different layers the formalization of the autoimmune law or process starting in *Faith and Knowledge*, which assumes 'the community as auto-co-immunity (the common of community having in common the same duty or charge [*munus*] as the immune), as well as the auto-co-immunity of humanity – and particularly the autoimmune humanitarian'. In this sense, autoimmune is a category that could be understood as an *aporia*, *double blind*, *différance*, or an *antinomy*, terms which are not synonymous but which need 'the event of the interruptive decision' (2005, 35) to be understood and applied to the boundary phenomenon.

In *Specters of Marx* and later in *Rogues*, Derrida emphasizes *the democracy to come*, a 'renvoi, a referral or deferral, a sending or putting off', where the autoimmune process functions as antinomy but mostly as *différance*. In terms of antinomy between freedom and equality, Derrida (2005, 35) mentions: 'Democracy has always been suicidal, and if there is a to-come for it, it is only on the condition of thinking life otherwise, life and the force of life' (Derrida (2005, 33). *Différance*, on the other hand, consists of that which democracy differs itself in order to produce an undeniable experience of alterity of the other.

Lastly, in *Autoimmunity: Real and Symbolic Suicides*, Derrida refers to the autoimmune process as a 'triple suicide', which occurs when a body insists on destroying its own protection. To explain this triple suicide, it is necessary to distinguish between the function of inhibiting the immune system for the affected body to accept all 'intruders' through the use of an immunosuppressant (think, for instance, of a heart transplant),<sup>3</sup> while autoimmunity consists of eliminating immune defenses when the body protects itself against its own self-protection.

Derrida exemplifies this triple suicide with the event symbolically dubbed 9/11 (the attack on the Twin Towers in 2001) and he analyzes the causes

that provoked an 'act of international terrorism' as well as the effects that destabilized relations of the United States with certain Arab countries.<sup>4</sup> To illustrate the autoimmune process of 9/11, Derrida locates three moments that give rise to the above-mentioned triple suicide, consisting of: (a) a symbolic and strategic double suicide (political and economic); (b) trauma, alluding to the fact that the worst is yet to come; and (c) repetition, understood as the vicious cycle of repression.

The first moment of autoimmune process that Derrida deconstructs consists of a double suicide, one *symbolic* and the other *strategic*. When the Twin Towers and the Pentagon were attacked, according to Derrida, a symbolic and strategic suicide occurs: the first one attacked the economic emblem, while the second one assaulted the military and administrative heart of the United States. The attacks against these two symbolic places were produced from within, and it is for this reason that Derrida also alludes to two suicides: the suicide of the *hijackers*, who were trained for it, and paradoxically, the suicide of those who trained them.

The second moment refers to the trauma produced by the future, which is yet to come; in this case another possible attack, which is expected but uncertain. The traumatism is even in the name, the name of the Law and the name of the repeatedly named as a *major event*: the date 9/11 remembers the threat of the worst to come, instead of the worst that has already occurred. For Derrida, this scenario is worse than the Cold War, because the geopolitical system has changed since the fall of the Berlin Wall. There is no more confrontation between two blocs (the United States versus the former USSR), and now those who were trained to attack are also mainstream players: those who form Arab-Muslim terrorist networks equipped and trained during the Cold War.

The third moment, the *vicious cycle of repression*, refers to the use of the repression to control the fear of the other. In this case, it reproduces what it seeks to control: the fear, the hate and the mourning of the *major event* that was 9/11. Therefore, the supposed causes of the war on terrorism repeatedly regenerate the terrorism wars, and this circle of repression demands the rational instrumentalization of the closed borders policy, not only as a discourse but even as an autoimmune practice.

To deconstruct the euphemistical policies of certain autoimmune practices at the frontier zones, which avoid in the name of sovereignty human mobility between two or more countries in the European Union, I will use the metaphor of the triple suicide for three events: (a) biopolitics as a symbolic and strategic double suicide; (b) the state of law failure as trauma; and (c) the sovereign exception as the vicious cycle of repression.

### First autoimmune practice: biopolitics

As we know, the notion of a 'safe third country' is an (international) obligation of nation-states towards refugees who do not have a guarantee that

will obtain the right to asylum in a specific country. Moreover, all states are obligated to allow refugees to seek asylum – by the principle of non-refoulement – but this granting depends on each state and not necessary by individual cases. A safe third country means to transfer the responsibility from one state to another without the guarantees that the receptive state fulfills all the obligations linked with human rights and under international refugee law. However, the policy of safe third country is mainly biopolitical to make exceptions in the name of the state of law.

Foucault distinguishes between two moments of biopolitics: the first, which refers precisely to 'this sudden emergence of the naturalness of species within the political artifice of a power relation' (Foucault, 2007, 37);<sup>5</sup> and the second, in which he not only affirms but also studies 'liberalism as the general framework of biopolitics' (Foucault, 2008, 22). Both meanings of biopolitics are intimately linked to the symbolic autoimmune practice at the frontier zones, given that, on the one hand, it deploys 'a political technique' to control the milieu, while on the other hand, it refers to the rationalization of the exercise of government with liberalism as the ideological directive.

It is precisely in this 'rationalization of the exercise of government' where the symbolic suicide of sovereignty takes place with the greatest intensity, and on two levels. On one level, it occurs in what we all know as the state's loss of autonomy in the face of transnationals.<sup>6</sup> The other level strikes me as even more perverse, situated in what Foucault refers to as the 'improvement of human capital'. In other words, what we have seen in the ill-named 'refugee crisis' has been an ethnic and racial selection of those who can indeed enter the European Union and others who are considered inappropriate.

This was observed in Angela Merkel's statements of August 2015 when she publicly affirmed that Germany would receive a million Syrian refugees. The Syrians, who were arriving at the time on the coasts of Europe, were middle-class Syrians, almost all professionals, who gave rise to the biopolitical perversion that constitutes the belief that as individuals, we are our own enterprise and we must act accordingly: 'Migration is an investment; the migrant is an investor. He is an entrepreneur of himself who incurs expenses by investing to obtain some kind of improvement' (Foucault, 2008, 230).<sup>7</sup>

It is my perspective that what caused the crisis of European territory with the arrival of refugees in mid-2015 was the bottleneck derived from the ambiguity of the regulation itself, the strategic suicide. That is, most of the refugees wanted, on the one hand, to reach as far north as possible, but the instruction from the north was to stop the wave of refugees at or on the Mediterranean. The countries of southern Europe did the same, but at the time of registering the refugees, those who would have to take charge of them would be precisely the countries of the south (conforming to Article 13 Dublin III regulation). However, given the disadvantages that these presented vis-à-vis the rest of the countries of northern Europe, the first reaction of many governments was to refuse to receive the thousands of migrants who were entering daily.

The lack of consensus in the European migration agenda and the pressure collapsed the eastern and southern borders of the European Union; hence some states decided to close their borders and conditioned entry to the refugees. This led to the agreement between the European Union and Turkey, which violates current legislation in all levels of the state of law. Paradoxically, the only beneficiary of this situation was Erdogan, the Turkish president.

### *Second autoimmune practice: the state of law failure*

What could be worse than the cemetery that the Mediterranean has become in recent years? What can be worse than the mass graves that can be found throughout Mexico? What can be worse than the millions of people in refugee camps in Turkey and who might never be able to return to their countries of origin or be granted asylum in the European Union? The list of what could be worse in the future can go on indefinitely, because it is precisely this timeless and figurative suicide that attests to what should be feared. Unfortunately, the European Union is not alone in adopting such a policy that allows it to delimit the borders of the Schengen Area from the southern Mediterranean. The United States has done so as well, with the Mexican government as its ally, to prevent Central American migrants from reaching the country of the 'American dream'.<sup>8</sup>

In the tenor of 'the worst is yet to come', in the case of nation-state borders, at what moment did it become international policy to grant third-party states control over human mobility? What are the causes and international participants who intervened in the Syrian civil war? Why have Syrian, Afghan and Iraqi refugees attempted to reach Europe instead of staying in the Middle East? Why did the European Union have a policy of closed borders for 'others' (non-European citizens)? What *trauma* does the signing of the treaty between the European Union and Turkey obey? And what can be worse than what is happening in Europe? This question is formulated on two different levels. On the one hand, the terrorist attacks in Brussels (2016), Paris (2015) and Nice (2016), which directly affect civil society, trigger fear that another attack can happen at any moment in any city in Europe. On the other hand, what about the lack of congruency of the European Parliament with regard to the defense of the human rights of people who attempt to cross the Mediterranean, and who have been expelled from Europe once the accord with Turkey was signed?

It goes without saying that the policy of border externalization has prompted the death of thousands of people and has promoted other illicit activities that let us think of the repetition of events similar to 9/11 in a not-too-distant future

because of the anonymous invisibility of the enemy, because of the undetermined origin of the terror, because we cannot put a face on such terror (individual or state), because we do not know what an event of the unconscious or *for the unconscious* is.

(Borradori, 2003, 99, author's italics)

In other words, what leads us to this trauma is precisely the lack of clarity in the European plan since its inception after the Second World War. Following Balibar, it is possible to claim that the refugee crisis not only represents the failure of the European project, but also the failure of the democratic space and the solidarity that it attempted to develop, especially when these policies have made Europe an inaccessible fortress that is indifferent to the violation of human rights (Balibar, 2016).

The end of this defeat of the utopias of Western democracies is capitalized with the United Kingdom's exit (Brexit) from the European Union, and prior to this, with the constant economic crises of certain countries, specifically Greece, Spain and Portugal. The arguments and campaign in favor of Brexit attest to the fear of the Other, the refugee and the immigrant, to the unknown, a recurrent discourse reproduced every so often to destabilize and promote fear. The imperative question is thus, who benefits from Brexit? For it cannot be analyzed as an isolated case, but rather should be thought of as 'the British variant of a phenomenon that is occurring throughout Europe and, in certain aspects, throughout the West' (Garton Ash, 2016), where various conservative governments attempt to 'take back control', return to the past, before the borderless utopia, to state sovereignty that seemed to have been more effective. The call is also echoed in the rest of Europe: 'Take back control is the battle cry of Marine Le Pen, Geert Wilders, the Law and Justice nationalist party of Poland, and Donald Trump. It is European Trumpism' (Ibid.).

Brexit avers to these shared cases of impatience, what Jean-Luc Nancy refers to as the lack of a European project congruent with today's reality: 'The recent Brexit is an example of this: it has just been voted on and already its supporters are placed in doubt and are perturbed' (Cué, 2016). And it reaffirms the doubts of various thinkers who in their time questioned the formation of the European Union,<sup>9</sup> questioning that must be recovered to transform what is already in progress, thinking above all about the *future* 'which will be *worse than anything that has ever taken place*' (Borradori, 2003, 97, author's italics). And what can be worse about the event of sovereignty? From my perspective, the temporary reintroduction of border control and the last moment of terror: the vicious cycle of repression.

### *Third autoimmune practice: the sovereign exception*

For more than two decades, I have been closely following the changes that the European Union has gone through following the Schengen Agreement (1995), the accession of an important bloc of countries from the 21st century onwards, especially from Eastern Europe (2004, 2007 and 2013), and above all with the use of the single currency, the Euro (2002).

Since 1993 (when the Maastricht Treaty established the European Union), I have been a tourist, student and recurrent migrant, settling most of the time in Barcelona, Spain, which has allowed me to travel around

Europe, the Middle East and North Africa with a Mexican passport. It is important to mention this, to make the distinction, because undoubtedly the migratory controls are experienced differently according to the origin and color of your passport.

I emphasize the distinction in my migratory status because during the years that I have lived in Barcelona, like the summers that I was only passing through, I could understand the different changes in the laws that effected foreigners. Without doubt, these changes have worsened in the period between 2002, when I arrived to study for my PhD, and 2016, when I returned to conduct research on border externalization policy. In each of these moments I have come across different crises of human mobility that have made the European Union a patchwork breeding ground that works on a temporary basis but does not provide a long-term solution with regard to migration, asylum and refugee policies.

I remember, for example, the Argentine economic crisis at the beginning of the 21st century, when thousands of people were able to choose to change their passports for an Italian or Spanish passport and enter as members of the European Union. This gave them the advantage to get regular jobs over the other American communities that migrate normally to Europe: Bolivians, Peruvians, Colombians, Ecuadorians. All were economic migrants who in many cases had no papers and had to work illegally, as companies were not interested in processing work visas resulting from an increase in the supply of cheap labor, especially for the service, construction and tourism industries, which in Barcelona began to grow considerably in those early years of this century.

In addition, although they are on another continent, the *schengenisation* of the southern Mediterranean, being Melilla and Ceuta Spanish enclaves, participate in the scheme of 'free circulation' and 'single market' of the Member States. In this sense, Euro-Mediterranean trade has been promoted since 1995, while external borders have been securitized as a result of a considerable increase in the trafficking of illegal products, but above all to stop human mobility, especially those who are called irregular economic migrants:

the barrier effect of the African Schengen borders is thus selectively lowered for (some) people, which implies that the two (EU)ro-African cities benefit from a regulated cross-border flow of people (and people transporting goods), sourced in the massive economic asymmetries between the two sides of the border.

(Ferrer, 2008, 309–310)

Since 2005, border controls on African migration crossing through Melilla, Ceuta, have been tightened with dramatic consequences. An example is the deaths at Tarajal in 2014, where local police fired rubber bullets at nearly 200 sub-Saharan migrants who had been floating for hours

at sea while trying to enter Spain, at least 14 people died and 23 were sent back to Morocco after being picked up by Spanish Civil Guards on Spanish soil. In 2015–2016, several countries decided to close their internal borders (Germany, Austria, Denmark, France, Malta, Norway and Sweden), violating Article 23, 24 and 25 of the Schengen Borders Code. Other members and non-members of the Schengen area began to build fences where there were none before (Hungary, Macedonia, Bulgaria) to prevent the crossing of human mobility.

In December 2018, more than 150 member countries of the United Nations, including Mexico, signed the Global Compact for Safe, Orderly and Regular Migration (GCM), which will not be binding (another sovereign exception). In other words, governments are not obliged to implement it in their territory, hence the first limitation. The second corresponds to the refusal of the United States, Australia, Chile, the Dominican Republic, Hungary, Austria, Poland, Czech Republic, Latvia and Slovakia to attend the summit and sign the accord. Meanwhile, Bulgaria, Estonia, Italy, Israel, Slovenia and Switzerland are still undecided on whether to agree to the new pact. It is not a coincidence that European states, the United States and Australia did not sign because they are the ones with the highest rates of migratory flows. Some of them are just for transit, including Italy, whose latest actions have been influenced by anti-immigrant policy derived from the growth of the ultra-right in a particular part of Europe. In 2019 Poland, Austria, Norway, Sweden, Denmark, Germany and France decided to maintain border control at internal borders as a sovereign exception, a prerogative of the Member States based on Article 25, 26, 28 and 29 of the Schengen Borders Code, with antidemocratic and xenophobic consequences. This sovereign exception confirms the third autoimmune practice following the vicious cycle of repression not only for the Others, but even against the ideals of the European Union.

### Pharmakon: Democracy to come

Arrival rates by migrants taking the Mediterranean route dropped considerably between 2015 and 2018 because of the measuring implemented by European Commission (which I refer to with the three moments of the autoimmune process or triple suicide). It is clear that the statements made by the European Union commissioners are aimed at strengthening the measures that have worked for them so far.<sup>10</sup> However, Derrida's proposal goes in the opposite direction: It is thus no doubt necessary, in the name of reason, to call into question and to limit a logic of nation-state sovereignty (Derrida 2005, 157).

Faced with this not-so-optimistic outlook with regard to the ideals of what was at the beginning the conformation of the European Union, I propose to think about its internal and external borders beyond the utopia that the Schengen area presupposes. A utopia that in the collective imaginary is

linked to the model of cosmopolitan society, despite the fact that the philosophers who thought it, especially Kant, who referred to cosmopolitan law, did not associate it properly with a world republic because of the epistemic complexity involved in thinking about international sovereignty.

As I said at the beginning, pharmakon could be the poison or the antidote of the autoimmune practices at the frontier zones which avoid in the name of sovereignty human mobility between two or more countries in the European Union, if we consider the three assumptions (there could be more) that I have selected to conclude:

- 1 Every sovereign state is in fact virtually and a priori able, that is, in a state, to abuse its power and, like a rogue state, transgress international law (2005, 156).
- 2 To immunize itself, to protect itself against the aggressor (whether from within or without), democracy thus secreted its enemies on both sides of the front so that its only apparent options remained murder and suicide (2005, 35).
- 3 Autoimmunity is always, in the same time without duration, cruelly itself, the autoinfection of all autoaffection (2005, 109).

I understand the possibility of pharmakon as a poison related to 'the logic of simultaneous rejection of abstract opposites' based on the Spinozan logic of *coincidentia oppositorum* (Balibar, 1997, 10), logic that involves the concept of transindividualism understood as 'a virtual decomposition of my own individuality' (Balibar, 1997, 19). In this sense, the decomposition of individuality is inevitable, just like the autoimmune process, which Balibar understands as 'an extreme violence aimed at oneself as well as at others: the very violence of devaluation' (Balibar, 2013, 185). That means that autoimmunity is always going to be there in all democratic systems, but the aporia consists precisely in the democracy to-come, as I said at the beginning, understood as unconditional hospitality or the thinking of *différance*.

Derrida even mentioned that 'Among the figures of unconditionality without sovereignty I have had occasion to privilege in recent years, there would be, for example, an unconditional hospitality' (2005, 149). In this sense, using the analogy with what happens in a body that receives an organ transplant, the pharmakon as an antidote amounts to resilience, understood as the adaptation of any living organism to a new environment, which could be in most cases, adverse from the start.<sup>11</sup>

Resilience is the possibility of thinking the *différance* as the transformation of certain organisms, of certain individuals and, above all, of certain states, which are definitively not going to modify the past but that can indeed modify the future. In other words, the inverse exercise where no one's voice is to be nullified, instead endeavoring to precisely channel bridges of dialogue between societies without any sort of imposition, consisting of a pure or unconditional hospitality, enunciated by Derrida, that I have referred

to in prior research (Rodríguez, 2014b), may support the state of law of a democracy to-come.

In *Of Hospitality*, Derrida (2000) deconstructs the 'categorical imperative' from which is derived the Kantian law of universal hospitality in order to disclose the antinomic usage of 'categorical' that confused the deontological with the ontological. In this book, Derrida endeavors to detangle the law of hospitality, arguing that if we use 'categorical' as a synonym of 'unconditional', we fall into the error of misinterpreting the law of hospitality because the categorical imperative stipulates a conditional welcome. Meanwhile, the usage of the unconditional concept assumes a welcome without condition. As a result, Derrida affirms that an antinomic approach exists not only in the way that hospitality is thought of, but also in how it is implemented. Therefore, Derrida's law of absolute hospitality (unconditional) contradicts the hospitality of right (moral-practical) to which Kant refers (1917 & 1996).

If the law of hospitality responds to a conditioned policy, then the current human mobility is a necessary evil to the enrichment of a few; that is, those who through discourse and in practice repress refugees. Henceforth, I consider that a few situations need to be resolved, the first being that if governments have passed on their social labor responsibility to the economic system, what are the functions of the state in respect to the border zones? Secondly, if the establishment of the border zones has altered the monocultural discursive practices, should the state be able to incorporate further political changes to a national project that would benefit both border societies?

The limits of hospitality, as we know, are more complex than a universal law, the naturalistic coexistence between each other, or even more complex than the *Rechtslehre*. The limits of hospitality are inherent in our culture, in our language, in our familiar interpretations of the guest. The European Union is not the exception, but where several geopolitical borders enhance the (conditional or unconditional) hospitality, the duty of an ethical policy is more an *aporia* than a reality. That is precisely the dilemma that has to be deconstructed with creative experience instead of rejection or invisibility.

This resilient exercise that migrants and refugees face daily is where we must focus our epistemic stakes thinking in a democracy to-come. Debates that arise in the heart of international law are being diverted in favor of a commercialization of the vulnerable. Where we must take a stance, in any case, is vulnerability as resilience in autoimmune practices at the frontier zones, conceived as an ethics of the body: 'In such practices of non-violent resistance, we can come to understand bodily vulnerability as something that is actually marshaled or mobilized for the purpose of resistance' (Butler, 2014).

The possibility of the pharmakon as the poison that enables nation-states to weaponize foreign policy and border policy against human mobility, and as the antidote for the surveillance of the state of law and the democracy to-come, project a new hegemonic geopolitical network that has destabilized

the ideals of Western modernity. The challenge to-come is complex for democracies, and the main risk of assuming an aporetic approach to the state of law that permits an ethical response to human mobility is becoming clear in almost all societies.

## Notes

- 1 I use the three meanings of 'border' in English (border, boundary, frontier) to emphasize the epistemic proposal of my own categories that in Spanish allude not only to the noun and whose meaning differs depending on the ontological emphasis. In this sense, the nine categories of the *epistemological model of boundaries* are subjective boundary, sociohistorical boundary, border securitization, global boundary, hospitality boundary, vertical border, horizontal border, frontier zones and frontier zones in administrative limbo (Rodríguez, 2014b, 2016).
- 2 According to Derrida, a *rogue state* inhibits a state of law because it is 'a state that respects neither its obligations as a state before the law of the world community nor the requirements of international law, a state that flouts the law and scoffs at the constitutional state or state of law' (2005, XIII).
- 3 I refer to the 'intruder' in allusion to Jean-Luc Nancy's text, whose title bears the same reference, in which he affirms that transplants are not necessarily successful in all cases: 'Sometimes, however, the other very quickly appears as stranger: not as a woman, a black, or a young man, or a Basque, but as the immunitary other, the insubstitutable other that has nonetheless been replaced. "Rejection" is its name: my immune system rejects the other's' (Nancy, 2008, 166).
- 4 We might think of Afghanistan and Saudi Arabia, given that as Derrida mentions, 'for the moment allow me to recall only that "September 9" is also, still, and in many respects, a distant effect of the Cold War itself, before its "end," from the time when the United States provided training and weapons, and not only in Afghanistan, to the enemies of the Soviet Union who have now become enemies of the U.S.' (Borradori, 2003, 92).
- 5 Foucault locates the inception of biopolitics in the book *Recherches et confédérations sur la population de la France* by Jean-Baptiste Moheau: 'I will refer to a text from someone who was no doubt the first great theorist of what we could call bio-politics, bio-power.' Although Foucault says that Moheau speaks in his book of birth: 'we see the notion of milieu appear here as the target for intervention of power, and which appears to me completely different from the juridical notion of sovereignty and the territory, as well as from disciplinary space' (Foucault, 2007, 37).
- 6 In this sense it is not by chance that transnational security businesses are in charge of managing borders. For the sake of example, note the ties of the European Agency for the Management of Exterior Borders of the member states of the European Union (Frontex) with private companies in the operatives it has conducted since its formation and especially starting with the Syrian civil war, a time from which the 'refugee crisis' has become a recurrent subject.
- 7 In this regard, not only the notion of human capital can be expanded in Foucault's text; see also what Étienne Balibar mentions in the text of *Ciudadanía*: 'The "unaffiliated" (or disenfranchised) individual – for example a young unemployed worker without any prospects of a stable job, whether an immigrant or not – is subject to whoever permanently leads contradictory judgments. He must behave as a great "entrepreneur of himself" following the new code of neoliberal values, so that he displays an autonomy whose conditions of possibility are both withdrawn and inaccessible to him' (Balibar, 2013, 184–185 [back translated]).

- 8 The border externalization in the European Union can be situated with the entry in vigor of the Schengen Area in 1995, although at that time the discourse was different and consisted of eliminating interior borders of the Member States of the European Union, without foreseeing the possible massive migrations of individuals from Africa, Asia or the Americas. In the case of the US-Mexico border, the policy of externalizing borders is more recent; it can be situated in Obama's administration and, in the case of Mexico, specifically with the entry in force of the Programa Frontera Sur or South Border Program (2014).
- 9 To mention only one, Derrida comments: 'If I put so many cautionary quotation marks around these proper names, beginning with "Europe", it is because I am not sure about anything. Especially not about Europe or the European community *such as it exists* or announces itself *de facto*' (Borradori, 2003, 118).
- 10 Four actions of the European Agenda of Migration: (1) tackling the drivers of irregular migration; (2) stronger border management; (3) protection and asylum; and (4) legal migration and integration. More details of each own are at: [http://europa.eu/rapid/press-release\\_IP-19-1496\\_en.htm](http://europa.eu/rapid/press-release_IP-19-1496_en.htm)
- 11 For this point, the reading of Nancy's autobiographical text that I mentioned earlier is of particular interest, for he narrates how his own being, his identity, has been modified as a result of a heart transplant: 'What cures me is what affects or infects me; what keeps me alive is what makes me age prematurely' (Nancy, 2008, 169).

## References

- Balibar, É. (1997) *Spinoza: From Individuality to Transindividuality*. Delft, Eburon.
- Balibar, É. (2013) *Ciudadanía*. Buenos Aires, Adriana Hidalgo.
- Balibar, É. (2016) "Brexit, the Anti-Grexit", in Balibar, É., eds., *The Brexit Crisis: A Verso Report*. London, Verso Books, 111–117.
- Borradori, G. (2003) *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*. Chicago, University of Chicago Press.
- Butler, J. (2014) Rethinking Vulnerability and Resistance. Available from: [www.institutofranklin.net/sites/default/files/files/Rethinking%20Vulnerability%20and%20Resistance%20Judith%20Butler.pdf](http://www.institutofranklin.net/sites/default/files/files/Rethinking%20Vulnerability%20and%20Resistance%20Judith%20Butler.pdf). Accessed March 28, 2018.
- Cué, E. (2016) *Jean-Luc Nancy: "Occidente no existe"*. Available from: [www.abc.es/cultura/arte/abci-jean-luc-nancy-occidente-no-existe-201607100156\\_noticia.html](http://www.abc.es/cultura/arte/abci-jean-luc-nancy-occidente-no-existe-201607100156_noticia.html). Accessed March 28, 2018.
- Derrida, J. (1994) *Specters of Marx: The State of the Debt, The Work of Mourning, and the New International*, Kamuf, P. translation. New York, Routledge.
- Derrida, J. (2000) *Of Hospitality*. Stanford University Press, California.
- Derrida, J. (2005) *Rogues. Two Essays on Reason*, Brault, P.-A. and Naas, M. translation. Stanford University Press, California.
- Derrida, J. and Vattimo, G. (1998) "Faith and Knowledge: Two Sources of 'Religion' at the Limits of Reason Alone", in *Religion*, Weber, S. translation. Stanford University Press, California.
- Ferrer, X. (2008) "The Spanish-Moroccan Border Complex: Processes of Geopolitical, Functional and Symbolic Rebordering". *Political Geography*. Available from: <http://geografia.uab.es/migracions/cas/publicacions%20i%20documents/Ferrer,%20The%20spanish-moroccan%20border%20complex.pdf>. Accessed March 10, 2019.
- Foucault, M. (2007) *Security, Territory, Population: Lectures at the Collège de France*, Burchell, G. translation. New York, Palgrave Macmillan.
- Foucault, M. (2008) *The Birth of Biopolitics: Lectures at the Collège de France (1978–1979)*, Burchell, G. translation. New York, Palgrave Macmillan.
- Garton Ash, T. (June 25, 2016) "'Brexit': reflexiones sobre una gran derrota", *El País*. Available from: [http://internacional.elpais.com/internacional/2016/06/24/actualidad/1466796991\\_571333.html](http://internacional.elpais.com/internacional/2016/06/24/actualidad/1466796991_571333.html). Accessed March 28, 2018.
- Kant, I. (1917) *Perpetual Peace: A Philosophical Essay* [1795], Campbell Smith, M. translation. George Allen & Unwin, London.
- Kant, I. (1996) *The Metaphysics of Morals* [1797], Gregor, M. translation. Cambridge, Cambridge University Press.
- Nancy, J.-L. (2008) *The Intruder in Corpus*, Rand, R.A. translation. New York, Fordham University Press.
- Rodríguez Ortiz, R. (2014a) *Epistemología de la frontera. Modelos de sociedad y políticas públicas*. Mexico City, Eón.
- Rodríguez Ortiz, R. (2014b) "Les limites de l'hospitalité à la frontière entre le Mexique et les États-Unis", in *Diogène*. Available from: [www.cairn.info/revue-diogene-2014-2-page-62.htm](http://www.cairn.info/revue-diogene-2014-2-page-62.htm). Accessed March 10, 2019.
- Rodríguez Ortiz, R. (2016) *Cartografía de las fronteras. Diario de campo*. Amazon ebook.