Disappearing Migrants or the Impossibility of a European Union

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Summary

A ridged policy aimed to exclude non-EU migrants from the European Union can corrode the Union's foundations. It turns migrants into metaphorical, haunting ghosts and leads to hysterical repression. Also, it causes the Union's policies to be inconsistent, unpredictable and therefore unreliable. Here, we analyze what these policies are, where they come from, how they function and who, if not the EU, profits from them. We uncover a friction between the EU and its Members, caused by the discrepancy in the goals they try to realize. To explain this and to think beyond it we suggest seeing the EU as psychoanalytical subject.

Keywords: Migration, exclusion, ghost, border, European Union, psychoanalysis

Note on the Text

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Introduction: "Invisible Visible" Migrants[1]

When discussing the role of postcolonial studies today, Young argues that there is a

new subaltern tricontinental of migrants from the poorer countries of Africa,

Asia, and Latin America, often fleeing state or other forms of violence, moving

around the world in search of jobs and livelihood. These people form an invisible

tricontinental diaspora, made up of refugees, internally displaced persons,

stateless persons, asylum seekers, economic migrants, illegal migrants, irregular

migrants, undocumented migrants, illegal aliens…[They] remain almost invisible

(26).[2]

Of course, he adds, the term invisible is "entirely paradoxical" to the extent that

migrants "never, in fact [are], invisible, but rather the '*invisible visible*' […] not seen by those

in power who determine the fault lines between the visible and the invisible" (23; my

emphasis). Moreover, he continues, they do become visible at times, e.g. when "the media

reports that the boat onto which too many are crowded has capsized off Lampedusa […] when

they die in this way […], when they are arrested by border police […] or when they are

demonized by politicians (26).

Young's main argument is important; "[t]he task of the postcolonial is to make the

invisible […] visible" (23). Thus, issues concerning migration should be central to its

practice—a point that might not be novel, but that as he forcefully argues bears repeating.

However, his remarks both on the "invisible visible" and the 'becoming visible' deserve our

further attention.

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[2] Note that Young neither uses a semicolon nor the coordinating conjunction 'and,' meaning that this could be read both as a list of different categories and as a list of synonyms.

Videlicet, when Derrida addressed the topic of migration almost a decade ago, he argued that it is perhaps better not to "proffer an example [of violence done to migrants], for there are too many; and to cite the best known would risk sending the anonymous others back into the darkness (mal) from which they find it hard to escape, a darkness which is truly the worst and the condition of all others" (2005: 6). There is another author we should consider in this context. Chambers (2010) points out that "almost ninety percent of so-called illegal immigrants to Italy […] arrive by other means [than by boat]: the vast majority comes on international flights, armed with tourist visas" (Chambers 679). Thus, we can argue that Young does precisely what Derrida forewarns. By focusing on the visibility of boat refugees he pushes the "vast majority" into the "darkness." Or rather, his focus makes the "vast majority" invisible in the visible, which is indeed "the worst" since there they are not just invisible, but invisible because hidden behind the illusion of being visible.

Taking the above into account, it seems that the questions we should ask when thinking about this topic are not, in the first instance, *who are invisible* and *how and when do they become visible* in the way Young does. This might equal pushing the invisible(s) back into Derrida's darkness. Rather, we should focus on the different mechanisms that make invisible and ask *why and how do migrants become invisible*, which is the main motivation of this thesis.

Since it would be impossible to discuss this question in all its magnitude, our focus will be on migrants in a European context, while being fully aware that the issue is not centered on, nor particular to that specific geographic area. More specifically, our focus will be on migration in the context of the contemporary European Union. To do so, we will read, discuss and question the "Annual Report on Immigration and Asylum," published on the 24th of May 2011 by the European Commission, which forms the foundational case of my argument.

There are various reasons to discuss this report in particular. Young argues that migrants become visible when they are "demonized by politicians" and he seems to refer to the popular right wing parties that are currently widespread in Europe.[3] We could wonder, however, if migrants do not become invisible instead in and through the 'demonizing' discourses produced by these parties. In any case, these are very visible mechanisms of (in)visibility, while as the report and our analysis of it will show, the problem of visibility/invisibility is located in EU-policy also, but in a far less visible manner.

Another reason to use this EC-report and not, for example, the Lisbon Treaty (*LT* from now on), is that the *LT*, similar documents and the documents they amend have been worked on by all Members for years, making them intentionally juridical hermetic. The *LT,* e.g.*,* starts with a preamble, listing all signing representatives of all Members (e.g. "THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA Dr Alfred GUSENBAUER Federal Chancellor Dr Ursula PLASSNIK Federal Minister for European and International Affairs" etc; Tl/en8), and ends with "WHO, having exchanged their full powers, found in good and due form, HAVE AGREED AS FOLLOWS:" (Tl/en10), after which the different articles are listed. In contrast, the EC-reports are written and published by the responsible department, without the consent of all Members and appear on a regular basis. Of course, all 27 'members of the Commission' ('Commissioners' in short) are legal citizens of one of the 27 Members States, but as soon as they become Commissioner they no longer represent that Member but a European department instead. The Treaties, in this sense, can be seen as a *choros*, while the EC can be seen as *chorêgos*—a single voice that is simultaneously part of the *chorus* and transcends it, is in dialogue with it. In short, if there is such a thing as a voice of the European Union, it is that of the EC.

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[3] E.g. the Dutch PVV; the Belgium Vlaams Belang; the Finnish Perussuomalaise; the Swiss SVP; the Austrian FPÖ; the French Front National; the Hungarian Fidesz; the (not so powerful) Romanian PRM; the Danish Dansk Folkeparti; the British National Party in the U.K; Laïkós Orthódoxos Synagermós in Greece; Lega Nord in Italy; Natsionalen sayuz Ataka in Bulgaria; the Plataforma per Catalunya in Spain etc.

Of paramount importance for this thesis is that this 'European voice' is not univocal. On the contrary; further analysis will reveal that it contains in itself a remarkable contradiction. To unveil this we turn to the report. Chapter one informs us that in 2010, 4 percent of the total population is non-EU27 immigrants (1), two million resident permits have been granted and 770.000 "persons" (1) have acquired citizenship. These numbers are rising and show, according to the EC, that Europe is in need of labor migration to fill job vacancies (2), something that has been shown on numerous occasions before.[4] Chapter two explains that in 2010, 55.095 of the 257.815 "asylum seekers" (5) acquired permission to stay, meaning that "[p]rotection was therefore granted in 25% of decisions taken in first-instance procedures" (5), a calculation that is too generous and should be, based on the numbers provided, 21,4% instead. In chapter three we read that, this time in 2009, 570.000 non-EU27 *irregularly staying third country nationals"* entered the EU of whom 253.000 were sent back (7).

It is this last chapter in particular that raises questions; not (only) in and on itself, but especially in relation to the other two. How e.g. is "irregular" defined (and how does this definition change over time); (why) do those from chapter three not ask for asylum like those of chapter two; why are they not qualified to stay, and fill the job vacancies announced in chapter one. On the level of formulation: why does chapter three not mention that almost 50 percent has been sent back, while chapter two mentions the percentage of granted protections; why does chapter two not round up in the other direction, and states that 80 percent was not granted; and last, why does the word "persons" disappear from the report after chapter one?

The EC is visibly aware of the fragility of the subject matter and carefully formulates a point of critique, at least, so it seems at first. "Integration issues," the Commission states,

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[4] A turn in thought in this direction can be found in Süssmuth (2001) and Glover, et al., (2001) who were influenced by insights from the USA, Canada and Australia (Castles 6). Amongst other things, the low fertility rates in the EU are identified as cause for the 'need' of migrant workers (UN 2000). Interesting, but falling mostly outside of the scope of this study, is the influx of skilled migrants. Travis reports that in 2012 "British companies bypass immigration cap on skilled migrants," while Sassen notes in 1988 that migrants mainly do unskilled labor.

"were high on the political agenda across Europe during 2010," but the "attitudes of some in Europe about immigration and integration can lead to discrimination and racism, even though anti-migration sentiments are often disconnected from the realities about migration and its impact on the economy" (6). It seems that the EC does not count itself to the "some," because, the EC continues, it has made many efforts to improve the situation (6). Moreover, the EC argues that "[t]he EU needs to recognize and support migrants' contribution to economic growth, while ensuring social cohesion" (6).

The argumentation is unclear for several reasons. First, the EC places itself in opposition to "some members" and offers a moral critique relating to racism. Then, the critique keels over towards an economic motivation perpendicular to the former part—an ethical issue explored and criticized by Derrida (2005) amongst others. Second, the EC blurs the distinction between the three chapters previously made and now only speaks of migrants. This is not surprising outside of the context of this report, because "de arbeidsmarkt is…de grootste 'magneet' voor illigale migranten" (Broeders 2009: 203), but in this case it further blurs the already opaque difference between the numbers that were initially presented as separated.

In the hope that the rest of the report will offer clarity we read on, but find that the tone changes abruptly. The EC argues that "[e]ffective measures aimed at preventing irregular immigration and at securing *safe* borders are an essential component of a coherent and credible EU" (7; my emphasis). That the EU is indeed "credible" can be seen reflected in the success of its border security organizations "FRONTEX"—that coordinated a "higher number of joint return flights…in 2010…earning the agency further support and increased financial means" (8)—and "EUROSUR" (9).[5] Both organizations increasingly allow the EU to be

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[5] Elspeth Guild and Didier Bigo criticize that the "cost effectiveness" of at least parts of Frontex is "astonishing," and "[t]he question of proportionality must inevitably be raised." They calculate that detecting 2484 persons in 2007 cost € 10.499.853 (17). The total Frontex budget grew with 93 % from € 6.3 million in 2005, to € 88

equal to the "critical situations at its borders," to "step up the *fight* against irregular migration and cross border crime" (9; my emphasis)—the "high inflows of irregular migrants"—which has "and continues to represent, a major test for the EU's ability to react quickly and efficiently, while the Member States most directly concerned by migratory movements have required assistance in a spirit of *solidarity*" (9; my emphasis).

At this point we are able to unveil the contradiction mentioned above. One the one hand, the Union needs "persons" from outside for economic reasons, or, according to the report, a condition of existence of the EU is the influx of migrants. On the other hand, the EU needs to keep its borders "safe," a euphemism for 'closed.' More specifically, being able to successfully exclude non-EU citizens "represents" the Union's "ability to react quickly and efficiently," and the "coherence" it creates—because the borders make it a whole and keep it together, but also because excluding seems to generate "solidarity" between Member States— is "essential" for it to be "credible." To use the same formula then, according to the report, a condition of existence of the EU is to avert the influx of migrants; something that, also from an ethical point of view, did not go unnoticed and gave rise to the epithet "Fortress Europe."

In this thesis, I will argue that the, what I have called above 'mechanisms of invisibility,' are at least partly located in, or produced by and as an effect of the contradiction described above. Furthermore, I will argue that this contradiction has consequences for the possibility of a European Union, keeping in mind that the (im)possibility of one Union does not necessarily imply the (im)possibility of the other. In what follows, we will further explore the issues and questions raised, to finally answer the main question of *how can we explain this contradiction*. To answer this question three sub-questions need to be addressed, which are divided over three chapters.

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million in 2010. In 2012, it exceeded the € 100 million (Frontex 2012 http://www.frontex.europa.eu/budget_and_finance/).

In the first chapter, we ask the double question of (*why) are migrants invisible*. To do so, we focus on Agamben's "We Refugees," who argues that subjects of a nation-State vanish behind the presupposition of the citizen, while migrants are present as what he calls "bare life." Subsequently, I argue that migrants do vanish in a way comparable to the citizen, and that a condition hereof is that they are not, different from what Young claims, "invisible" to "those in power." This result is a simultaneous absence, presence and returning that both resists and re-initiates EU-repression. Finally, I will suggest a metaphor to replace Young's "invisible visible" and see the migrant as ghost.

If repression indeed fails, the question of *why does the repressor repress* presents itself, which will be the focus of our second chapter. To answer the question we focus on Freud's model of repression. Since Freud's concept was heavily criticized up to the point of its denial, we discuss at some length the important points in the debate and determine a position for ourselves. Subsequently, we find that repression has a goal, which is amplified in Lacan's appropriation of Freud. Since both Freud and Lacan start from the individual, this chapter will do so too. More specifically, we focus on the case of Lucy R. that is discussed in Freud and Breuer's *Studies on Hysteria* (1904 [1895]). We find that repression can be both conscious and unconscious and is always already linked to the collective; and that repression might obstruct the realization of its goal.

If repression has a goal, the question we need to answer to arrive back at our main question is *what is the goal of repression of migrants for the EU*, or simply, *why does the EU repress*. We will discuss this by following several practical examples and suggest that repression might not be advantageous for the EU, that repression might not help the EU to reach its goal. Subsequently, we will, using recent practical examples, suggest that the individual States might profit from the exclusion. We theorize this using Althusser's

extrapolation of Lacan, and conclude that the clash of Members and EU was already present in the internal contradiction in the case discussed above.

In the discussion, we answer the main question by connecting the three chapters and suggest discussing the exclusion of migrants from the European Union from a psychoanalytical perspective. Finally, we discuss how future research might profit from this.

Chapter One: Migrating Ghost or Ghosting Migrants

"It looks like rest, it is not, I vanish happy in that alien light

...then the anguish of return, I won't say where, I can't,

to absence perhaps, you must return, that's all I know"

(Becket 38)

In his 1995 paper "We Refugees," Agamben illustrates a vision of how Europe can be what I will call *of* the world, as opposed to a Europe that is incompatible with it or sealed off from the rest of the world. Central to Agamben's argument is Arendt's discussion of the figure of the refugee.[6] Halfway down the last century, Arendt convincingly argued that the introduction of "human rights" initiated the "end of the Rights of Man" (Arendt 267).[7] Until then, the "only right that had ever figured as a symbol of the Rights of Man" was the right to asylum which "since ancient times has protected both refugee and the land of refuge from situations in which people were forced to become outlaws through circumstances beyond their control" (280). Human rights replaced the right to asylum in the years preceding WWII, but could only be claimed by citizens of a/the nation. The rights of man, as such, were linked to the nation-State. Consequently, non-citizens or non-nationals, often in the form of refugees, who, perhaps, needed those rights above all, could be "depriv[ed]" of those "human rights" (272). This could result in "deportation to a country of origin, which either refuses to recognize the prospective repatriate as a citizen, or, on the contrary, urgently wants him back for punishment" (279). Thence, Arendt asserts, the refugee "without right to residence and without the right to work had of course constantly to transgress the law" (286). Or, in the

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[6] Agamben leans heavily on Arendt, uses her main concepts and even names his article after hers.

[7] Arendt has been criticized for lacking a theoretical foundation on different points (Benhabib 1996; Lefort 1988). Birmingham (2006) argues, on the contrary, that Arendt's "primary concerns" were working out a "theoretical foundation" that is "reformulated" in "natality" (3). Agamben later translates this as "life," which is the concept we draw on.

terminology of the EC, the refugee has to commit a "cross border crime," since the crime is simply being there where it might be 'safer'/'better'; the crime is to be present in a certain space.

Agamben argues that when these Rights of Man and the nation became linked, they came to "represent above all the original figure of the inscription of bare natural life in the legal-political order of the nation-state" (117). Or rather, since "[e]very man is born with inalienable and indefeasible rights (Agamben 1998: 75), "bare life fully enters into the structure of the state and even becomes the earthly foundation of the state's legitimacy and sovereignty" (75). Life, thus, "constitutes the original – if concealed – nucleus of sovereign power" (11). According to Agamben, this means that there is no "permanent…autonomous space within the political order of the nation-state for something like pure man in himself" (Agamben 1995: 115), because, and this will form the foundation of most of what follows in this chapter, "life" is only present to the degree that it "immediately *vanish[es]*" behind the "presupposition of the citizen" (116; my emphasis).

The refugee, however, "throws into crisis the original fiction of sovereignty" by breaking up "the identity between man and citizen" (116). Because he[8] is not attributable to human rights, he brings to "light the difference between birth and nation" (Agamben 1998: 77) and as such causes the "secret presupposition of the political domain – bare life – *to appear for an instant* within that domain" (Agamben 1998: 77; my emphasis). In other words, by being present as non-coded "life," the refugee unveils the fact that the "state system and its sovereign legalism" rules over "all as bare life" (Honig 115). Thus, sovereignty's grasp on the refugee is disturbed, and therefore the status of "refugee" is according to Agamben "always considered a temporary condition that should lead either to naturalization or to repatriation"

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[8] Agamben only uses "he" when he refers to refugees. I will follow him in doing so, but want to add that whenever 'he' is used, 'she' could be read instead.

(Agamben 1995: 116). It should lead, in other words, to inscription into sovereignty or exclusion from the triad "state/nation/territory" (118).

The fact that the refugee "appears for an instance" might create the idea that he is visible as opposed to the citizen who vanishes, which suggest the opposite of what Young argues. However, this would be an inaccurate description. I suggest therefore that we turn to the example of Kosinski's *Being There*, which both begins to explain this paradox of (in)visibility that rises in the space between Agamben and Young; and illustrates the concept of "bare life" as imagined by the former.

We should note in advance that this might not be the type of refugee Agamben had in mind—protagonist Chance is in a sense an invisible migrant. The short novel can be read as a literary discussion of Heideggerian metaphysics, whose "difficult to translate" concept of "Dasein" functioned as "working title" for the work (Plimpton and Landesman 331). Furthermore, the novel can be read as a hoodwink towards the Christian Genesis narrative, where instead of two sinners an innocent man has to leave the garden because the "Old Man" (who could be interpreted as God) who provided for him has died (Lazar 101). But, Chance's forced genesis also puts him in the position of migrant. And, very much like the author himself, Chance even needs to change his name to survive in the world outside the garden. Indeed, Kosinski was a "Polish-Ruthenian Jew…looking very much like a Gypsy, [who] managed to survive the Holocaust" partly because his father changed his last name from the Jewish sounding "Lewinkopf" to the Polish sounding "Kosinski" (Lazar 99). Chance's name is changed into "Chauncey Gardiner" to suit the American business world.[9]

That Chance can be seen as a migrant is confirmed by himself. When Mr Rand asks him about his business, Chance answers that he "do[es] not have urgent business" (35). But his "house has been closed up" and it is "not easy…to obtain a suitable place, a garden, in which

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[9] To be clear, I am not suggesting that the experience of a contemporary migrant and a Holocaust refugee are the same.

one can work… (35). The interpretation of the house as metaphor not being the subject of this thesis, suffice it to say that it might stand for a country or a State that harbors the individual.

This idea of 'Chance as migrant' who has to leave 'the house as State' is strengthened by the fact that he has to leave because he does not have the right papers. He is, in other words, a "sans-papiers," present in the house only as bare life. This becomes manifest when, after the Old Man who owned the house and garden has died, his lawyer Mr Franklin is "very puzzled" (19) by Chance's presence in the house. He would "like to believe" that he lived there all these years, but finds it "for some reason difficult to fathom" that Chance speaks the truth (20). The problem for Franklin is that there is no proof of Chance's "existence," no "trace" of him (21) in "any of the existing documents" (20). Chance is amazed and says "you have me. *I am* here. What more proof do you need?" (23; my emphasis). It is not enough for Franklin. Nor is the fact that "the maid told" him that "a man has been living in the house, and works as a gardener" (18), where the present perfect continuous tense indicates that his living in the house goes back into the past; that Chance has memories of the broken "hip" of the "Old Man," something that happened years ago (19); or that Chance remembers "old Louise" who long since has died (20). To be able to understand Chance, to be able to grasp him, or rather, to be able to pin him down—i.e., to be able to pin down "life," he who presents himself as non-coded "life," as "I am"—Franklin, who never lifts his "eyes from the paper" (19), needs bureaucratic evidence, needs "life" in its coded form. The lack of it draws all attention to Chance as bare life and thus challenges sovereignty, but paradoxically makes Chance elusive and ungraspable for Franklin, the latter being only able to deal with coded life. Sovereignty, in the form of Franklin, therefore has no choice, no other power than to exclude Chance from the house. Although "visible to those in power" Chance indeed seems to be "invisible visible" in some sense, and as such resists sovereignty.

Therefore, Agamben argues, we need to "reconstruct our political philosophy beginning with this unique figure" (114)—the refugee that embodies pure "life"—and eventually "acknowledge" that we ourselves are "refuge[es]" too (119), making Europe a place where "exterior and interior are indeterminate" (119) and opening the possibility for "the European cities…[to] rediscover their ancient vocation as cities of the world" (119).

In this chapter, I will argue that we are already at the point where in- and outside are indeterminate, and as far away from it as we possibly can (or want to) imagine. To do so, we discuss contemporary EU-border policies, and the politics of exclusion that were already mentioned in the EC-report. We discuss if the migrant is indeed a temporal status as Agamben argues, and an 'invisible visible' as Young suggests. Subsequently, we find that this is both the case and not the case, making migrants simultaneously permanent and absent. We find that "invisibly visible" does not cover the presence/absence of migrants and will suggest to see them as ghost instead, which answers the main question of this chapter: (*how) are migrants made invisible.*

1.0 Agamben's Utopia in a time of "shifting borders"[10]

Agamben's idea (although Eurocentric and nostalgic) is powerfully argued and, if we follow Keating, not entirely unthinkable. Keating argues that European "transnational integration" (8) challenges the "doctrine of unitary and exclusive state sovereignty" (9). Consequently, smaller, suppressed, nationalist groups support an intensified collaboration with Europe since it allows them to transcend the minority position within the State and become a minority among minorities, all incorporated in one big EU (13-8); refugees among refugees in a sense.

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[10] Cf. De Medeiros (2011)

This seems especially possible when it comes to borders, because the State and Europe increasingly dissolve into each other on that point in the sense that one becomes the other and vice versa (although it must be evident that I am aware of the abyss separating the two).[11] As we have seen in the EC-report, Frontex and Eurosur are the result of a joint effort of the Member States, which is illustrative for a shift in border control. Until the second half of the "nineteenth century…unwanted aliens" were a local affair (Tholen 264), dealt with by "churches and private enterprises." The State "successfully…usurped the monopoly of legitimate means of movement" in the "course of the past few centuries" with the invention of the passport (Torpey1-3). After the Treaty of Amsterdam in 1999 though, "migration policies have officially belonged to the field of responsibility of the European Union." More specifically, they have become an "integral part of the criteria of Copenhagen" (Tsianos 374), meaning that all (new) Members States have to cede "monopoly of legitimate means of movement" to the EU—as Brady 2010 notices to the chagrin of some of the Members. Thus, when it comes to the monopoly of legitimate means of movement, [i]n many respects the EU seems to act like a modern state" (Tsianos 264; for a similar point see Lahav and Guiraudon 2000; Broeders 2007; Honig 115). Simultaneously, State borders are "losing their functional significance" (Keating 21) while they "remain important as expressions of state sovereignty" and are as such "generally uncontested" (21).[12] Guarding the State border, then, has become equal to guarding the borders of Europe and vice versa. Consequently, securing State sovereignty through exclusion entails an intensified merging with Europe. This might explain why the word "solidarity" is evoked in the report in the context of exclusion and is able to materialize successfully in Frontex, Eurosur and other agencies

However, Keating speaks of minorities that are already within the borders of Europe. To the outside, as shown above, the European borders are closed hermetically. Not only because

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[11] For a similar account not only concerning borders see McCormick (2010).

[12] For similar point see Groenendijk (2004); House of Lords (2003: 6).

it is a condition of existence for the EU, but, paradoxically, also because it is a way to retain national sovereignty for the individual Members. The closing of the EU borders is not in the first place accomplished by the patrolling of shared external borders but by the so-called "digital border" that becomes increasingly important for excluding "irregulars" (Broeders 2007). The digital border relies on a surveillance and information system called "Schengen Information System" (SIS), which consists of a combination of the different national SIS's or N-SIS's (EP 2006). A second system constituting the digital border, which is "intertwined" with SIS (Broeders 83), is "Eurodac" that is used to prevent "asylum shopping"—asking for asylum in one EU-country after a request has been turned down in another (Broeders 82).[13] Thus, for the migrant whose asylum has been turned down, exclusion from one country means exclusion from Europe, erasing for an instant the difference between the border of Europe and those of the independent States. As a result of this merging, in combination with intensified border control by Frontex, Eurosur and the digital borders—a process referred to by De Medeiros as "shifting borders"—the idea of Europe as a place "beyond territorial control," or, in Agamben's words, a Europe where "exterior and interior are indeterminate," becomes an unlikely reality (Tholen 264). Instead, the metaphor of the fortress would be more apposite.

1.1 The permanent(ly)/ absent migrant

Let us not come to a hasty conclusion but instead proceed to a second point that we should consider, and that (partly) leads us away from Agamben's vision. Agamben's idea is based on the premise that the "life" that the citizen is vanishes behind the concept 'citizen' which makes it prone to the authority of the sovereign (and attributable to human rights). The refugee, on the contrary, is present as "life." This brings sovereignty into crisis and therefore,

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[13] There is a third system that we will not focus on here called VIS. For more information see Broeders 2007 or EC regulation 767/2008.

the status of refugee cannot be permanent. Resistance to sovereignty, thus, resides in the difference between the 'citizen' and 'refugee.'

I agree with Agamben on the point that resistance to sovereignty resides in the difference between the citizen and the refugee. In addition to that, I want to suggest that, first, the refugee in fact is (or can be) in a sense inscribed into sovereignty *permanently*, at least in the (official) contemporary context of the European Union. Second, paradoxically, that, again at least in the official contemporary context of the European Union, the refugee is *absent*, too, invisible in Young's words; i.a. because "life" vanishes behind the concept of 'refugee' comparable to the way Agamben proposes for the citizen. I say comparable, because there are important differences. More specifically, 'refugee' is different from 'citizen' because he is in a sense absent in some ways while being permanent in others, a paradox that results in movement, or, more specifically, in 'returning.' We will discuss these points respectively.

1.1.1 The permanent migrant

We start with the former, and will look at three arguments supporting my suggestion that the refugee is in a sense permanently inscribed in sovereignty. First, I think it is important to realize that the category of 'refugee' is not an easy category, and that one cannot 'just' become a refugee by fleeing from a certain space. In the context of the European Union we should see it as an "administrative category" (Broeders 2007: 76) that, to use a biological metaphor, is part of the taxonomical *familia* of the migrant[14] and at times disappears in the darkness between the branches of this family tree. This is the case for two main reasons.

A) Excluding migrants, or making it harder for outsiders to enter the EU and its individual States, is partly, and after 9/11 increasingly, executed under the "flag of security"

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[14] 'Migrant' comes from the Latin 'migro', meaning (to) move (away from).

(Tholen 263). As a result, the two fields (migration and homeland security) are increasingly intertwined. We can see this in the EU, where "migration and free movement can be limited if public order and security are at stake" (Tholen 262), and where "anti-terrorism policies" are used as "explanation for the changes in border control" (263). It is also visible in the fact that in the EU, the "expenditure for Freedom, Security and Justice" included until very recently both "security and…migration *flows*" (265; my emphasis). And in the continuing attempts of the EC to open up the databases of the digital border to national police forces that "equates" migrants with criminals (Nielsen 8). A similar observation can be made in relation to the individual States. In the "Dutch Border Management Program, for instance, the National Antiterrorism Authority plays a central role" in migration affairs (270). Consequently, the migrant at least partly flows over/vanishes in/behind 'security threats' (Tholen 2010, Brouwer 2008; Broeders 2007).

B) As Broeders (2007) points out, migrants have three ways to enter a country and become illegal. One can either cross the border (illegally), ask for asylum (and stay after rejection), or ask for a (tourist) visa (and overstay the validity) (85). Note that this counts for the refugee, too. Thus, as soon as he crosses the border, and in some cases even before that, think of predicted migrant flows after a conflict or failed attempts to cross a border "irregularly" followed by immediate deportation, he is inscribed in a certain administrative category. As an example we could imagine that a refugee who is part of a predicted flow books a tourist visa and overstays the validity. Thus he starts out as an administrative irregular, becomes an administrative tourist and eventually becomes an administrative irregular again. If he, then, asks for asylum, he is an administrative asylum seeker and might even become an administrative refugee and gain a (permanent or semi-permanent) position in that society. If he is rejected in one country he has to leave the EU altogether (as we have seen when discussing the digital border), even though he had to flee from the country of origin.

Thus, he is in that sense still a refugee, although in the official sense of the EU he is not; and he is still an asylum seeker in the sense that he seeks asylum, even though the EU and the Members will now classify him as an "irregular," which allows the sovereign (State) to legally exclude and deport him. In this sense, we can say that it is eventually the EU/State that determines if a refugee is refugee enough to be a 'refugee,' which is illustrated also by documents like the *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*. As a concrete example, about which Derrida argues we should refrain from using it, we need only to think of the case of Azimi, who fled Afghanistan from the Taliban but was refused asylum in Holland, deported back to his homeland, "kidnapped, tortured and killed" (Amnesty International 1; Van Keken).

Important to note is that these concepts, these "administrative categor[ies]," are permanently inscribed in sovereignty, waiting to be 'filled' by a migrant, waiting to make the "life" that the migrant is vanish behind the concept so that he can be categorized further if needed. The EU and its Members, in other words, have these categories always present and ready in the case of the arrival of new "life."

It is this instability of the presence of "life" behind these concepts that was the reason for us to so far speak of 'the migrant' or 'migrants,' even though we are well aware of the fact that there is no such thing as a homogeneous migrant, and even though Agamben speaks of refugee. From now on, to indicate or represent this unstableness, this ability of "life" to flow over (or to be forced to flow over) from one administrative category to another, I will use the working concept 'migrant/refugee.'

There is a reason that these categories are permanently inscribed. Broeders (2007) argues that "as states grow larger and more administratively adept, they can only penetrate society effectively if they embrace society first" (76). His remark is important because it

points out that encoding and inscribing helps to control "life," and points out that migrant/refugees cannot be "invisible" or "not seen by those in power" as Young claims (23). On the contrary, to speak with Scott, the permanent concepts discussed above are used to make bare life "legible" (2) in order to make it graspable, to be able to control it, to pin it down.[15] Since irregular migrants are both "eager and likely" to fall outside of this embrace (76) these administrative categories are needed especially in their case. As such, "internal migration control" is enabled to embrace—making them at least for a short period of time part of society—and eventually exclude them (76; for a similar point see Topal 2011).

To optimize the excluding potency of this embrace (which at least in theory has to be hermetical since it defines according to the EC the EU's credibility), the EU tries to make the migrant/refugee "legible" not only through these administrative categories, but also by fixing them in encoded form through the complex systems of connected databases that together construe the 'digital border.' This leads us to our second reason to suggest that the migrant/refugee is in fact permanent. As Broeders shows, the desire to embrace explains why the most "important" entrees in the SIS and Eurodac systems (i.e. the most entries in number) are of "unwanted aliens" (Broeders 2007: 79).[16] With the growth of these systems over the last ten years, the amount of information about irregular migrants has become "enormous" and still grows at "great speed" (88). The prospective being that the amount of information will grow more in the coming years, because "[a] lack of proven citizenship, often the result of an irregular migrant destroying, hiding or lying about his or her legal identity, provides protection against expulsion by the state" (Broeders 2009: 113). In order to be able to keep excluding, in other words, the State needs the migrant/refugee in encoded form and frantically tries to collect knowledge. As such, "in a massive effort to embrace" (88, see also Torpey

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[15] Scott connects legibility explicitly to standardization, that is, making certain concepts permanent.
[16] Exact numbers are not known, but the "lion share" are irregulars (Broeders 2007: 79). In SIS alone, more than 38 million persons were registered in 2011 (EU 2) with fingerprints and "biometric information" (Broeders 81).

2000: 33), irregulars are digitally inscribed (Broeders 2007: 88) in sovereignty. And even though the intention is to exclude bare life, these traces stay permanently.

We need to pause for an instant and return to Agamben. He realizes on a different occasion that the migrant/refugee in a sense is connected to sovereignty, and refers to this as a "relation of exception," a concept that he explains as "the extreme form of relation by which something is included solely through its exclusion" (1998: 20). It is important to realize that this differs from what I propose here, because Agamben does not consider the permanence of the concept, and could not have considered the permanence of the traces in the digital border that did not exist at the time he wrote his work.

C) The third and last suggestion of why the migrant is in fact permanent relates to human rights and is the most unstable of the three. Agamben claims that because the migrant/refugee is not inscribed into sovereignty he does not have rights to human rights. But, at least officially, and at least for the time that the migrant/refugee is visible within the triad nation/State/territory—a triad that has become encumbered in our current situation and should be revised by at least considering to incorporate 'Europe'—the migrant/refugee is to a certain extent attributable to human rights. Even, or especially, if the irregular's identity cannot be established and he as a result cannot be excluded, as briefly discussed above. This also becomes clear from the EC report, which states that "immigration policy…must be fair and human rights must be respected" (7).

Albeit, the EC's formulation requires our further attention, because although the EC speaks of "fair," how this is defined is never elucidated.[17] What makes the concept especially remarkable is that it is distinguished from "human rights," which follows it in the sentence and seems to imply that human rights are not sufficient to ensure that humans are treated in ways the EC finds acceptable. The term becomes even more unstable next to the concept of

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[17] The term is in fact copied from *LT* art. 63a1 but is not explained there either.

"irregular," which is connected to "fair" because "irregulars" have to be deported in a "fair" manner, or when it is "fair" to deport them. If we go back to Arendt, we see that "irregular" might be defined as rigorously as one might imagine because it depends on a man-made law, a concept that is not necessarily a synonym to "fair." Before WWII, we read in a footnote, a "circular letter of the Dutch authorities expressly considered each refugee as an 'undesirable alien'" (283). No doubt this appears unfair to us now, in the same way that the EC's "irregular" might seem unfair to some. Thus, the meaning of "fair" becomes 'excavated' in the double sense of the word—the English 'dug out' and the Latin 'hollowed out'—and occupies its space in the sentence mostly as a hollow rhetorical sign, attenuating the discordant words on exclusion. This would confirm in a sense Agamben's notion that refugees do not have the rights to human rights because although they have them officially, in practice the might be deprived of them.

Agamben's theory is supported by the case of Frontex, which as we have seen in the report is responsible for the physical exclusion of "irregulars" from the Union. As Tholen points out, "control over this agency remains fairly limited" (Tholen 270). Already in 2003, the House of Lords asked questions about the organization and argued that several violations of human rights had been ascertained, a debate that was repeated with greater intensity in the same location four years later. The worries are not exclusively those of the House of Lords. After Frontex' budget raise in 2010, four EU Parliament Members asked Migeurope to investigate if human rights were indeed violated.[18] The study shows "several clear examples of human rights violations within FRONTEX's operations" (Babická 5), but the researchers point out that it is "very difficult to find out what actually happens during those operations" (6). Moreover, they remark, there is a lack of "accountability for the actions carried out," because Frontex itself "claims that it is not responsible for decisions that may impinge on a

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[18] Migreurop is a network of 42 organizations in 13 countries from Europe and Africa. See also http://www.migrationonline.cz/

person's human rights" (7). Although this seems to imply that the organization has no legal responsibility, the researchers make clear that this is not the case because Frontex does "make agreements with the authorities of third countries on its own behalf" (7). That seems remarkable, considering that at least part of the persons Frontex deals with has fled from the authorities of third countries.[19] It seems, then, that the countries that are most eager to do business with Frontex are those who are most eager to harm their subjects. This, however, is mere speculation, because the contents of the agreements have, like most of what happens during the operations, stayed secret until now (7).

Agamben, then, is correct in arguing that the organizations responsible for refugees prove to be "absolutely incapable not only of resolving the problem but also simply dealing with it adequately" (1995: 115). As a result, he argues, rephrasing Arendt (a similar echo can be found in Derrida 2005: 15; Cornelius et al., 2004; Van der Leun 2003) the "entire question was transferred into the hands of the police" (Agamben 1995: 115). Agamben agrees with Arendt that this is problematic because thus "it had received authority to act on its own, to rule directly over people; in one sphere of public life it was no longer an instrument to carry out and enforce law, but had a ruling authority independent of government and ministries" (Arendt 287). In a time of shifting borders it could be argued that Frontex has taken over (part of) the role of the police, has in a sense become a European police.

1.1.2 The absent migrant

To shortly summarize; the bare life that is the migrant/refugee, is permanently included/represented in sovereignty because the concepts are permanent; and because it is

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[19]See also Wolff & Schout 2012

permanently coded in the databases. Also, the migrant/refugee *officially* has the right to human rights, although in practice these rights are not warranted.

Interestingly, as shown above, what happens exactly within Frontex is unknown, which points to a certain disappearing or invisibility of the migrant/refugee. This brings us to the second suggestion, namely that the migrant is absent while being permanent, while being present. Indeed, the sovereign tries to fix the migrant/refugee in an encoding embrace and thus includes him permanently, but eventually, and following Agamben, also wants to exclude him. In other words, it makes permanent while/because it makes absent, or rather, it makes permanent to make absent. This absence is eventually a physical absence, but not initially as demonstrated e.g. in the case of Frontex. A second non-physical absence can be found when "life" vanishes in the way Agamben showed in the case of the citizen.

Let us start with the latter. We could, and Agamben does this in a sense, compare the screening out of "life" with the suspension of the signifier in the way it is described by deconstructionists (1998: 21-2). "Life," actual and referential, is suspended behind the chain of signifiers and to a certain extent becomes text, becomes legible, and this coding allows it to be inscribed permanently into the sovereign State and be controlled (23). I have shown that this is also the case for the migrant/refugee, and announced that there are differences between the migrant/refugee and the citizen. In that case, namely, the chain of signifiers and the suspension that comes with it seems to be, at least in some cases, 'instrumentalized.' I.e., the migrant/refugee is delayed further (and further) and is actively (which does not necessarily mean consciously as we will see in the next chapter) detached from "life." He or she is not *just* part of the 'mobile army of metaphors,' as Nietzsche might have said, not just an "image of an image of a man" (Tranströmer 36), but instead an image of an image of an image…; forever pushed back in the *mise en abyme's* 'abyme,' into the darkness that Derrida forewarned.

Let us focus again on the EC-report that illustrates this all too well. We presume that in this report there is "nothing outside the text" (Derrida 1997: 158), which is an initial and perhaps unavoidable, not necessarily violent suspension of "life." Then, the migrant/refugee is suspended further as he slides through the bar that separates signifier and signified and makes way for "irregular" and the other administrative categories, which in turn become signified as they give way to the dazzling screen of digits we have opened our discussion of the report with. Of course, also the first category, the "'welcome' migrants (those migrants that flowed over, or perhaps we should say that have shifted under a 'safe signifier' that allows them to stay) are represented through numbers (and citizens could be, too). But this group is anchored to "life" by the sign "people." And as I mentioned when discussing the report, that sign disappears as soon as the EC starts to talk about deportation (EC 4-5).

This active disconnection of "life" does not only happen through an instrumentalized chain of signifiers, but is precisely the goal of the new approach to border control of which the digital border is part. Tholen explains that in the "recent decades" the approach changed from a focus on the "physical crossing of territorial borders" (Tholen 259), where "individuals" and "cases" were control[ed] (268), to the "process as a whole," meaning "monitoring…airline reservations…visa applications…and individuals after arriving in the country" (259), or, a "risk based…process" that "control[s] *flows*" instead of on individuals (268; my emphasis). Especially the implementation of more and more "advanced…technological innovations" made this possible and turned the 'old fashioned' borders into "e-borders or digital borders" (Tholen: 267).

However, what Tholen—and others making similar points, most importantly Broeders (2009) on whom we have been relying to a certain extent—fail to notice, is that it is not only the border that is digitalized, or rather, is reduced (or expanded) to a border of digital traces, but that the migrant/refugee itself becomes reduced to a digitalized version too. The

contemporary migrant, in that sense, is a *digital migrant* and is absent as "life." Therefore, when Broeders (2009) speaks of "[b]reaking down" of "anonymity" (which is also the title of his book) to describe the digital inscription of the migrant/refugee, I follow Agamben (and Young) and call it the exact opposite, scilicet, the disappearance of the individual, the invisibility of the migrant/refugee, of "life," its replacement by digital (biometric) traces and as such 'the construction of anonymity.'

Of course, even with a digital border a physical confrontation has to take place at the end of the exclusion process, which brings us to the second suggestion of why the migrant disappears; is absent. This happens in the form of Frontex where the presence of the migrant is repressed, too, as we have seen, because nobody knows exactly what happens and who is responsible for its operations, even though it is widely known that this is unknown.

This is already implied in the name of the organization. Officially, Frontex is an abbreviation of the French "Frontières extérieures." Note, though, that the signifier "front," derived from the Latin "front" or "frons" meaning forehead, has a war connotation in many European languages; to wit English, German, Dutch, French, Polish, Swedish, Romanian and Hungarian. The same is the case in Italian, Portuguese and Spanish, Lithuanian and Latvian, although the sign 'front' there ends in a vocal or vocal + s (fronte/frente/frontas). Note too, that the affix "ex," also from Latin, might mean "expel." Frontex, then, could be read as 'the *topos* where the fight/battle to expel takes place.' That is, a fight hidden by the name as well as by the nature of the organization.

1.2 Resisting migrants (or the EU's double failure to exclude)

The result of this paradox, of this making permanently present while making absent is in one word 'movement.' And it is here that the resistance of the migrant/refugee towards sovereignty resides. More specifically, resistance resides in the movement created by first, the

tension between the permanence of concepts and digital traces on the one hand and the temporal individual (non-coded life) on the other; second, the persistence of "life" on its presence through returning, a return announced by the permanent concepts/traces that are devoid of life.

This second point needs to be explained in more detail. We have seen that under/behind permanent traces an individual enters and exits, and a new individual enters and another and another and they exit. This constitutes a flow (we remember that flow is the word choice of the EU) that is faceless because the EU does not focus on individuals and because "life" vanishes behind the concept that is supposed to represent it. This might sound abstract and can be clarified by e.g. the paintings of Cathelijn van Goor, who in her series *Time makes Everything Fall Apart* (2007) takes photographs of people with a long shutter speed, and subsequently paints them on canvas. The result is that the persons disappear and a "ghostly," faceless flow appears (Van Goor 2012: 1).

In other words, a fixed (permanent) concept must fix a flow. But flow is *per definition* in motion, because the entity that tries to pin it down does so only to be able to exclude it (moreover, can only exist if it excludes it). Thus, those who are permanently present in the database are not supposed to be present, are only present because they should be absent. The presence of these traces, in other words, represents an absence of presence as well as a presence of absence. And even if the exclusion has succeeded, the presence of the concept and of the digital traces "signal in advance" the "presence" of an "absence" (Derrida in McMucclen), which indicates exclusion fails *per definition* Indeed, as Derrida asserts, "[t]o announce oneself…is…already to be there in some way" 2010: 44.

The EU fails a second time in excluding, because even though it becomes more and more likely that "asylum seekers will be excluded," because of the digital borders and the success of Frontex (Tholen 271; Brouwer 2002; EC 2001), the number of asylum seekers in

the EU is expected to increase during the coming years (EC 2011). The EU, then, doubly fails in excluding the migrant/refugee. This, again, is a failure *per definition*, because excluding migrants equals fighting symptoms and not causes. "Life," as such, insists on its presence, keeps presenting itself next to its permanent representation in sovereignty, whether it has left the 'triad,' is still inside it, or must still arrive.

There is another effect created by the EU-policy as described above. Since the moving flow is faceless, since there is only one flow, since bare, singular and individual life is not seen—indeed, the sovereign never lifts its "eyes from the paper" as we have seen in the case of Chance—the entrance of new singular individuals is always a re-entering. Indeed, if there is only one there are never new entrances, only re-entrances.

Despite the continuous exclusion by sovereignty, then, despite the repression, the faceless flow, devoid of "life," is always returning, and is always present to signal in advance its absence. Thus, it perpetually moves through the walls of discursive concrete that are built around Europe, and resists sovereignty simultaneously from the inside and outside.

This is illustrated in the case of Chance, to which we will return one last time. Mr. Franklin, as we have seen, succeeds in exercising his authority by excluding Chance from the house (by shutting down the space where "life" could be "life," that is, before sovereignty excluded "life"). But Chance returns on television, presents himself (or rather he literally lets others present him) as the camera focuses on his face (that is not present in the flow), projecting it "sharp" and "faithful" for Franklin to see (55). Franklin does not recognize him, though, because he was blind to "life" when he first met Chance. He has never seen the "life" that Chance is, only the absence of the traces that should represent him. Chance, though, persists on his presence, re-entering via the television and thus passing through the lines of Franklin's paperwork, through the walls of his bedroom, making him "absorbed in trying to remember" (56). Absorbed, because the more Franklin tries to exclude the "life," the more it

persists on its presence by haunting his thoughts. The effort is in vein, because what the lawyer is trying to find is the memory of an absence. Moreover, he again fails to notice "life," does "not…hear" Chance (56), since he is searching in the faceless flow. There, he finds only a presence of absence and an absence of presence.

The scene is repeated later in the novel on the level of government. After the American president spoke to Chance, it "occur[s] to him that he ought to know more about Gardiner" (74-5). His secretary replies that she "consult[ed]" their "standard sources" but that they "don't seem to contain anything" about him. The president answers with irony that he "assume[s] that Mr Chauncey Gardiner, like all the rest of us, was born…grew up…contributed, through his taxes, to the wealth of this nation….Just give me the basics please" (75). The president, in other words, only understands "life" when it is present in a legible code that he can grasp. The lack of it angers him and he yells out to his secretary that she should try the "phone book," which initiates an even more frantic search for coded "life." The only result is the returning and therefore more intense (more present) presence of absence.

The Russian ambassador "Skrapinov" who is in a similar position after speaking to Chance even starts "[t]rembling" when the search for knowledge appears fruitless. He too loses his temper, and calls his "chief of the Special Selection" (92), responsible for the search, "mad" (93), followed by an order to intensify the search. The frantic search for knowledge produces nothing more than they already know about Chance's past. Skrapinov, frustrated, remarks twice that it is "as if he [Chance] had never existed" (93). He states that he "won't accept it" because he does not believe in "dead souls" (93) or "people from other planets coming down to *haunt* us" (93-4; my emphasis). Skrapinov, then, like the American president, like Mr Franklin, like the sovereign, is not able to see or read "life" in non-coded form. And even though he has spoken to Chance in person (68-72), he suggests that he might

have been talking to a non-existent entity, present only to "haunt" him. Eventually, at the end

of the search, his colleague "Sulkin" presents him a "blank page" (95), which represents what

they know of Chance, or rather, that represents Chance. Skrapinov concludes that Chance

must be member of an "American elitist faction" (95) and closes the case. But the "blank

page" keeps on returning to his thoughts, keeps on haunting him (95-6). Thus, the

combination of Chance's presence as unknowable entity, that is, his non-coded presence,

induces fear and a frantic attempt of gaining knowledge. The fruitlessness of this attempt and

the persistent blindness for "life" causes Chance to be there even when it is absent, or rather,

causes him to return and return and…

1.3 The "invisible visible" or the migrant-made-ghost

The image of sovereignties blindness for "life" brings us to the last section of this

chapter, where we are able to answer the question of (*how) are migrants made invisible*. The

migrant/refugee is (indeed) made invisible by the paradoxical process of simultaneous

excluding and embracing, and by a (perhaps unconscious) disconnecting of bare life and the

concept that represent it. It is, in other words, an effect of the new border system and

exclusion policy and operates both on a discursive (EC-report) and actual level (Frontex).

Unlike Young claims, however, the migrant/refugee is not invisible to those in power,

nor is he *just* "invisible visible." Instead, he is made absent while present, which is both

different from what Agamben claims and shows us that Young's term of "invisible visible"

does not sufficiently cover what it wants to describe.

Before we proceed it is necessary to note that we have seen the absence of who is

"other" on several other occasions before, as Young also pointed out. An example is Said's

Orientalism (2003). He argues that what constituted the Orientalist field are/were (scholarly)

representations that reproduced themselves, but that were not necessarily based on the actual

Orient. We can think also of Spivak's idea that subalterns are not present in certain voices we might 'hear,' although at least Guha's Subaltern Studies Group believed they were (1988). Another example would be Cixous' *The Newly Born Woman* (1996)—perhaps closest to our case—where she argues that "[e]ither woman is passive or she "does not exist," is "unthinkable" (64). Women, in other words, are not present in western philosophy (nor in literature to a certain extent). Although all of these studies (and more) can in a sense be applied to our topic, I want to emphasize that what we talk about here is not so much the discursive absence of migrants, but the simultaneous permanent absent (as "life") while present (in code/trace); and the simultaneous presence (as "life") while absent (in the code); a paradox that causes the "other" to perpetually return and present itself.

I propose, therefore, *to use the metaphor of the migrant as ghost*, and will give four reasons that show why this metaphor is pertinent, relying mainly on Derrida's definition(s) of a ghost. First, there is a "radical untimeliness" about the migrant/refugee because it is absent while present and vice versa (Derrida 2010: 29), which is one of the main characteristics Derrida uses to describe a ghost. Second, it constantly re-arrives, returns, it "haunts" (to use Skrapinov's term) the sovereign that represses him. As we know, the French "hantise," which is Derrida term for haunting, also has the "common sense of an obsession, a constant fear, a fixed idea or a nagging memory," which is what we have seen in the case of Mr Franklin (Derrida 2010: 224). And indeed, the migrant/refugee induces fear because his presence endangers the existence of the EU. Third, the migrant/refugee fits Derrida's definition of a ghost given in McMullens *Ghost Dance* (1983), where he argues that "a ghost is a trace that signals in advance the presence of its absence" (23:07). Indeed, the migrant is present in trace and as such signals hauntingly and in advance that there are more migrants to come, that in turn have to be excluded also, and that leave behind more traces that then signal this threat

too.[20] Fourth, Derrida continues to argue, although he could not have foreseen how true this would be in relation to migration/border control, that "modern developments in technology…instead of diminishing the realm of ghosts…enhances the power of ghosts and their ability to haunt us" (19:03-21:55).

Thus, in accordance with Derrida's description of the figure of the ghost, we can argue that the migrant/refugee is produced as ghost as an effect of EU-policy. More specifically, the mechanisms of invisibility are in fact mechanisms of repression, and their effect is a 'migrant made ghost.'

Before moving on to the second chapter, one aspect needs further clarification. One could argue that by using the metaphor of the ghost we commit the same violent act the EC commits in its report by suspending bare life behind a blur of overflowing signifiers; by omitting the word persons; by replacing it by a screen of digits. This is true only to a certain extent. To illustrate this, we will briefly turn to a suggestion similar to the one made here, namely that to see the migrant as "zombie" (Schinkel 2009; Stratton 2011). I explicitly reject this suggestion for three main reasons. First, the zombie feeds on the living out of its own agency and is thus an inherently evil, blood and brain-thirsty creature. Also, there is only a 'becoming zombie' and no 'unbecoming zombie.' Last, and most important, one becomes zombie as the result of the act of a different zombie, which is where the metaphor falls apart. First, the ghost is not an (inherently) evil creature but *is* feared. Second, this fear is remarkable because as I have shown the migrant/refugee is made ghost, is ghosted (where ghost is a verb) as an effect of the different exclusion policies that aim to repress it. To rephrase, the migrant is made ghost by the act of a repressor, meaning that the fear that results from this repression originates in that sense in the repressor, implying that both ghosting and haunting can be undone by 'unghosting' the ghost.

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[20] Cf. Derrida 2010: 48.

We can say, then, that this absence/presence is a 'constitutive presence' because it (re-)constitutes that which has constituted it, and sovereignty in this sense seems to challenge itself. The response of the EU is, however, not an unghosting but a further, more intense exclusion, which can only lead to more returning, more and more intense haunting, because the more intense the effort to exclude, the more intense the failure will be experienced, which we have seen this in the case of Chance as well as in the EC-report; and again, the failure is a failure *per definition*. Thus, "Fortress Europe" becomes a gothic castle, haunted by a presence that refuses to obey the repressive logic of an in- and outside of Europe. Making Europe in this sense—although different than Agamben imagined—a place where "exterior and interior are indeterminate."

But if repression always fails, and even constitutes the repressor, the question of *why does the repressor repress* presents itself. We will discuss this in our next chapter.

Chapter two: The Mechanism of Psychoanalytical Repression

"Marcellus: What, ha's this thing appear'd againe tonight?

Barnardo: I haue seene nothing"

(Hamlet in Derrida 2010: 20)

"Quem não tem passado não pode ser responsabilizado.

O que perde em amnésia, ganha-se em amnistia."

(Couto 320-1)

Above, we have seen that the repression of migrants is both a condition of existence for the European Union and the mode that (re-)initiates repression as such. In order to exclude migrants the EU needs to encode and inscribe them in its sovereign body permanently. Additionally, new migrants continue to present themselves because repression does not affect the cause of migration and therefore does not resolve its effects. Thus, repression is followed by a double failure to exclude, which can be perceived as a successful resistance towards sovereignty, making the repression of migrants more than ever of central importance to sovereignty. I have suggested to interpret this repression as the 'ghosting' of migrants, because the metaphor captures the complex 'play' of being present, absent and returning; it emphasizes how the confrontation between repressor and repressed changes the way migrants are perceived on an actual (bare life) and discursive level (code). Additionally, it shows how the sovereign is changed in the process, too. The questions that impose themselves, then, are what happens if initial repression stops; can repression be turned back or, to stick with our metaphor, can we speak of an 'unghosting' of the repressed subject, of the migrant made ghost? Before we can begin to answer these questions however, to which we will return only

in our discussion, we must focus on the foundation on which they rest; the question of why is there repression in the first place, or *why does the repressor repress*, and why and how does this mechanism function. Such is the task before us in this chapter.

Important to note is that the European Commission never poses this question to itself in the report, nor does it state explicitly that exclusion is central to the existence of the EU. In a sense, it does pose the question to its Members (or at least encourages them to pose it to themselves) when it points out that the "attitudes of some in Europe about immigration and integration can lead to discrimination and racism, even though anti-migration sentiments are often disconnected from the realities about migration" (6). As noted above, it appears that the EC does not count itself to belong to the "some." Albeit, while it employs a humanitarian discourse, it simultaneously suggests increasing efforts to keep migrants out and provides the means to do so. Thus, it seems to consider the necessity of exclusion in its own case *a priori,* while it simultaneously reacts correctively towards the Members that do the same, and that construct the EU as whole.

If we accept that there is such a thing as the repression of migrants on an actual and discursive level as described above, and if we agree with Agamben on the idea that such a situation cannot and should not endure if we want to imagine a different Europe, a Europe *of* the world, a Europe-to-come, as Derrida might say (for both ethical and economic reasons), then we should not only pose the question that the EC (consciously or unconsciously) eludes, but also the question of why it does not pose the question to itself, which is part of the task before us.

Before we can proceed, however, a word needs to be said on how to approach this question. Repression is theorized in several disciplines, providing several entries into the subject matter. A perhaps obvious approach would be the so-called theory of 'State repression.' Although this is in a sense what we deal with, I argue that it is not the most

productive way at this point. In an extensively documented review, Davenport (2007) assesses that it is pressing to do more work in this field, because "[t]o date, researchers have paid far more attention to the evils done against governments (and citizens) by dissidents, rebels, and terrorists than to the evils done by presidents, the police, military, secret service, national guard, and death squads against those within their territorial jurisdiction" (1). One could imagine several explanations hereof. Mbembe (2003) i.a. has pointed out that in the nation-State system the sovereign historically had the monopoly on violence. Additionally, we know that the sovereign has the right to suspend the law.[21] Scilicet, it can use violence in ways forbidden by law without breaking the law. Thus, the sovereign can posit itself in such a way that it avoids scrutiny of 'unlawful' actions that could be translated as 'State repression' (two clear examples might be Guantanamo Bay and the continuing resistance of the USA towards the International Criminal Court). To fill this gap, Davenport argues, "quantitative" research (1) is required, for which this is neither the time nor the place. Moreover, Davenport adds, these theorists deal with "applications of state power that violate First Amendment–type rights" (2), and as shown in the first chapter, the problems we deal with are partly embedded in the fact that rights and (national/State) law are linked inextricably. Additionally, it is debatable if we can speak of 'State repression' at all since we deal with Europe. Finally, as Davenport concludes, until now there is hardly any literature that offers suggestions on "why repression takes place" (17).

It seems, then, that this specific itinerary does not offer a sufficiently solid theoretical frame that can help to analyze our case. A different point of entry is psychoanalysis, which has made repression central to its theory. Freud argues that "the theory of repression is the corner-stone on which the whole structure of psycho-analysis rests" (1914: 16). Moreover, as we will see presently, a psychoanalytical approach is congruent with the metaphor of the

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[21] Cf. Schmitt in Agamben 1998.

ghost, because there is a haunting component that is repressed, even though, as we have seen above, this haunting might be the effect of the action of the repressor. What needs to be taken into account is that psychoanalysis is a method for analyzing individual cases, the cases of individuals. This means that if we want to make use of this method, we need to translate it from the individual to the collective. In this chapter we will therefore initially focus on the individual, making use of one of Freud's cases from *Studies of Hysteria* (1908 [1984]; *SoH* from now on) which will be our starting point. Second, we discuss briefly the (for us) most important critiques on Freud in relation to *SoH*. Third, we will return to the case to formulate how the mechanism of repression works. Only then will we focus on the question of why there is repression, which we shall approach via a discussion on the formation of the ego according to Freud. We will see that repression relates to an imagined 'ideal' or 'wish,' and will move to Lacan's revision of Freud, who puts emphasis thereon, and begins to show us how the individual and the collective are linked in psychoanalytical theory.

On last note before we turn to Freud. I realize that this chapter might be seen as a rather long digression, moving away from our main topic of the exclusion of migrants in the context of the European Union. I would like to emphasize the importance of this digression. The repression of the 'migrant-made-ghost' that we have seen in the previous chapter very much follows a psychoanalytical model. It is therefore essential that we understand how this process works and why it works, especially since our final discussion will rest hereon. Also, psychoanalytical repression is a complex topic because there is no consensus. On the contrary, it is even argued that repression does not exist. Taking this into account, it is necessary to discuss the, for us, important points of the debate at certain length, and take a position for ourselves. Indeed, omitting this would be equal to risking that the entire argument collapses as soon as repression is questioned. Moreover, to speak with Derrida, based on the first chapter it seems that we "must […] think the possibility of a step beyond [...] the

economy of repression" (2010: 26), but before we can do so, we have to think repression itself.

2.1 Repression in the case of Lucy R.

Freud first used the term "repression" (Verdrängung) in *SoH*, written in collaboration with his mentor Breuer. One of the cases Freud analyses in *SoH* is that of Lucy R. (95). R. is depressed and has lost her "sense of smell," but is being "continuously pursued by one or two subjective olfactory sensations" that she finds "most distressing" (95). "[S]ince" these smells "are recurrent hallucinations," Freud interprets them as "hysterical symptoms." He argues that these hauntings[22] "must…symbolize" the "trauma…in memory" (95), which made something that was once "objective" (an actual smell) "subjective" (not real, or rather, there while not there, present while absent, a haunting smell in other words). Although he realizes that a smell might be an odd symbol to represent a trauma, he cannot think otherwise, because "[t]he patient was suffering from suppurative rhinitis and consequently her attention was especially focused on her nose and nasal sensations" (96). His ideas are confirmed when R. tells him that the smell is of "burnt pudding" (96), and he concludes that the hauntings must indeed correspond to an actual situation or event which he subsequently starts to uncover.

With the help of Freud's associative method (psychoanalysis) R. remembers when and where she first experienced the smell. When she receives a letter from her mother, the children she looks after (she is a governess) take the letter away from her because it must be "for [her] birthday" (101), so she should not open it yet and spoil the surprise. Because of this, they all forget that they are making pudding which then burns, after which the smell starts to haunt her. When Freud asks her what was so agitating for her about the event, she reveals that she felt guilty. The children showed "affection" towards her, but she was in fact planning to

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[22] Freud does not use the term 'haunt(ing)' until *The Interpretation of Dreams*.

leave them behind and return to her mother because the rest of the personnel treated her badly (101). It is a double feeling of guilt, since she promised the children's mother on her deathbed that she "would devote [her]self with all [her] power to the children, that [she] would not leave them and that [she] would take their mother's place with them. In giving notice [of leaving the house she] had broken this promise" (101).

This, then, seems to be the source of the "trauma" (101). It "turned out in fact to have been an objective sensation originally, and one which was intimately associated with an experience - a little scene - in which opposing affects had been in conflict with each other" (101).

Freud is not satisfied with the diagnosis. Why, he asks himself, do these agitations lead to "hysteria" rather than to anything else? Based on former cases Freud knows that it can only be "acquired" when "one essential condition" is "fulfilled: an idea must be *intentionally repressed from consciousness* and excluded from associative modification" (102).[23] In his view, "this intentional repression" is also the "basis" for the symptoms that occur with hysteria (102). R. represses because there is "a feeling of unpleasure," caused by "the incompatibility between the single idea that is to be repressed and the dominant mass of ideas constituting the ego. The repressed idea takes revenge, however, by becoming pathogenic" (102)—it returns to haunt the subject.

Freud argues that there must be something that R. "had sought *intentionally* to leave in obscurity and had made efforts to forget" (103). He reaches, rather suddenly, the conclusion that all of this must be the result of R. being in love with her employer, which R confirms. She reveals that it had started after a conversation over the upbringing of the children. Normally, he was a "serious, overworked man whose behaviour towards her had always been reserved" (104). But during the conversation he "unbent more and was more cordial than

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[23] Note that "exclusion" is synonym to repression. For a similar point see Erdelyi 1990.

usual" (104). She had not told Freud that she loved him, however, because she "didn't know - or rather [she] didn't want to know," because if people found out they would have laughed at her. Therefore, she "wanted to drive it out of [her] head and not think of it again; and [she] believe latterly [she has] succeeded" (103).

The uncovering of her secret love (the unghosting of the ghost that haunted her) does not solve the case. The hauntings remain although this time in the form of "cigar smell" (105). Freud pursues a similar uncovering and eventually arrives at a scene where a gentleman wants to kiss the children she looks after when her employer shouts out "[d]on't kiss the children!," that causes her to feel a "stab at [her] heart" (105). Subsequently, Freud unveils a "still earlier scene" where an "acquaintance" did in fact kiss the children (106). The employer's "fury burst upon the head of the unlucky governess," and he announced that he would hold "her responsible if anyone kissed the children on the mouth" again (106). At that time, R. had still believed that her employer loved her, but the event "crushed her hopes" (106). This final uncovering/unghosting and the confrontation with the event/trauma resolves the hysteria and its symptoms—the hauntings.

2.2 Repression and the "Freud Wars"

In order to be able to adequately reflect on the case of R., we need to realize two crucial points. First, in the preface to the second edition Freud distanced himself from *SoH* (although he does not disown it). The text was written before concepts like 'ego,' 'super ego' and 'id'—to which we will return more in depth later in this chapter—were coined in relation to each other, and even before the term psychoanalysis was introduced to describe his method. Freud considered rewriting the book, but realized that the "developments and changes in [his] views" were so "far-reaching" that it would not "be possible to attach them to [his] earlier exposition" (5). But, he added, "[t]he attentive reader will be able to detect in the present

book the germs of all that has since been added to the theory" (5). This last remark has been

taken as an argument to justify the use of this particular work (e.g. by Grünbaum 1983 and

Erdelyi 1990, to who we will return in an instant). I want to add to that it makes us aware of

A) how ideas in Freud's oeuvre differ over time, B) how repression has always played a

central role and C) how haunting and repression are and have always been closely connected.

A second point we need to realize when discussing repression is that because the

concept of repression is deemed paramount for psychoanalysis by Freud, "[h]undreds of

psychoanalytic investigations have been interpreted as either propping up or tearing down this

cornerstone" (Gur & Sackeim, 1979, p. 167), also referred to as the "Freud Wars" (Kitcher

269). Rofé points out that the field remains "polarized" regarding the "validity and the way

repression should be interpreted" (63). Although it is impossible to cover all arguments (as

Erwin 1996 indicates there were 1500 studies done in 1980 alone), we need to take the (for

us) most important aspects of the debates into account and decide on how we define

repression if we want to work with the concept. Let us therefore look in more detail to these

two points.

For our first point we turn to Billig, who points out that the "crucial difference" between

the way repression was imagined in *SoH* and in "mature psychoanalysis" (18) lies not so

much in the act of repression, but in the "nature of what [was] to be repressed" (18). Initially,

repression follows "external events," traumas that are responsible for "determin[ing] the

pathology of hysteria to an extent far greater than is known and recognized" (Freud and Beuer

SoH 7). The patient "wish[es] to "forget" these "things" and "therefore intentionally

represse[s them] from his conscious thought" (13), while a "normal" (11-12) person might be

able to cope with a traumatic event. Later, though, it was "denied that the roots of neurosis"

lay in what Freud and Breuer had called 'external events' (Billig 18). Instead, they claimed

that "the roots were to be found in fantasies and repressed wishes," more specifically sexual

desires and whishes originating in childhood (18). In short, Freud's idea of repression went

from 'trauma-repression-neurosis,' to 'wish-repression-neurosis' (See also Maze & Henry

1996). As Billig shows, this focus is already visible in some cases discussed in *SoH*, mainly in

that of Elisabeth von R., but also in the case of Lucy R. Indeed, had she not repressed her

desire to be with her employer, the hysteria could not have rooted. Finally, Billig shows that

the idea that if the repression is unraveled or exposed "the symptoms eventually abate" (Billig

21), i.e. that the hauntings stop, has not changed.[24][25]

This leads us to the second point, that of the "Freud Wars." One of the most prominent

points in these debates is the validity of the concept of repression. This question is of

paramount importance since repression is essential in our case. Exemplary is Grünbaum

(1983; see also Grünbaum 1984, 1998, 2002; Crews 1998; Macmillan 1997, 2001), who tries

to undermine the evidence that Breuer and Freud provide for the idea that repression is

pathogenic (and causes symptoms). He argues that

> Breuer and Freud explicitly adduced the separate *therapeutic* removal of
>
> particular neurotic symptoms, by means of undoing repressions having a thematic
>
> and associative affinity to these very symptoms, as their *evidence* for attributing a
>
> cardinal *causal* role in symptom formation to the repression of traumatic events
>
> (110).

This, Grünbaum argues, is a circle argument that justifies itself and should not be seen

as evidence at all. He continues to argue that Freud himself must have realized this, because

Freud later states that perhaps even more important for successful therapy than lifting the

ostensibly aetiologic repression is the "personal relation…to the patient" (Freud qt. in

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[24] Although psychoanalysis is not common anymore as therapy, different techniques where the repressed (or at least the event/idea that is causing symptoms) is confronted have taken its place. One might in particular think of emdr (Zabukovec et al.; Boone).

[25] Freud does not intend for the patient to give in to what is repressed—in the case of R. that she would declare her love so that her employer might love her back. That this is not the case is clearest perhaps in *Das Unbehagen in der Kultur* (2010). Instead, if the repressed becomes pathological one should come to terms with what is repressed by bringing it into consciousness, and then repress the now conscious desire by not acting accordingly if this desire is not in line with civilization while keeping it conscious.

Grünbaum 1990: 112). Grünbaum concludes that "the reasoning by which Freud sought to justify the very foundation of his theory was grievously flawed" (110). And since psychoanalysis rests on the theory of repression, the entire theory is in his view flawed by extension.

A second point of critique on Freud, often intertwined with the first one, is the question if repression is conscious or unconscious. Billig points out that "some of psychoanalysis's persistent critics" (25) argue that if one wants to be "true" to Freud one must recognize that the process of repression is unconscious (25). Grünbaum argues thus, but an even clearer example is Erwin (1996: 285). In short, he states that if repression is unconscious it cannot be shown directly (223). Instead, its existence has to be proven by the effects that it causes. But, he argues, referring i.a. to Grünbaum, this can only be done by induction, which does not lead to reliable knowledge. There is, in other words, "no…evidence" that "repression exists" (222), which, again, undermines psychoanalysis (220), a conclusion that was already announced in the title of the book *A Final Accounting*.

Grünbaum, as one of Freud's fiercest critics, has been criticized himself on several occasion, perhaps most notably by David Sachs (1989). His work does indeed leave room for discussion. First, his arguments are hermetic but radiate a sort of agitation that becomes manifest in the choice of words (he calls his opponent's argument "ludicrous" 1983; 150) and in the fact that his texts are dotted with italics (often in every other sentence) and exclamation marks (Rofé makes a similar point and calls him "harsh," 63). This has created the idea that Grünbaum's goal (and this goes for Erwin and those who argue along similar lines, too) is to "demolish the credibility of psychoanalytic theory" (Billig 25-6). Although we cannot but call this remark a speculation (one that is usually explicitly denied), it seems to be built on solid ground—the discrediting of psychoanalysis as a whole is almost invariably part of the closing argument and is often presented as the goal from the outset (again, as we have seen in Erwin

it is announced in the title). One could argue that this "demolishing" is justified if Freud's

theory is indeed flawed entirely, but as Sachs notes, this would not be "fair" to Freud (1989).

Take for example Derrida (1996). Like Grünbaum, Derrida argues that Freud's argument is

logically flawed on some essential points. His conclusion however is opposed to that of

Grünbaum and Erwin. In short, Derrida states that "resistances of psychoanalysis" (viii)—

resistance to itself that is—do not have to lead to a "resistance to psychoanalysis" (vii)—the

radical "abandon[ment]" that some propose (Rofé 63). Instead, Derrida continues, we might

think of a psychoanalysis beyond these errors, "come to the aid of psychoanalysis despite

itself" (viii).

This is prominently done by Erdelyi, who spent a considerable amount of his career

studying the topic of repression and even tried to formulate a "Unified Theory of Repression"

(2006).[26] He realizes that the arguments of those trying to discredit psychoanalysis, like

Grünbaum, are so tightly argued that it is better to circumnavigate them than to go through

them and he employs two strategies. First, from the outset he makes clear that Freud's

"tendency to contradict himself" (1990: 14) is highly problematic. But, he argues (some years

before Derrida did), that is no reason to believe that psychoanalysis is flawed as a whole.

Second, the main difference with Grünbaum and Erwin (and the opposing current they

represent)[27], is that Erdelyi sees the process of repression not necessarily as unconscious,

which is contrary to the contemporary "mainstream" idea of the process as unconscious

(Erdelyi 1, see also Bowers & Farvolden, 1996; Rofé 63). He argues that already in *SoH* (and

even when Ebbinghaus defined the concept before Freud) repression was conceptualized as a

conscious process that "produces amnesia" (14; see also Erdelyi 2001 en 2006). Thus, he

engages not so much with the argument but with its premises (namely that Grünbaum's/

Erwin's readings are "true" to Freud). To support his claim, he traces the concept of

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[26] This was received predominantly positive. See for further information issue 29.5 of *Behavioural and Brain Sciences* (2006).

[27] Represented here is a simplified version of the debate. For an extensive overview see Rofé (2008).

repression throughout Freud's work and concludes that after *SoH* it "was articulated in more or less analogous fashion over the next two decades of Freud's writing" (8). In 1894, for instance, in "The Neuro-Psychoses of Defense," Freud argues that he "repeatedly succeeded in demonstrating that the splitting of the content of consciousness is the consequence of a voluntary act" (qt. in Erdelyi 1990: 11). His patients were "confronted" with something "so painful that the person resolved to forget it" (11). In "Repression" (1915), Freud still argues that "the essence of repression lies in simply turning something away and keeping it at distance from the conscious" (11).

The fact that repression eventually became known as unconscious was according to Erdelyi not due to Freud but to his daughter Anna.[28] Her work *The Ego and the Mechanisms of Defense* (1936) became so influential that even the DSM (the Diagnostic and Statistical Manual of Mental Disorders), which initially described repression as "intentionally" avoiding to think of something, changed the definition to not touching "on the question of intention" (qt. in Erdelyi 14). This, Erdelyi argues, is not what Freud meant. He admits that after 1915 the concept in Freud is "overtaken by…revisions" (7), but states that this "could be expected" since Freud wrote his work over a "full half century" (8). Still, "even in his later writings…his [Freud's] position is by no means clear" (13). Thus, Erdelyi concludes, based on Freud's writing we have to agree that the repression "mechanisms *can* also be deployed consciously" (14).

2.3 Our mechanism of repression and the case of Lucy R.

To determine a position of our own we will return to Lucy R's case. In this context, Freud emphasizes that repression is conscious by putting in italics that Lucy R. "*intentionally repressed*" an idea *"from consciousness*." Indeed, she expresses clearly that she "didn't want

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[28] Anna Freud also introduces the difference between suppression and repression. Erdelyi shows that in Freud the two are often synonyms (14)

to know," which unmistakably points to an intentional and thus conscious process. Still, we have seen that this remark refers to being in love with her employer and not to what she actually wants to repress, videlicet the fact that she loved him while he did not love her back. The repression of her love for the employer seems crucial nonetheless, because if R. allows herself to know that she is in love with him, she will be reminded that he does not feel the same. The mechanism of repression, then, seems to involve not a single repression but a series of repressions. We can even argue that a successful repression always consist of a series of repressions. Verily, if one forgets but remembers that one has forgotten, one will keep on pulling until the forgotten is revealed again. For an illustration, one might think of a cellar door that signals the existence of a space underground, even though that space itself is hidden from view. A minimum of one additional repression therefore needs to take place either to forget that there is a door, or to forget that the door signals the presence of a hidden space. It can, in other words, "no longer belong…to knowledge" (Derrida 2010: 5; 45).

It seems, then, that in the case of R. both conscious and unconscious are involved in repression, but it is not always directly clear how they relate to each other. We do not know for instance how the initial event/trauma was repressed (consciously or unconsciously), but we do know that what initially needed to be repressed is sustained in the unconscious by a 'serial repression' that at some point was conscious and intentional. Also, we know that R. had more conscious repressions planned that were not yet executed—moving back to her mother. (In that way she could have avoided confrontations with the personnel, who would have reminded her that she loved her employer, which would remind her that he did not love her, which is the initial event/trauma.) What we are not certain of is if R. realizes that these planned repressions are part of the 'serial repression,' instrumentalized to repress the initial event/trauma. The reason she gives Freud—namely that the rest of the staff does not treat her well—seems to indicate that she does not.

There is a second reason to believe that she does not realize that all these repressions are linked and ultimately have the same goal. R. mentions that she has "succeeded" in repressing, but in our terms 'succeeded' would mean that, to stick with the metaphor, the door is either not visible anymore or is not visible as door, so that it does not signal the presence of a hidden space. This would indicate that no additional repressions are required because the symbol at the end of the repression-chain has been forgotten, or is suspended so extensively that its presence has lost its power to be disturbing—that is, to signify in any way the repressed, to be present hauntingly as the presence of an (unknown) absence. We know that both are not the case; she does plan new repressions and is being haunted by the symbols at the end of the repression chain.

This, then, points to two things. First, a conscious repression might have an unconscious drive. Second, repression can cause a signifier to be disconnected from the signified. Why this is the case becomes manifest when we focus on the smell that haunts R. Haunting can be seen as the failure or incompleteness of repression, and needs two conditions to come into existence. First, there must be a signifier that does not directly signify what it ultimately signifies (let us call this a symbol). Second, the subject must be unable to question the symbol (to see the symbol as symbol; note that an option here, too, is that the symbol comes to signify something else completely, which is in fact the case if the symbol refers to a symbol). This is illustrated perhaps best by a mistake Freud makes. When he describes the "subjective" smell that haunts R., he interprets it as a "symbol" of the "trauma" but it is not quite that. Rather, it is a symbol of a symbol of a symbol of the trauma. One symbol signifies another signifies another etcetera, until the signifier is reached that signifies an (traumatic) event. Freud has experience (earlier cases) to fall back on, which allows him to keep on questioning the symbols and eventually address the actually repressed.

What is important to keep in mind, though, is that Freud is able to correct the mistake that he initially makes not because the case itself points in a certain direction, but above all because of experience acquired in earlier cases. This is why he rather suddenly jumps to the conclusion that she must be in love with her employer, an observation purely made on the basis of this experience (i.e. an empirical observation and not an psychoanalytical one). In other words, an earlier hypothesis motivates the current hypothesis and leads him to confirm this hypothesis. This, of course, is a point that Grünbaum i.a. criticizes (it is a circle argument), but it appears to me that the nature of repression requires such an approach. Let us return to Lucy R, who fails to question the signifier at the end of the chain but nonetheless represses, although indirectly, what was repressed initially. If we accept that a repression is always at least double—the forgetting of the idea and the forgetting of the forgetting—then *per definition* the repression-chain aims to inhibit the subject to question what is signified. *A fortiori*, repression aims to destroy any form of communication between repressor and repressed, and to do so it needs to destroy the ability to question possible symptoms, to ask it 'why are you here'; 'what is it that actually haunts me'; 'what does it mean that I am haunted,' because the answers might eventually be 'I repress,' which would be equal to the undoing repression. This answers the question of why does Lucy not question the repression that she herself exercises.

Interestingly, Freud describes the mechanism of repression in a similar manner on several occasions (1900; 1911; 1915; 1926). What we have called 'initial repression' Freud calls "*primal repression*," and what we have called serial repression he calls "*repression proper*" or "*Nachdrängen*," "after pressure" (1915: 143). Finally, he describes a third phase, "the most important as regards pathological phenomena…that of failure of repression, of *irruption*, of *return of the repressed*," i.e., haunting (1911: 23).[29]

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[29] To be clear, Freud's states that the repressed might return in a different form, in the form of what we have called symbol, a smell for instance (Freud also refers to this as "derivatives of the unconscious" 1915: 193).

What needs to be emphasized is that it is crucial for Freud that "in any account of the theory of repression it would have to be laid down that a thought becomes repressed as a result of the combined influence upon it of *two* factors. It is pushed from the one side (by the censorship of the *Cs.*) and pulled from the other (by the *Ucs.*)" (1900: 547n). He adds some years later that if these "two forces did not co-operate, if there were not something previously repressed ready to receive what is repelled by the conscious" then "the trend" towards repression would "probably fail" (1915: 148). This implies that there must be a repression 'always already at work' in the unconscious, which raises the question of what it is and how it got there.[30] Freud would answer 'the Oedipus complex'—the desire to kill the father and possess the mother, created in early childhood. It is this desire that makes all other repression possible in the "mature" Freud, as we have seen described in Billig (desire-repression-neurosis) and is thus the source of all neurosis. We will come back to this presently, but will see that R.'s case shows perhaps that we can imagine the mechanism without a repression 'always already at work.'[31] Indeed, repression can be partly conscious, which means it can be instrumentalized for one's own purpose, i.e. repressing an initial (primal) event that causes "unpleasure." Also, if we accept that a 'primal repression' is necessarily followed by 'repression proper' (that might exist out of a series of repressions), then the initial trauma always disappears further and further into the unconscious because of, metaphorically speaking, 'the growing weight piled on top of it.' This might explain why whenever Freud uncovers an event it is a "still earlier scene"—R. repressed progressively, forwards in time, and therefore uncovers backwards in time.[32] Moreover, we have seen that R. thinks that 'repression proper' is not motivated by the actual trauma even though it is. Although the

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[30] It also raises the question of does it mean that when the repressed returns, there is nothing pulling from the unconscious. This would lead us deep into the Oedipus complex and lies outside the scope of this study.

[31] Note that I do not claim at this point that there is or is not such a thing as a repression 'always already at work.'

[32] This establishes a notion of the unconscious as "spatial" (as we have also seen above) and Freud indeed indicates it thusly (1923: 357-8).

primal repression was perhaps conscious, it is now hidden in the unconscious but still initiates further repression—repression proper. In short, conscious repression has an unconscious drive. In this sense the unconscious indeed "pulls," to use Freud's term.

2.4 Subject formation as/and the reason for repression

Even though we have gained an idea of how the mechanism of repression might work, we are still unaware of why the subject represses. It is necessary to discuss this question before returning to the case of the European Union.

In the case of Lucy R. Freud gives several clear indications. He argues that "[t]he basis for repression itself can only be a feeling of unpleasure, the incompatibility between the single idea that is to be repressed and the dominant mass of ideas constituting the ego" (Freud and Beuer 102; see also Freyd 2006). Later, as Billig has shown, Freud argues that there is a repression 'always already at work' in the form of the Oedipus complex, which develops during the formation of the ego. In both cases the 'ego' plays a central role, and it seems that in order to answer the question 'why does one repress,' we need to focus on how the ego is formed.

According to Freud "psycho-analysis cannot situate the essence of the psychical in consciousness, but is obliged to regard consciousness as a quality of the psychical, which may be present in addition to other qualities or may be absent" (1923: 351). So far this division was visible as conscious and unconscious, but Freud problematizes this distinction in *Beyond the Pleasure Principle* (1920) and later in *The Ego and the Id* (1923). He argues that we have to distinguish between two different sorts of unconscious, the "preconscious" and the "unconscious." The former indicates the "latent," those thoughts that are unconscious but can become conscious easily, while the latter indicates the instinctual drives and the repressed. Both of them are equally unconscious, he argues, but their dynamics, i.e. their ability to

become conscious, are different (352-2). A problem arises when Freud tries to discuss the 'ego.' Initially he describes the ego as "attached" to consciousness; as that "which goes to bed at night" (354), but then he realizes that some processes of the ego are unconscious, too (354). A third unconscious would then be needed, which would make the term too "ambiguous" (357-8). Freud therefore creates two additional terms next to 'ego' to describe the psychical: the 'super-ego' and the 'id.' The id is what is always unconscious (although what is unconscious does not have to be the id). It is governed by the "pleasure principle" and houses the unconscious drives and instincts as well as the repressed. The super-ego, on the other hand is mainly but not entirely unconscious. It is in a sense the opposite of the id in that it opposes the drives issued from the id, according to the rules of the society the subject is embedded in. In Freud's words, its relation to the ego is voiced in the "precept[s]: You *ought to be* like this" and "You *may not be* like this" (372). The 'ego' comes into existence by mediating between id and super-ego (370-2).

This points to another source of repression, which leads us back to the notion of repression 'always already at work.' Indeed, if we see repression as the result of an "incompatibility" between a "single idea" and "the dominant mass of ideas constituting the ego," we imply a conflict that exceeds the limits of the subject and takes place in that space where society and the subject overlap. To clarify, let us return to the case of Lucy R. We have seen that R. is hurt because her employer does not love her back, but we have to acknowledge that neither we nor she nor Freud knows if he really did not love her. What we know, we know from R., and what she thinks she knows—the idea that he loves her and then the idea that he does not—is in fact her *interpretation* of two events that is not neutral because it is determined to a large degree by her super-ego. First there is the meeting where the employer is "more cordial than usual," which initiates her love for him. In other words, he deviates from the established protocols in his household that govern the relations between his staff and

himself, which is interpreted (or translated, misrecognized) by R. as love. To reformulate once more, the difference between a social norm and the social exception is interpreted as love. This in itself might point to another social protocol, because her love follows his, which implies a passiveness on the side of the subordinate (who is incidentally a woman). More importantly, the 'love'—that is perceived as the result of an interpretation, that in turn is the result of (a breaking of) social codes—might or might not be actual/real. We simply do not know this because her employer never directly comments and she never asks. This means that the event must directly be followed by repressions for at least two and perhaps three reasons. A) It makes her love him but social hierarchy forbids her to express this love. B) She cannot share it with the rest of the staff because social protocol makes the situation ridiculous. C) If he loves her he cannot tell either because she is not of his status.

The second event consists of two parts. A) There is a long period after the first event where the employer acts in line with established social codes. For R., however, this has become exceptional because the exception has for her been established as norm (i.e. he loves her, she loves him). Thus, again, the difference between the (new) norm and the (new) exception is interpreted as non-love. B) The second deviation from the (new) norm—he screams at her—definitely negates her idea that he might love her and reverses the new norm back to the old one. This, however, does not cancel out her love for him—which can be seen as a 'endothermic reaction'—nor is it the beginning of repression; instead, it is the point where repression becomes problematic. But the repression was already at work at that moment, and was the direct result of a social code that dictates "you *ought to be* like this" and "you *may not be* like this."

2.5 Lacan and the Ideal-I

At this point we are able to formulate why the subject represses, which will be the connection to the next chapter where we will use the psychoanalytical approach to analyze further the EC-report. Repression, at least in the case of Lucy R., is a direct consequence of society and how *society shapes or forms the subject and thus shapes itself*. Repression, in other words, has a goal. To speak with Gearhart, it "does not *simply* restrict, devalorize, ignore, delete, or suppress. It also creates significance and value [...] it is also the production of the ideal" (158); i.e. an ideal subject from the view of society as well as from the view of the subject itself.

This seemingly simple observation is essential for our case, because it means that if we know the goal of the repression, we can answer why repression is employed. Before we turn to our last chapter, though, we need to make a turn to Lacan, who (more than Freud) not only emphasizes the production of the ideal but makes this relation to society explicit (it is Lacan who is implied in Gearhart's "ideal," not so much Freud, although there would be no Lacan without Freud), and who will form the bridge to our next chapter where we will ask why the EU represses.

Like Freud, Lacan argues that the psyche is structured in three parts. Lacan, however distinguishes the 'Imaginary,' the 'Symbolic' and the 'Real,' concepts that in a sense correspond to Freud's ego, super-ego and id, but are different in many ways, and that I will therefore discuss respectively.

When an infant "still sunk in his motor incapacity and nursling dependence" (2) sees its reflection in the mirror, it identifies with this "specular image" or "imago" (2). Identifying with the imago, Lacan argues, is "assuming" (3) an image of itself that is not the 'self' but that is 'other,' i.e. the mirrored exterior of the 'self' as 'self.'[33] The infant, at this stage, is as

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[33] Note that in this thesis self and subject are synonyms.

yet unable to completely control the body and therefore sees the imago as a 'self' more "whole" than itself, which Lacan calls "Gestalt" 2. This Gestalt, then, becomes an imaginary projection of how the 'self' could or should be—an "Ideal-I" (2)—which "precipitate[s] [the 'self'] in a primordial before language restores to it, in universal, its function as subject" and before "it is objectified in the dialectical identification with the other" (2). Scilicet, the *idea* of 'self' as ideal-I, the misrecognition ("méconnaissance" 21) of this 'other' as 'self,' precedes consciousness of, A) itself as linguistic subject and, B) itself as separated from what is 'other' or what is outside itself (which happens only as it enters the Symbolic Order as we will see). Thus, it prelinguistically "situates the agency" or desire of the infant in a "fictional direction" (2-3), makes it desire to be something that it is not. As the subject can only become this ideal-I "asymptotically" (2) the mirror stage symbolizes the "mental permanence of the *I*, at the same time as it prefigures its alienating destination" (2).

The ideal-I has a double function, not only is it what the self strives to be, it also works stabilizing or "orthopedic" (18-21). When, in the Symbolic Order, the child is "objectified in the dialectical identification with the other," and the illusion of being whole shatters and makes way for the idea of 'self' as fragmented, as disconnected from the 'other,' the imaginary wholeness protects the subject from "neurosis" (7-9). In short, "The Imaginary" is this realm of distorted (mirror) images that form the foundation of identity.

The subject, then, is in a sense haunted by an image of how it ideally should be. This haunting is doubled after the mirror stage, Lacan argues, at the age of eighteen months, when the infant develops from a "specular *I*" into a "social *I*" (5) as it enters the "Symbolic Order" (through language). First, Lacan argues, the child recognizes that there are things beyond itself, that there is an "umwelt" (4), that things previously seen as part of the 'self' are now seen 'other.' Most importantly, the child learns that the mother (and her breasts that fed it), is 'other' too. The child desires to be one with the mother, to return to the mother, desires the

mother, but this desire is cut short by what Lacan (in a play of phonemes) calls "non/nome du pêre," the "name [and no] of the father"—the rules of society (67). It obstructs the return to the desired wholeness and "installs" a feeling of "lack" in the child (124), which "tips the whole of human knowledge into mediatization through desire of the other" (5).

Humans, scilicet, become desiring subjects according to Lacan, in a similar way to Freud's thesis. We have seen that for Freud the "Oedipus complex" (6)[34] is what initiates all this desire. Lacan embraces Freud's concept but revises it by embracing structural linguistics to explain how desire works. Following Saussure, Lacan notes that signifiers have an arbitrary relationship to the referent they try to signify. An effort to reach the referent, then, will only lead to different signifiers and access to the referent is obstructed by the essential difference between the realm of the signifiers and referents, meaning that the referent is always absent from the realm of language (146-52). Lacan proceeds to use this model to explain how the unconscious is structured, i.e., the unconscious according to Lacan is structured as a language. In the human psyche, an essential difference—or "bar" (152)—separates the realms of the conscious and the unconscious. Like the referent, the unconscious can never be reached (directly) and because the ultimate desire (the (m)other) for Lacan is set in the realm of the unconscious (even before the child has become a linguistic subject), what is desired can never be reached either. In that sense, the desires that are felt are according to Lacan like signifiers that only lead to different signifiers/desires (which corresponds in a sense to repression proper). But psychoanalysis might be a way to break through this endless chain of symbols, and at least identify what might lay at the bottom of the desires.

What is really signified/desired—the referent, the wholeness with the '(m)other'—can never reached because, A) the wholeness is imaginary and B) the entrance into language and thus society, into the Symbolic Order and the "name-of-the-father" that comes with that

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[34] Note that the father does not only represent the biological father but society as well.

entrance obstructs that way. Desire, then, is based on a lack that can only be signified by an absence. It is this referent that Lacan calls "the Real," perhaps the most opaque term in Lacan's triad, that can be compared to Freud's 'id'—an unconscious part of the subject that determines and shapes identity but that is only present in absence. The subject, in short, is formed by a twofold desire to be an Ideal-I, determined on the one hand by the 'mirror stage' on the one hand by the repression of the 'Symbolic Order.'

Lucy's case, then, illustrates the conflict between the super-ego and the id (in Freud's terms) or between the Symbolic Order and the Real (in Lacan's terms). She has the desire to be with her employer which (she thinks) would be the accomplishment of her ideal-I, but has to repress her love because society forbids an intimate relation between them and forbids her to speak about her desire. Society, as such, blocks the realization of her desires, which forces her to deviate from the path that would lead in the direction of her Ideal-I and forms her to the 'ideal' from the point of view of that society. But, as a consequence of that repression, she becomes hysteric.

Chapter three: Repression or the European Union's Ideal-I

> *And travelers, now, within that valley,*
>
> *Through the red-litten windows see*
>
> *Vast forms, that move fantastically*
>
> *To a discordant melody…*(Poe)

In the previous chapter, we have seen why the subject represses, what the mechanisms of repression are and how they work. Repression arises as an effect of the friction between society (super-ego; Symbolic Order), the unconscious drives and desires (id; Real), and the formation of the subject. It is always multiple and has a goal, namely the production of an ideal. If we want to determine why the EU represses, which is the task before us in this chapter, we need to define the goal it wants to accomplish with repression. Before we do so it is important to realize that although we have seen that repression links psychoanalysis to the collective, we cannot simply, as Gil notes, "extrapolar" ("extrapolate") psychoanalysis to the level of the "colectivo" ("collective," 19). Freud speaks e.g. of hysteria and it is debatable if such terms, i.e. referring to a pathological condition, can be applied to a State or the European Union. To be clear, even though Gil successfully applies such a term to a post-dictatorship society, this will not be our goal here. Instead, to speak with Jameson, the pathological term derived from Freud that are used in this chapter are used "descriptive[ly]" and not diagno[stically] (116).

In order to answer the main question of this chapter, *why does the EU repress*, we first analyze the reasons the EC gives for itself. We find that these are not sufficiently reliable and turn to the *Lisbon Treaty* instead. Subsequently, we discuss recent political events to determine if repression helps to accomplish this goal, and find that this is not the case.

Subsequently, we ask who does profit from it. This leads us to the individual Member States, and enables us to answer our main question. Finally, Althusser's extrapolation of Lacan serves as a method to theorize these examples. To start, we will shortly elaborate on the importance of this question.

3.0 The logical and the political: On finding the EU's ideal-I

Repression, we have seen, is not a goal in itself, but a means to an end that can be employed in trying to reach a desired state—an Ideal-I—which can be visualized in the following formula We can say that, at least in the eyes of the repressor, $T_e = (T_n - x) * n$, where 'T_e' is the desired end state or Ideal-I; 'x' the element to be repressed or excluded; 'T_n' the point in time of exclusion/repression (starting at T_1); and 'n' the number of repressions needed. Failure of repression means that the outcome of the formula is something other than T_e. In Lucy's case, e.g., repression fails because, first, the Symbolic Order prohibits her to be with her employer, and second because repression does not return her to the state she was in before she fell in love with him, i.e. happy; not hysteric. In the case of the EU, we know that the 'x' in the formula—in Freud's term the "idea" that needs to be excluded—is 'the migrant' (Freud and Breuer 102). The T_e is unknown in the case of the EU and is what we will focus on presently.

Since we will do so at considerable length I want to shortly emphasize the importance hereof. Freud argues that the "return of the repressed" is equal to the failure of repression (Freud 1911: 23), and in the case of the EU the repressed indeed returns as shown in the first chapter. Why not simply argue then that repression fails? The following has to be taken into account. In the introduction of this thesis, I argued that the contradiction of exclusion/inclusion found in the EC-report has consequences for the possibility of a (certain) European Union. This thesis argues, in other words, that there are reasons to question the

current exclusion policy of the EU. It could be argued that such an aim or statement results from a political or ideological disposition, which might be an argument to discard the thesis as a whole. However, the goal is not just to show that there are political and ideological reasons to discuss the exclusion policy. Instead, I want to show that by determining the T_e of the EU, and by concluding that repression obstructs the realization of this ideal, we have a non-political, non-ideological (to the extent that this is possible), i.e. logical reason to question and perhaps revise the EU-exclusion policy.

Indeed, in the case of Lucy we have seen that her T_e is accomplished after she confronts and stops repression, because it is repression that causes and then perpetuates hysteria by perpetuating itself. As such, her means to an end is actually the barrier that prevents her from coming closer to that end. The EU too starts excluding in a, what could descriptively be called, 'hysterical' manner, meaning that migrants are excluded unsuccessfully which leads the EU to be haunted and re-initiates repression, thus bringing it in a self-sustaining loop of haunting/repression. If it can convincingly be shown that repression in this sense leads away from its T_e rather than towards it, that it changes the EU in such a way that the actually established state, let's call it T_{actual}, is something that might not only be in discrepancy with the desired T_e but might harm it, get in its way, and might even harm its stability, then stopping repression equals self-preservation. Therefore we discuss at length what motivates repression; what the T_e of the EU is.

3.1 The EU's ideal-I

In the EC-report, the Commission argues that repression is a condition of existence for the EU. This seems to point to an Ideal-I and thus to a reason for repression. However, the claim is uttered only indirectly and is itself not motivated. It resides, we could say, in the unconscious of the text, waiting for us to unveil it. An explanation hereof can be found in the

previous chapter. Repression, we have seen, aims to inhibit communication with the repressed, and must therefore prevent the repressor from asking questions to the act of repression. If it does not, the acquired answers might lead to an unveiling of the repressed. This implies that any motivation given for repression is potentially unreliable, an idea that is strengthened on several occasions in the report. First, the EC states that the influx of migrants is a condition of existence too, and urges the Members to realize this. Second it reproaches "some Members" for dealing with migration in a way that leads to racism, even though it provides them with the necessary means to do so (Frontex; digital border etc.).

What appeared to be a motivation for repression, then, becomes so ambiguous throughout the report, that it loses most of its semantic value. I propose, therefore, to focus briefly on the history of the European Union and its foundational treaties, in particular on the *LT*, to determine the EU's T_e is.

The main goals of the EU are defined at the onset of the *LT*. Article 2 states that the Union that shall "promote peace, its values and the well-being of its peoples" (article 2.1); "shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured" (article 2.2); and "shall establish an internal market" (article 2.3). In short, "it shall promote economic, social and territorial cohesion, and solidarity among Member States" (article 2.3). These goals all originate in previous treaties. Peace among Members was the primary goal of the Union and was formulated in the foundational 1951 "Paris Treaty"; free movement was ensured with the development of the 1985 Schengen Agreement; and the foundation for the internal market was laid in the 1993 Maastricht Treaty, where the 3% government deficit of GDP rule was introduced. In 2009 the *LT* subsumed the former treaties, forming the legal foundation for what from then on would be called the European Union.

Not visible in article 2 is the fact that the EU "has continually expanded since European integration first began in 1951" (EU 2012a: 1). What started out as a purely economic union between six countries is now a highly organized political entity, uniting (in a sense) 27 Members.[35] It is important to realize that the expansion is also a goal of the EU, and is in fact a planned process officially referred to as the "Enlargement of the European Union" (see Protocol 10 of *LT*). The process of enlargement is not finished. We read in the *LT* that "[a]ny *European State* which respects the principles set out in Article 6(1)[[36]] may apply to become a member of the Union" (article 49; my emphasis). This gives us an indication of what the T_e might be, namely the inclusion of all European States, meaning that if the now candidate States become Members (which in the case of Turkey and Iceland might take a considerable amount of time), there are sixteen more European countries[37] that according to their geographical location could become candidates and eventually Members.

Before moving on, an important point needs further discussion. On other occasions it has been pointed out that the concept of 'European States' causes i.a. geographical problems (see e.g. Balibar 2004). Turkey, e.g., lies partly on the Eurasian and partly on the Anatolian tectonic plate. Iceland is located on both the North American and the Eurasian one as does Russia. As such, they are as much non-European as they are European States, which could either logically exclude them from the Union, or logically open up the Union to other States that are not located on the Eurasian plate. Even more problematic are colonies like Réunion, that although located in the Indian Ocean, only 2100 km away (as the crow flies) from the coast of Mozambique, is a part of Europe and was even the first region to use the European currency, the euro (Young 2012). I am aware of these difficulties but since it is not my goal to focus on them I propose a temporal solution. Turkey, Iceland and Russia are at least partly

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[35] At the time of this writing Croatia has become an acceding Member. Its planned entrance is July 2013.
[36] Liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (*LT* Article 6.1)
[37] Albania; Andorra; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Georgia; Liechtenstein; Moldova; Monaco; Norway; Russia; San Marino; Switzerland; Ukraine; Vatican City (EU 2012b).

located on the Eurasian plate and might thus be counted as being part of the European continent. States that are not at all located on that plate will for now not be considered part of Europe. Réunion and similar territories are the property of European States and will therefore be considered to belong to Europe by extension. This would allow us for the time being to take the unity of all 'European States'—i.e. all those States which lie at least partly on the Eurasian tectonic plate or are the property of the a EU State and which respect the values indicated under article 6.1 and comply to the official entrance demands—as T_e of the EU, and allows us to focus on a different point that is as least as problematic as defining the EU geographically, namely its *demos*. Let me hasten to add that I do not pretend nor aim to define that *demos*. The aim is merely to point out problems that are related to defining it from the perspective of the T_e in relation to the current exclusion policy, and the consequences this has for the (im)possibility of a European Union.

3.1.1 The people of Europe?: The case of Romania and Bulgaria

Article 8 of the *LT* states that "[e]very national of a Member State shall be a citizen of the Union," meaning that he or she is free to travel, work and live inside of the EU. However, taking into account the "Enlargement" of the European Union, a strict exclusion policy might undermine the stability of the EU and the realization of its goals, especially keeping in mind that the EU wants "solidarity" between its Members. Videlicet, in theory it means that a person who is presently not a EU-citizen and is thus to be excluded at T_1 A) might have to be *included* as EU-citizen on a later point in time (let us call it T_2) when 'his' or 'her' country joins the Union; B) might have to be excluded as EU-citizen when his country is excluded from the Union on T_3; C) *has* to be included eventually in order for the EU to reach its T_e. To put it more extreme, a person might be denied asylum one day and might be granted European citizenship the other and vice versa.

Because the above might sound abstract I will provide two examples illustrating that a strict exclusion policy can indeed be harmful for the EU. One of the most interesting cases has been and still is that of Romania and Bulgaria. Although both countries are EU-member since 2007, neither of them is part of the Schengen area, even though Schengen is part of the *LT*. Of course there are also non-EU Members that are part of Schengen, but we have seen that *LT* article 2 states that the EU "shall" provide "free movement." Schengen is thus implied in that article, *a fortiori*, without Schengen, the European Union as imagined in the *LT* is impossible.

Already in 2010 the Dutch parliament discussed if citizens of Romania and Bulgaria, Roma in particular, should be granted free access to the Netherlands allowing them to work without a permit. The Dutch minister of Internal Affairs wrote to the Dutch parliament that he would not allow this, and that he might not until 2014 after which the law forces the country to open up its borders to the two eastern European Members (Donner 1). That the block was not merely symbolic became evident in a reaction of a different member of the same (then government) party (the Christian Democrats). In a radio interview a few days later the member stated that Romanians and Bulgarians need a working permit until they are allowed in the Schengen area, but the permit can be denied if that seems necessary. And, she continued, without work they are not welcome in the country, because "ook zij moeten gewoon meedoen" (i.e. they need to work) and otherwise they have "niets te zoeken" here (Sterk 2010).

The situation did not change when Romania and Bulgaria complied with the official conditions to join Schengen set forth by the EU a year later. The Dutch minister of immigration, Leers, declared on the 13th of September 2011 that he would veto the entrance of the two Eastern European countries in the European Parliament on the 22th of September 2011 (Malmström 2011). After his statement in the European Parliament, Leers was asked in an

interview if he did not find it "disturbing" (1:28) that the Netherlands vetoed against such a vast majority of Members. Although he did not answer the question, his reply deserves to be quoted in its entirety. "I am," he said,

> not an enemy of Romania and Bulgaria, not at all. I am a friend of Europe. And so what I want to reach [sic] is that people in Europe can be one hundred per cent sure, that no criminals, and no corruption, will interfere, with our internal markets. That's what my concerns [sic] is about (Leers 2011: 1:33-1:50).

It is hard to imagine that the (classic) antagonism between "friend" and "enemy" was not constructed beforehand. Leers started his political career in 1982 in the local government in a southern province of Holland and became a member of the national parliament eight years later. Another twelve years later he became mayor of Maastricht where he had to negotiate i.a. the Dutch soft drugs policy to the bordering countries Belgium and Germany. In 2010, he became minister for Immigration (Leers 2012). Thus, at the point of the interview he already had a long and successful political career behind him, in which he had had to deal with the media on many occasions. These observations underline the following implications of his remark. First, the friend/enemy binary he constructs implies that someone who does want Romania and Bulgaria to join is an enemy of the EU. According to this logic, all other Members (except for Finland who also vetoed against), the two countries and even the EU itself are an EU-enemy. Second, Leers might not be an enemy of Romania and Bulgaria, but apparently he is not a friend either. Fourth, if Romania and Bulgaria do not join, he *can* guarantee that the EU can ward off *all* criminals and corruption. Thus, all criminals and all corruption in the EU are in/from those two countries. Last, and most importantly, in the way his answer is formulated, he implies that Romania and Bulgaria are not part of "Europe," but of course they are, which according to his own logic means that the corruption he refers to is a problem of the EU as a whole, or at least that "our" market is also 'their' market.

No doubt the minister would strongly disagree to his words reformulated in this manner, because they resemble what Balibar calls "European apartheid" (31-51). Still, it would not be easy for him to let go of the antagonism since it would reveal that the exclusion of Romania and Bulgaria is in fact harmful for the EU.

Indeed, the questions that are justified at this point are, how will the Dutch citizens will perceive of the Romanians and Bulgarians after 2014, after their government signaled that 'they' are "corrupt" and "criminal." Will the Dutch welcome the Romanians and Bulgarians with open arms; accept them as full members of the European community; as an equal part of the body of European people? Or will the European Union be blamed for being forced to allow foreigners into 'their' country, making the Dutch turn again both the foreigners and the EU?

At least equally justified is the question of how should the Romanians perceive of the Dutch after the veto. In fact, shortly after the veto, the Romanian government spoke of going to court and blocked the import of Dutch tulips and vegetables for a short period (The Economist 2011). It left Leers unimpressed (1:55) and not without reason. Economically the actions were insignificant and they promised to be short lived. Furthermore, Romania was unlikely to stand a chance in court since Leers had the right to veto. However, if the minister indeed acted out of concern of the well-being of the Union, he would have realized that these minor measures symbolized a discontent between Members and their people that cannot be seen as profitable for the EU. Especially not, because these countries are already a EU-Member *and* have met with the official criteria as adopted in the *LT*. Moreover, these Members should be united in solidarity. Indeed, those criteria will lose part of their significance and force, because (new) candidate Members know now that complying with them will or might still not be enough. As such, this exclusion undermines the stability of (part of) the EU, and obstructs the realization of part of what the T_e is.

3.1.2 The people of Europe?: the case of Greece

A second example for the fact that exclusion can prevent the EU from accomplishing its T_e is the case of Greece. At the moment that this thesis is written a fierce discussion is going on about the future of Greece's EU-membership. This is rooted ultimately in the "Maastricht Treaty" 3% deficit of GDP rule. This rule was developed to warrant the stability of the euro and is anchored in article 126.1, which states that "Member States shall avoid excessive government deficits" (article 126.1). Initially, the Greek deficit was too high (15 % of GDP in 1990; 12% in 1993) but the government succeeded in bringing it down rapidly. From 2004 to 2006 it went down a decisive 5% and came within the 3% of GDP range (Koutsogeorgopoulou & Turner 2007). In 2007, however, the deficit increased rapidly, which was catalysed by the economic crisis that started a year later (Grajewski & Heritage). Initially, the Greek government published incorrect numbers but in October 2010 it was revealed that the Greek deficit exceeded 15% of GDP (Eurostat).

The problem that arose was twofold. On the one hand, the country needed to comply with the European rules and bring down the deficit. On the other hand, in order to repair the economy Greece needed money. However, on the financial markets the trust in the Greek economy had sunk so low that it became almost impossible for Greece to apply for loans. When it could get a loan, the interest rates were so high that the deficit was driven up even further which in turn made it harder to pay the debts (ECB 2012). Because the position of Greece affected the whole Euro zone and made the common currency decrease in value in comparison to e.g. the dollar and the Swiss franc, the joined Members decided on the 2nd of May 2010 to offer a bail out of 110 billion and thus help both Greece and themselves. The amount soon appeared insufficient, and on the 15th of March 2012, after the IMF decided to

support a second emergency bail out with 28 billion euro, the Members agreed on lending out

another 130 billion euro in total (Breidthardt & Strupczewski).

The money was not lent out unconditionally. Article 126.7 of the Maastricht Treaty

states that

> [w]here the Council decides, in accordance with paragraph 6, that an
>
> excessive deficit exists, it shall adopt, without undue delay, on a recommendation
>
> from the Commission, recommendations addressed to the Member State
>
> concerned with a view to bringing that situation to an end within a given period.

In short, in order to apply for that money Greece had to follow the

"recommendations"—that are in fact demands since there nothing voluntary about them—of

the EU. Thus, the EU forced the country to accept higher taxes, a higher retirement age, and a

cut in the number of government officials, amongst a long list of other, minor measures. This

resulted in massive strikes and protests by the Greek people (Breidthardt & Strupczewski 5-

9), which in turn led to the fall of the government. New elections were called and held, but the

outcome was politically so dispersed that new elections had to be called again for the 17th of

June 2012.[38]

It is at this point unknown what will happen, but at least two scenarios are possible. In

the first, a pro-European government is elected; Greece will agree with the cuts that the EU

demands and will receive financial support. In the second an anti-European government is

elected; Greece sets aside the demands and financial support is stopped. This last scenario

will to all likeliness have further consequences. It would mean that Greece disobeys the EU

demands; breaks the Maastricht Treaty on multiple points (and thus the *LT*); and 'endangers'

the Euro zone as a whole, a scenario which is likely to result in either Greece leaving the Euro

zone voluntarily, or in the EU excluding Greece from it. Those consequences appear even

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[38] At the time of the final draft of this thesis the elections have been held, and a pro-European government was elected. Still, at this point it is not sure what will happen. Moreover, the situation in Greece might repeat itself in a different country.

more realistic considering that the violation of the *LT* demands consequences on order to avoid destabilization of the Treaty. Otherwise, Members can break the Treaty in the future without consequences, too.

However, the possibility to leave the Euro zone has not yet been documented in any of the treaties. Moreover, the *LT* dictates that "[t]he Union shall establish an economic and monetary union whose currency is the euro" (article 2.4), and this "currency" shall be "*single*" (articles 97b; 115A1; my emphasis). In other words, being part of the EU means being part of the euro,[39] and not being part of the euro any longer might therefore mean not being part of the EU anymore. This is not illogical taking into account that the T_e of the EU does not aim on being temporary, and the euro, that is, the economic unity of the EU, has from the start been an essential means in establishing this T_e. It is, we can say, a condition of the possibility of a European Union as imagined in the *LT*. As a consequence it seems that the only option for Greece would be to withdraw from the EU entirely, which is a possibility the *LT* does provide for (see articles 28A5; 49A1-3).

At this point it is highly debated in basically all major news media (see e.g. Chibber 2012), national governments and in the EU itself (see e.g. Elliott & Traynor 2012) what consequences the exit of Greece would have financially. But focusing on the financial aspects only is a reduction of the problem. Because, at least in theory, if Greece leaves the EU it means that officially and from that point onwards, the Greek are no longer European citizens according to article 8 and are thus no longer allowed to reside and work anywhere in the European Union without a permission to do so in the form of a working- or residence permit or visa. Of course, one could imagine several exceptions. For instance, those who already live abroad are allowed to stay. But new migrants who seek e.g. jobs over the state-border (something not unimaginable if the deficit of GDP grows even further) will need to apply for

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[39] The exception is the UK that joined before the euro was introduced. New members do not have the choice to sign only part of the *LT*. Note that the UK "is obliged to avoid an excessive government deficit" (TL/P en 56, amendment g).

a permit. Alternatively, a full exception could be made, allowing Greece to stay in Schengen, which, I emphasize again, is part of the *LT*. Both measures would harm the EU however, because they A) contribute to the inconsistency and thus unreliability of the European policy and B) would to all likeliness offend Romania and Bulgaria, especially because in all of these cases corruption is given as reason for the problems (see e.g. Donadio & Kitsantonis).

In summary, these examples show that a strict European policy of exclusion causes inconsistencies to such an extent, that it becomes unpredictable which individuals are and are not going to be accepted in the European Union in the near future. It becomes even so unpredictable that it is thinkable that a non EU-citizen could be allowed in while a EU-citizen is denied that right. Moreover, this might hypothetically change overnight.[40]

One might argue that the case of Greece is an exception but we know that at least Portugal, Spain, Italy and even Poland face economic instability (Rettman 2). Moreover, we could argue that the crisis in Greece has reached its considerable size because it was fuelled by a broader economic and financial crisis. And because history teaches us that economic crises are not exceptional (Vogl 2011), we can argue that what happened to Greece could happen to any other country in the future, even if the internal political context is different.[41]

3.2 National exclusions: the Ideal-I and the case of France

I have shown that a strict exclusion policy is not advantageous for the EU, and can obstruct the realization of a T_e. The question that follows is who profits from the exclusion policy.

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[40] What confuses the matter even more is that Switzerland, Liechtenstein, Norway and Iceland are part of the Schengen area but are not in the EU. It should be noted that they became part of the area before the *LT* officially subsumed it.

[41] Another possibility is that countries will leave the EU. Rennie (2012: 75) argues for instance that the UK might do so at a certain point (and might not).

An answer to this question can be found in Broeders, who indicates that "political attention for irregular migration became more structural" (Broeders 2007: 77) after the Treaty of Amsterdam in 1999 determined that "migration policies…officially belonged to the field of responsibility of the European Union" (Tsianos 374) and made European and State borders merged as discussed in the first chapter (see point 1.1). Only then the debate "gradually took on a grim tone" and "policy on irregular migration became the '*fight* against illegal immigration" (Broeders 2007: 77). Broeders remark indicates that the EU's exclusion policy might be rooted in the policies or wishes of the individual Members to have sovereignty over their borders. This idea is strengthened by the fact that whereas the EC never directly claims that the fate of the European Union depends on the exclusion of migrants, some Members States do (or at least more directly). An example hereof can be found in the case of France. In a desperate attempt to beat his rival Hollande in the race for the French presidency in May 2012, Sarkozy stated that "il y a trop d'immigrés en France" (Bourdin 2012). Also, he argued that if Europe does not succeed in excluding more migrants (note that he speaks of migrants who are already in France, which thus implies more exclusion) and making the EU-border hermetic, France will "withdraw" from Schengen (BBC: 2012a). As mentioned above, Schengen is one of the key aspects that make the EU possible as imagined in the *LT*.

Surely, these remarks have to be interpreted in the political context. Sarkozy at that point was behind in the polls and these statements might have won him the votes that in the first round went to the populist right wing Marine Le Pen, leader of the Front National, who did not make it to the second round. Le Pen, however, tried to prevent this by asking her supporters to "withhold" (Willsher 1) their vote altogether, which perhaps contributed to Sarkozy's defeat.

Albeit, as Brady (2012) argues, it would be reductive to say that Sarkozy's statements are merely and purely strategic. Brady recalls that "French skepticism of the Schengen project

goes right back to its inception in 1995," when the five founding countries of the EU officially abolished internal border control, but France "refused" to comply (3). France felt that it had a more "robust border security" in comparison to other Schengen countries, and felt that the Treaty could not warrant that. As Brady points out, France still feels as if its "standards" are "higher" than those of other EU countries (7). However, we do not need to go back as far as 1995 to find a history to Sarkozy's remark. When in the beginning of 2011 the regime of Tunisia's Zine El-Abidine Ben Ali had been overthrown, thousands of refugees fled to Italy. Some twenty thousand of them were granted temporary residence permits, which allowed them to move to different countries in Europe. Many of them went to France because they were familiar with the language. As a reaction, France reinstated border control on the Italian border, which "anger[ed]" the Italian government that "accus[sed] its neighbor of overstepping the treaty on border-free travel" (BBC 2011: 5). France then sent trains with refugees back (*idem*) and declared that it wanted to change the Schengen treaty. Because, France argued, "the governance of Schengen is failing," and therefore it "seems there is a need to reflect on a mechanism that will allow a temporary suspension of the agreement, in case of a systemic failure of an external (EU) border" (6).

France, eventually backed up by Italy, demanded that the Treaty would be changed in such a way that it would be allowed to reinstate border control in the case of mass migration (Brady 7; Waterfield 2011). The responsible Commissioner, Malmström of Home Affairs, accepted the offer on one condition, namely that the European Executive would have the final say in the matter. But, as Brady amongst many others points out (see e.g. Ernst 2012), this would mean that the EC gets direct "power to stop a country [from] guarding its own borders (Brady 10) and it is therefore not surprising that the proposal was rejected. Eventually a different amendment to regulation No 562/2006 was proposed, also referred to as the Renate Weber Report. It fortified the existing regulation by adding that even though "situations can

arise where a large numbers of third country nationals cross the external border of one or more Member States" (EC 2011a: 6), the "immediate reintroduction of some internal border controls" is only allowed "if such a measure is needed to safeguard public policy and internal security at the Union or national level from a serious and urgent threat" (6).

However, there are reasons to believe that if Malmström not made her counter proposal, the French demands would have been accepted. Videlicet, in June 2012, the European Council circumvented the authority of the European Parliament and adopted a rule that allowed Members to "unilaterally" to reinstate border controls for "30 days" without needing "the agreement of other member states" (Vandystadt 1-6).[42] The Parliament was outraged and a French MEP even claimed that the "Danish Presidency [responsible for the change] is no longer a credible interlocutor" and that from now they Parliament will address themselves "exclusively either to the European Council or informally to the next Presidency of the Republic of Cyprus" (Nielsen 2012 1-5).

3.3 European exclusions: the Union vs. its Members

We have analysed, then, that the ability to exclude migrants is more important to (some) individual Members than to the EU as a whole and that exclusion might even prevent the EU from reaching a T_e. The reason hereof is rooted in the, what we could call, 'essential difference' between the EU and the State. The EU has an (non-Imperial) expansion drive, i.e. a drive to include more and more States as equal Members. This drive is finite in theory, but in practice, taking into account a State like Russia but also Switzerland and the UK (see footnote 41), might be considered an endless process that will never be finished (as Lacan already described, the ideal-I can only be reached asymptotically). The nation-State functions according to a different principle. Nations are founded on birth (Agamben), "seek" to "root"

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[42] This was accomplished by changing the legal basis of the proposal on the Schengen Evaluation Mechanism from article 77.2e to article 70 of the Treaty on the Functioning of the European Union.

their "legitimacy in a historic past" (Keating 13), imagine a "ghostly figure" of the past that provides holding on to as a guarantee for the "vitality of the nation" (Medeiros 2008: 6-7). It is this "ghostly figure" that creates the foundation (or blueprint) for the unity of the nation, meaning that those elements (traditions, persons etc.) not connected with or to that image might need to be excluded. In his seminal work *Imagined Communities* Anderson therefore draws the conclusion that the nation is always imagined as "finite" (8). In short, the EU is expanding endlessly while the nation-State excludes endlessly and thus the latter more than the former needs a hermetically closed border.

Let me hasten to add that I do not argue that the EU does not need external border control at all: that it will always profits from migration and never needs or wants to exclude anyone. Instead, what I suggest is that the EU's exclusion policy as we have seen it in the EC-report is more severe than necessary. It can obstruct the realization of its T_e while the Members in fact profit from it, at least from the perspective of the nation as 'Imagined finite Community.' That hypothesis is, once again, illustrated and strengthened in a very concise manner by the example of the SIS-database. The database already discussed in chapter one forms the foundation of the digital border and was introduced with the implementation of Schengen. The EU constructed the system to be able to "safeguard internal security and, in particular, to fight organised crime" (EU 2009: 4), pointing to the EU need for a border control. However, as Broeders 2007 showed in our first chapter, SIS is now mainly used for the exclusion of migrants. This particular phenomenon, where an application comes to be used for something different than initially intended, is referred to as 'function creep,' and is often labelled as an unpredictable process (Broeders 2007; Fassmann et al.; Besselink & Prechal). Let us not debate if this is indeed the case, but let us instead agree on the fact that this was exactly the instrument the Members needed to at least seemingly get some sovereignty back over their own border. This can be explained with a quote form Iain

Chambers, who argues that "the border is not a thing" but "the realization of authority" (2008 6). With the digital border, authority can be realized everywhere where one can access a database, even in the country that officially does not have border control anymore. Thus, the strictness of border controls is a result of the T_e of the determined by the Members more than of the EU.

We can argue, then, that the strict exclusion policy of the EU and the "grim" tone in which it is voiced is the result of a friction between the nation-State and the EU, evolving around border sovereignty. More specifically, we can speak of a friction as the result of a discrepancy between the T_e's of the two political entities. How can this be theorized? How, in theory, can it be that the one's ghost becomes the other's? To answer this question we turn to Althusser's extrapolation of Lacan, wherein he describes how a social formation is constituted. This will allow us to answer the main question of this chapter and to proceed to the discussion.

3.4 Society formation as/ and the reason for repression: theoretical friction in Althusser's Lacan

A society or social formation, Althusser echoes Marx, is constituted of several levels. First, there is an *"infrastructure"* that forms the "economic base" or the "unity of the productive forces and the relations of production" (129). Second, there is the "*superstructure*" that controls the infrastructure and that, in turn, consists of two levels: the "politico-legal"— State and the Law—and "ideology" (129). Marx (and Engels) argues that the superstructure is supported, or rather is kept up by, rests on the infrastructure or base. Without the infrastructure the superstructure would collapse, which means that the effectiveness of the superstructure is "ultimately" (Engels 124) determined by the base. If, as Marx and Engels argue, "[t]he conditions of production are also those of reproduction" (566), then the

dominant superstructure depends on the infrastructure to produce what perpetuates its dominance—the conditions of reproduction. In "classical" (Althusser 131) Marxist texts, it is argued that this domination is ensured via what Althusser calls Repressive State Apparatuses (SA's)—the army and the police etc.—that force 'the people' to perpetuate the conditions of the current dominant power through the means of violence. Althusser moves away from this early Marxist understanding and emphasizes the role of ideology and the role of the infrastructure therein. Ideology was seen by Marx and Engels as a mere byproduct of the State (or superstructure), that represents "the system of the real relations which govern the existence of individuals" (Althusser 155). Althusser argues against that and claims that ideology instead represents (or misrepresents, in the Lacanian sense of "méconnaissance") the "imaginary relationship of individuals to their real conditions of existence" (153). As such, what ideology represents is always one step away from "The Real" world (because we need language to communicate it). Ideology, succinctly, can be seen as similar to Lacan's "Symbolic Order," meaning, too, that it is ideology that is the repression 'always already at work' in the subject born into that societal structure.

This becomes manifest when we return to Althusser, who emphasizes that ideology has (most importantly) a material existence (actions/ institutions) as opposed to a "spiritual existence" (ideas) because it always exists inside a (State) apparatus (155-6). This does not mean it does not exist in ideas, on the contrary, ideas are essential to the functioning of ideology but simultaneously are a result of the ideology, and are thus secondary to ideology (156). He explains this as followed. The what he calls "Ideological State Apparatuses" (ISA's) —"churches," "family," "legal," "sport," "political system," "trade-unions" (137) and most importantly "schools" (144), "contribute to the reproduction of the relations of production," all in the different ways "proper to them," but dominated by a "single score," that of "the Ideology of the current ruling class" (146). Unlike the SA's, ISA's function

mainly via ideology and only secondarily rely on punishment (while SA's rely secondarily on ideology and primarily on violence). This veils the fact that they are instruments of the dominant power and even makes their presence seem "obvious" (161). The school e.g. (but also the family) seems to belong to the 'private sphere' which makes it seem a "neutral environment" (148). But, Althusser points out, rephrasing Gramsci, the distinction between the "public and the private" is always constructed by the very system that dominates the infrastructure (137). Thus, when an individual is still in its "most vulnerable" state (147), it is already ejected in these ISA's where it is "practically provided with the ideology which suits the role it has to fulfill in class society" (147). This allows the individual to become an "agent of exploitation" (147) of the ideological system it is educated in. It sets up the individual as a "conceptual device" that individually forms and/or recognizes the ideas he believes in (157). If he "believes in Justice," e.g., "he will submit unconditionally to the rules of the Law, and may even protest when they are violated" (157). Because ideology forces to recognize that "every 'subject' endowed with a 'consciousness'…must *act* according to his ideas…If he does not do so, 'that is wicked'" (157) and punishment (often in the form of exclusion from society in some form e.g. prison) must follow. As such, Ideology produces subjects, or, "interpellates" individuals into "subjects" (162). Subjects are therefore always ideological according to Althusser (162).

To summarize, then, the individual is inserted in the material apparatuses of ideology and is taught to produce ideology in spiritual form. This has material consequences as it leads the individual to act according to this ideology (making it an ideological subject). As such, the structure of "all ideology" is "doubly speculary" because "the mirror duplication" does not only constitute ideology, it also "ensures its functioning" (168). Or, in Althusser's own words, it is a

double-mirror connection such that it *subjects* the subjects to the Subject, while giving them in the Subject in which each subject can contemplate its own image (present and future) the *guarantee* that this really concerns them and Him, and that since everything takes place in the Family (the Holy Family: the Family is in essence Holy), 'God will *recognize* his own in it,' i.e. those who have recognized God (168).

What is unclear at this point is how this functions in relation to the European Union. Indeed, the EU does not have direct citizens, it only has indirect citizens who are primarily citizens of the nation-State and are interpellated as such.

Instead, the subjects of the EU are the nation-States themselves. Indeed, without the nation-States to "recognize" the EU (as Subject) there is no EU. Furthermore, the nation-States are in fact interpellated as soon as they are called 'Member,' as soon as they are called by the name Member that is given to them by the (naming) Subject. From that point onwards they "must *act* according to his ideas," i.e., the ideas of the Subject, the ideas of the EU. And if they disobey there are measures to correct this with force. At this point these measures are not the repressive State apparatuses that Althusser had in mind, but *LT* articles like 126 and the possibility to exclude countries as shown in the case of Greece. But we can see them starting to take shape in, e.g., the case of Frontex as a European police force.

The European Union's interpellation, however, is not a single act, and it is herein that the friction between the nation-States and the EU lie. Namely, the becoming subject for the nation-States implies an unbecoming Subject. The friction, then, is the struggle of the Subject to stay Subject which it does by trying to reproduce itself in the EU. Although this does not always succeed, it does succeed in the case of the migration policy; through the 'function creep' of the digital border and by circumventing the EU-parliament as we have seen on the 6th of June 2012.

This, then, also explains why the EU-represses. The EU does not initially repress because it needs to repress or wants to repress migrants. It represses as the result of a clash between national and EU ideology, between Subject and Subject, caused by a discrepancy in their T_e's. Thus, a remnant of the T_e of the nation-State is successfully reproduced in the mechanisms of the European Union that reproduce themselves. In other words, one's ghost becomes the other's.

Discussion: The EU as Haunted Psychoanalytical Subject

I have shown that there are many similarities between the case of the EU and that of Lucy R. Freud's patient represses an idea that as a result comes back to haunt her. She responds by repressing more which creates new ghosts and intensifies the hauntings. This causes hysteria and obstructs the realization of her ideal-I.

Due to the nature of repression, Lucy is unable to solve this problem herself. Repression aims to disconnect not only the communication with the repressed, but also inhibits the subject to ask question to (the act of) repression. Indeed, if it is revealed to the subject that it represses it might lead to the undoing of repression and the uncovering of the repressed. Therefore, repression is necessarily multiple, serial. Freud knows this from experience and keeps on questioning Lucy's ghost, even after her initial ghost has been unghosted, and even though he is not sure that the ghost really is a ghost. Freud is right to do so, and is able to uncover a yet earlier scene, or an earlier ghost, that was invisibly present, lined up in the ghost that haunts her.

We made a similar observation in the case of the EU. The Union, too, represses and produces ghosts as an effect. This results into an intensified haunting and brings the EU in a self-sustaining loop of haunting/repression.

To answer the main question of this thesis, *how can we explain the contradiction in the EC-report*, I want to suggest therefore to consider the EU as psychoanalytical subject. This allows us to explain the questions that have so far remained unanswered, and has several advantages for future research.

It might seem that our main question has been answered at the end of the third chapter, which is the case to a certain extent. The question that remained open, however, is that of if repression/exclusion originates in the nation-State, how does it relate to the European Union.

Especially taking into account that the EU is in fact its Members, or, is constructed of its Members—which is why we argued that one's ghost becomes the other's. Thus, chapter three partly explains the contradiction, but does not explain what allows for this contradiction to exist.

If we accept the EU as psychoanalytical subject, it implies there is an 'id', a 'super-ego' and an 'ego', which, as Freud argues, divide the subject. More specifically, he argues that the subject's relation to the id is

> like a man on horse back, who has to hold in check the superior strength of
> the horse; with this difference, that the rider tries to do so with his own strength
> while the ego uses borrowed forces. The analogy may be carried a little further.
> Often a rider, if he is not to be parted from his horse, is obliged to guide it where
> it wants to go; so in the same way the ego is in the habit of transforming the id's
> will into action as if it were its own (15).

In our case, then, the nation-States represent the 'id', taking the subject in a direction it might not want to go. This is sometimes successful, e.g. when the Council circumvented the Parliament on the 6th of June, and sometimes less successful e.g. when France's proposal was rejected and when the Netherlands are eventually forced to leave Bulgarians and Romanians in.

The European Commission represents the 'super-ego'. This explains, first, why in the report does not count itself to "some Members" whose attitudes lead to racism, even though the Members in a sense are the whole, making the attitude of a Member the attitude of the EU by extension. Second it explains why it reproaches these Members for their attitudes.

Following Freud, we can argue that the subject as a whole (the European Union) is the result of these sometimes contradictory forces, which explains the contradictions in the report.

There are further advantages of seeing the EU in this manner, which reach beyond what is discussed here. If we approach the issue of migration in relation to the EU in a psychoanalytical manner, we profit from Freud's experience and know that we are obliged to always ask questions to our ghosts, even though they might not appear to be ghosts. Furthermore, we know that we are obliged to always question repression itself, both for ethical reasons and for reasons of self-preservation. In other words, we need to speak with who/what appears 'other' to the subject and ask it 'why are you here'; 'what does it mean that you are here'; what does it mean that I am haunted by you'; 'what is it that (actually) haunts me'. Thus, the ghost that is hauntingly present as the effect of the subject's violent act of ghosting can be unghosted.

This obligation does not stop after the ghost has been unghosted. Lucy's case shows that there can be ghosts lined up in the ghost, invisibly present in an absent presence. Therefore, we need to try to return to a 'yet earlier scene', bring to the present that which is in the past and to the inside what is on the outside. Thus, stone by stone, the walls around Europe are deconstructed.

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