

**A Relation of Enmity:
Borders, Refugees, and the Production of Bare Life**

Calum McCracken – T00736174

HRSJ-5010, Thompson Rivers University

December 8th 2023

Abstract:

This paper aims to examine borders and global refugee crises from a theoretical perspective; engaging with the works of Giorgio Agamben, Michele Foucault, Achille Mbembe, and Franz Fanon, to illustrate how the *biopolitical* and *necropolitical* paradigms of *sovereignty*, and *border security* relegate the refugee to a *zone of indistinction*, wherein exceptional activities become rule – producing figures of *bare life* (Agamben, 1998). The analysis will be divided into three substantive parts: part one will be dedicated to outlining Agamben’s (1998) conceptualization of *biopower* and *bio-politics* – and crucially, how it engages with Michel Foucault’s (2003) theory of sovereign power to *make live and let die*. This is done to provide a theoretical foundation for the examination of borders as a conduit of biopower. Part two will unpack the works of Achille Mbembe (2019), and Franz Fanon (1963), drawing particular attention to their similar read on colonies as *zones of necropower* (Mbembe, 2019), attributing the status of *living dead* (Fanon, 1963) onto swaths of occupied populations. This is relevant to the analysis’s context, as the colonies function through *zones of indistinction* (Agamben, 1998), where the controls and guarantees of juridical order can be suspended. Thus, the colonized exist in a perpetual state of warfare that produces ‘the refugee’ - a figure *bare life*, who inhabits a *death world* (Mbembe, 2019) - in the service to the desired *body politic*. The final section of the paper will reexamine prevailing border imaginaries in the light of the present analysis.

Part One: Bare Life - Theory and Forms

Political philosopher Giorgio Agamben’s (1998) treatment of sovereign power rests on the decision about whether certain forms of life are worthy of living. Such a decision, which is a sovereign practice of categorization and division, produces an expendable form of life that Agamben calls *bare life* (pp. 71-75). The sovereign decision bans bare life from the legal and

political institutions to which citizens normally have access. In such instances, power (not simply state power) continuously refers and appeals to the exception, emergency, and a fictionalized notion of the enemy. It also labors to produce these same exceptions, emergencies, and fictionalized enemies (Agamben,1998).

Agamben's formulation owes much to Foucault's (2003) analysis of biopower, which cannot be possessed, or locally contained, such as the modern sovereign territorially bordered state, but rather circulates through networks, bodies, actions, attitudes, discourses, and learning processes (Vaughan-Williams, 2009). Foucault uses the term *governmentality* to describe this multifaceted intervention on life, pointing to the second half of the 18th century as a watershed moment, where techniques of power were disaggregated through various forms of disciplinary surveillance; surveillance aimed at storing and administering biological processes of everyday life, in order to *regularize* them (Foucault, 2007). On this basis, those deemed unnecessary or hostile to the techniques of biopower are cast as a *mortal danger*, whose externalization, neglect, or exemption would serve to strengthen the *vitality* of the *body politic*— or what Foucault termed, *making live and letting die* (Foucault, 2003). The global refugee 'crisis' exists in this perpetual state of exception, enmity, and emergency – that is to say, the production of bare life, as experienced by the refugee, is achieved through the construction of *borders of biopower*, that contour a zone of indistinction (Agamben,1998). These borders can resemble both physical models - such as corridors and zones of confinement and assembly, through which refugees are 'processed' and 'managed'- or through more fluid modals of transfer or deferral - such as the 'safe third country' arrangement, or forced return measures - through agreements aimed at readmission (Davitti, 2019).

Returning to Agamben, we can see a contemporary examination of the *emergent crisis* – à la migration and refugee politics – as a technique of biopower that transforms the state of exception into rule, where the private body becomes indistinguishable from the body politic.

The decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life – which is originally situated at the margins of the political order – gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and zoē, right and fact, enter into a zone of irreducible indistinction. (Agamben, 1998, p.12)

Although Agamben, largely confines his theoretical framing of zones of indistinction to the post 9/11 security regime, the refugee crisis within the European Union (EU) serves as functional example for this analysis. The 2016 refugee crisis marked the largest mass migration in the EU since World War II (Spindler, 2015). Fleeing the perils of war and starvation - mostly in Syria but also in countries such as Somalia and Afghanistan - more than a million refugees sought asylum in the EU (Spindler, 2015). Instead of providing for safe and orderly channels into the EU for asylum seekers and refugees, and sharing responsibility equitably, member states endorsed policies designed to restrict arrivals and outsource responsibility to regions outside the EU, such as Turkey (Amnesty International, 2023). Here, the body of the refugee becomes vital terrain for the exercise of governmentality, by which their exclusion and externalization ensures the reproduction of desired populations. This zone of indistinction, obscures the difference between the private body and the preservation of a composite body politic (Atpatinga,2017). At its worst, the most strident opponents of immigration describe asylum seekers in obliquely pathogenetic terms, to be inoculated against, in order to protect the social body (Than, 2022).

Since 2021, the countries of Lithuania, Poland and Latvia invoked states of emergency to legalize the use of ‘pushback policies’ at their borders. Swaths of refugees seeking safe asylum became subject to physical violence, summary removal, and appalling conditions in detention (Amnesty International, 2023). According to Amnesty International, at least 37 people lost their lives on the Polish border, alleging more casualties at the border with Latvia and Lithuania. Furthermore, a new report released by the Council of Europe’s Committee for the prevention of Torture (CPT), found a widespread use of violence, coercion, and protracted detention, finding “clear patterns of physical ill-treatment” in the deployment of pushback policies (Amnesty International, 2023). The report also drew attention to the disregard for standard legal safeguards and the right to access asylum in Europe. Indeed, these border regions have incrementally transformed into zones of indistinction, where spatial concepts of inside and outside interpenetrate (Agamben, 1998). Unsurprisingly, race figures prominently into this production of bare life.

Part Two: Biopower/Necropower

In his seminal work *Necropolitics: Theory and Forms*, Achille Mbembe (2019) unifies the theories of Foucault, Agamben, and Fanon by focusing on late modern colonial praxis; pointing to race as a historical function of biopower, an “ever-present shadow hovering over western political thought and practice, especially when the point was to contrive the inhumanity of foreign peoples and the sort of domination to be exercised over them”(p.70). Such power is defined by its relationship to a biological field of European rationality, one that presupposes a categorization of human beings into groups and subgroups, effectively administering life and death. These mechanisms are expressed through colonial medicolegal theories of heredity, social Darwinism, degeneration, corporeal acquisition, and racial selection (Mbembe,2019). Echoing

Nelson Maldonado-Torres's (2007) theory of *colonial misanthropic skepticism*, Mbembe locates this nexus of technology and violence in the colony, where a sovereign zone of indistinction (Agamben,1998) is continually exercised, exported, and naturalized in the modern world through a *non-ethics of warfare* (Maldonado,2007). Indeed, borders of biopower were formed through colonial occupation, etching social and spatial relations on the ground. These border imaginaries reflected biopolitical categorizations and hierarchies, where space serves as the "raw material of sovereignty and of the violence it bears within it" (Mbembe, 2019, p.23). Frantz Fanon (1963) describes this colonial occupation in similar terms, identifying internal frontiers and divisions epitomized by checkpoints, barriers, and police stations; a space of *reciprocal exclusivity* regulated by a praxis of violence, dereliction, and surveillance. Taken together, the colony produces Agamben's (1998) bare life through disciplinary modes of biopower and the social/civil destruction of necropower (Mbembe, 2019). Necropower here, acts as an extension of biopower, that better captures the perpetual logic of warfare and death exacted upon the colonized body. Fanon (1963) captures the mortal finitude of the colonial subject in his polemic, *Wretched of the Earth*:

The town belonging to the colonized people ... is a place of ill fame, peopled by men of evil repute. They are born there, it matters little where or how; they die there, it matters not where, nor how. It is a world without spaciousness; men live there on top of each other. The native town is a hungry town, starved of bread, of meat, of shoes, of coal, of light. The native town is a crouching village, a town on its knees. (p. 19)

It should be clear at this point, that artifacts of this colonial exclusion continue to be expressed in the policing of global borders. Fanon's (1963) spatial reading of late modern colonial occupation can be readily applied to Israel's occupation of the West Bank. The

segmentation, bio-bordering, and surveillance *within* the region has effectively redefined the relationship between sovereignty, security, and space. Professor of spatial and visual cultures, Eyal Weizman (2002), terms this phenomenon as *the politics of verticality*, in that settlements are built upon hilltops overlooking the Palestinian valleys below, in a vaguely panoptic posture. “Settlements could be seen as urban optical devices or surveillance and the exercise of power” (Weizman, 2002, pg). Mbembe (2019) terms these provisional boundaries as *splintering occupation*, reflective of the suburban enclaves that emerged in the latter half of the 20th century. Bypass roads attempt to separate Israeli and Palestinian traffic, with scattered Israeli checkpoints further exhibiting Fanon’s (1963) idea of reciprocal exclusivity. Palestinian movement between territories is narrowly channeled and concentrated; daily life is militarized, infrastructure is destroyed, and civic relations are undermined. This security regime effectively reduces Palestinians to refugees – subjects of Amagben’s (1998) bare life – within their own territory. In retrospect, Israel’s violent expansion into the West-Bank pales in comparison to the total *besiegement* of Gaza. Indeed, zones of indistinction existed in the suburban and urban sprawls within Westbank and Gaza prior to the war (Mbembe, 2019, p.28) – confusing external and internal enemies and producing subjects of bare life – but now this logic of biopower/necropower - as termed by, Foucault (2003) and Mbembe (2019), respectively - has been taken to its genocidal apotheosis. Benjamin Netanyahu and his cadre of right-wing ‘security’ czars (see for more info, Pedazur, 2023) have occasioned the final transformation of Gaza into a colonial death world, (Mbembe, 2019) a culmination of nascent spatial exclusionary arrangements, that have expanded the purview of bare life to include the entire Palestinian population.

Part Three: On Borders

In light of this, one cannot conclude this analysis without briefly interrogating the concept of borders. Prevailing border imaginaries are no longer sufficient in a modern context. Old Westphalian paradigms that delimit sovereign power fail to grasp the transcendent violence that underpins biopolitical discourse and neo-liberal capitalism. Subjects of bare life (Agamben, 1998) can be found in transcontinental shipwrecks, neo-colonial warzones, derelict refugee camps, and on buses or planes forced to return to countries that threatened their very existence. All these people exist astride borders of exception, enmity, and emergency that deny the very notion of our shared humanity. It is an act of remote borderization (Mbembe, 2019), deployed from afar to secure the coherence of the desired body politic. It is a battle waged against bodies, reducing people to factotums of biopower. Technological innovation has only exacerbated this problem; satellite surveillance, biometrics, infrared cameras, and the information economy convert granular details of daily life into instrumental datasets of biopower. Given all this, the goal should be to reimagine borders, giving particular attention to the nexus of security and violence in the creation of bare life; perhaps even daring to imagine a future where movement is free, and identity and empathy are not tied to the ground you happen to stand on. In other words, a future without borders.

References

- Agamben, Giorgio (1998). *Homo Sacer: Sovereign Power and Bare Life*. (Daniel Heller-Roazen Trans.). Stanford University Press (Original work published 1995).
- Amnesty International (March 30, 2023). *Europe: Findings by Leading Anti-Torture Body of Systemic Abuses at Europe's Borders Corroborates Thousands of Testimonies* (Amnesty International, amnesty.org, March 30, 2023).
<https://www.amnesty.org/en/latest/news/2023/03/europe-findings-by-leading-anti-torture-body-of-systemic-abuses-at-europes-borders-corroborates-thousands-of-testimonies/>
- Atpatinga, Gervin, Ane (2017). "Biopower and Immigration:" *A Biopolitical Perspective on Anti-Migration Policies* (Department of Sociology, Memorial University, Canada, Research on Humanities and Social Sciences). ISSN 2224-5766 (paper) ISSN 2225 – 0484 (online). Volume 7, no. 20, p. 2. www.iiste.org.
- Davitti, Daria (2019). Biopolitical Borders and the State of Exception in the European Migration 'Crisis.' *The European Journal of International Law*, Vol. 29, no. 4, (2019), Oxford University Press. pp, 1173-1196.
- Fanon, Frantz (1963). *The Wretched of the Earth* (C. Farrington, Trans.). New York: Grove Press (Original work published by Francois Maspero edit, 1961).
- Foucault Michel (2003). *Society Must Be Defended: Lectures at the College de France 1975 – 1976* (M. Bertani and A. Fontana Ed., D. Macey, Trans.). London: Penguin Publishing.
- Foucault, Michel (2007). *Security, Territory, Population: Lectures at the Collège de France 1977-1978*. (Michel Senellart Ed., Graham Burchell, Trans.). New York: Picador.
- Pedazur, Amy (2023). How the Far Right Grabbed Power in Israel and What it Means. *Globe and Mail*, Dec 2, 2023. <https://www.theglobeandmail.com/opinion/article-how-the-far-right-grabbed-power-in-israel-and-what-it-means-in-this/>
- Maldonado-Torres, N (2007). On the Coloniality of Being. *Cultural Studies*, Vol 21, issue 2-3, *Globalization and the De-Colonial Option*. pp. 240-270.
 DOI: [10.1080/09502380601162548](https://doi.org/10.1080/09502380601162548)
- Mbembe, Achille (2019). *Necropolitics* (S. Corcoran Trans.). In Series, Theory in Forms Durham: Duke University Press, (Original work published 2016).
- Spindler, William (2015). The Year of Europe's Refugee Crisis. *The UN Refugee Agency, UNHCR*, Dec. 9, 2015. <https://www.unhcr.org/news/stories/2015-year-europes-refugee-crisis>

Than, Krisztina (2022). Hungary's Orban says his anti-immigration stance not rooted in racism after backlash. *Reuters*. <https://www.reuters.com/world/europe/hungarys-orban-says-his-anti-immigration-stance-not-rooted-racism-after-backlash-2022-07-28/>

Vaughan-Williams, Nick (2009). *Border Politics: The Limits of Sovereign Power*. Edinburgh: Edinburgh University Press, 2009, p. 117.

Weizman, Eyal (2002). Introduction to the Politics of Verticality, *openDemocracy* April 23, 2002, https://www.opendemocracy.net/ecology-politicsverticality/article_801.jsp

