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# Stopping boats, saving lives, securing subjects: Humanitarian borders in Europe and Australia

Adrian Little and Nick Vaughan-Williams

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## **Introduction**

Events across Europe and North Africa retroactively packaged as the 2015 ‘Mediterranean migration crisis’ saw the greatest number of displaced persons as a result of violent conflict in international politics since the dissolution of the former Yugoslavia. By the end of December 2015, it is estimated by the United Nations High Commission on Refugees (UNHCR) that 1,007,716 migrants and refugees – primarily Syrian (49%), Afghan (21%) and Iraq (8%) nationals – arrived ‘irregularly’<sup>1</sup> via boats in southern Europe – particularly Greece (851,319), Italy (152,700), Spain (3,592), and Malta (105) – and a further 34,000 are believed to have crossed from Turkey into Bulgaria and Greece by land (UNHCR 2015). Despite a raft of policy interventions under the ‘European Migration Agenda’ the UNHCR estimates a further 182,831 arrivals by sea during the first four months of 2016 (UNHCR 2016).

In 2015, more than 3,771 ‘irregular’ migrants and refugees are known to have died or remain missing in the Mediterranean Sea; a further 1,261 were lost as of April 2016 (UNHCR 2015, 2016). The greatest number of deaths in the context of a single incident on the Mediterranean came on Saturday 18 April 2015 when an overcrowded vessel – abandoned by suspected traffickers – overturned in Libyan waters approximately 180 kilometers south of the Italian island of Lampedusa: of more than 700 passengers aboard 50 are reported to have survived (UNHCR 2015). Lampedusa was itself the site of two similar incidents in 2013, which saw the deaths of at least

600 Eritrean and Somali nationals who on both occasions struggled to swim the 800 meter distance to the shoreline of the outcrop of Conigli (BBC News 2013a, 2013b).

Among elite responses to Europe's crisis in early 2015 was a call from the former Australian Prime Minister Tony Abbott<sup>2</sup> for EU leaders to adopt an Australian-style approach to the issue. In Europe to mark the centenary of the Gallipoli landings, Abbott said: 'The most *compassionate* thing you can do is to stop the boats' (The Guardian 2015a, emphasis added). Since the early 2000s successive Australian governments have sought to manage 'irregular' migration by exporting the border beyond what are conventionally understood to be the territorial limits of the state: in 2013 there were 300 boats carrying more than 20,000 'irregular' migrants; in 2014 there were none (Davies and Orchard 2015). Though 'Operation Sovereign Borders' was considered to be a 'success' by the Abbott administration<sup>3</sup>, Australian citizens are insulated from the violent costs of this policy, which are felt thousands of miles away by 'irregular' migrants detained (in some cases indefinitely) on remote islands and in states with histories of egregious human rights abuses such as Cambodia, Sri Lanka, and Vietnam (Chambers 2015; Davies and Orchard 2015; Martin 2015; McNevin 2014; Peers 2015; The Guardian 2015a).

While EU leaders have not fully embraced Abbott's rhetoric, the Commission's response to the crisis *has* been marked by a continued emphasis on *both* tough border security and the language of 'saving lives'. But there is also a third dimension common to both European and Australian contexts – a new focus on smuggling and military response – that shifts responsibility for deaths arising from 'irregular' mobility from *both* migrants and refugees *and* restrictive border security and migration management. There is, for example, a striking similarity between Abbott's exhortation that 'our determination to save lives at sea' is greater than

people smugglers' determination to put lives 'at risk' and the words of Federica Mogherini, the EU Commission's High Representative and Vice-President, on the announcement of the new European Agenda on Migration in May 2015: 'This is not only a European but a global challenge: with this agenda we confirm and broaden our cooperation with the countries of origin and transit in order to *save lives*, clamp down on smuggling networks and *protect those in need*' (European Commission 2015a, emphasis added). In both cases the introduction of the smuggler as a third party has created new opportunities for militarised solutions to 'irregular' migration under the rubric of compassionate borderwork.

Recently, several scholars in International Relations (IR) – and the interdisciplinary fields of critical border and migration studies – have examined in the European context 'the birth of the humanitarian border' (Walters 2011), the 'victim/saviour' logic of border policing (Pallister-Wilkins 2015), and the rise of 'humanitarianism-light' (Basaran 2015). Related work in the US-Mexico borderlands has investigated humanitarian (Williams 2015) and post-humanitarian (Squire 2015) attempts at regulating 'irregular' mobility. In turn, much of this work draws on a range of Foucaultian-inspired scholarship across the humanities and social sciences concerning the performative politics of humanitarian reason (Fassin 2012), regimes of care (Feldman and Ticktin 2010), armed love (Ticktin 2011), and protection under emergency conditions (Fassin and Pandolfi 2013). However, the former body of work focuses on humanitarian bordering in the context of region-specific sites and the latter, though often global in scope, pays little attention to the specific entanglement of logics of humanitarianism and securitization in the field of border security and migration management. Furthermore, neither set of literatures reflects to any great extent on the difficulties posed by the cooptation of the discourse of humanitarianism

by securitizing actors for critical scholarship in IR when much of that scholarship relies precisely upon humanitarian arguments. Despite these advances, both arguably fall short of offering an alternative conceptual framework for thought, judgment, and action in response to contemporary migration crises.

In this article we argue that, despite the specificities of geographical, historical, and cultural contexts, it is possible to discern the emergence of a transnational discourse of compassionate border security, which fuses humanitarian and militarised logics – with ambivalent ethical and political effects – and defies traditional territorially-based understandings of borders. Working through two case studies in the European and Australian contexts, we show how compassionate borderwork enacts worlds, creates and delimits political and ethical possibilities, and has concrete and often contradictory – if no less violent – effects on the lives of targeted populations produced as ‘irregular’. While transnational discourses of compassionate border security operate according to a universal and therefore purportedly borderless logic of ‘saving lives’, the subjectivity of the ‘irregular’ migrant in need of rescue is one that is produced as spatially *and* temporally exceptional – the imperative is always to act in the here *and the now* – and better knowable and therefore *governable*. By thinking in these terms we can better diagnose examples of compassionate bordering today not only as important topical issues of the moment, but also as symptomatic of broader governmental logics that attempt to simultaneously enhance and save lives biopolitically.

Locating compassionate borderwork within the biopolitical grid of intelligibility – as paradigmatically outlined by Michel Foucault (1998) – allows for a mode of critique beyond a reliance on the very forms of humanitarianism that have been coopted by transnational governmental actors and logics. However, we argue

that the Foucaultian approach only gets critical IR scholarship so far. The concept of biopolitics – the attempt to enhance and optimise life at the level of the population – explains how humanitarian border security offers opportunities for governing ‘irregular’ migrants and refugees through succour. But it runs up against its own diagnostic limits in the light of the demonstrable capacity for contemporary forms of compassionate borderwork to lead to ‘irregular’ migrants’ and refugees’ dehumanisation and death. For this reason, we supplement existing Foucaultian understandings of humanitarian borderwork with Roberto Esposito’s (2008, 2011) treatment of the concept of (auto)immunity in order to argue that the adoption of humanitarian and securitizing logics are not contradictory but essentially conjoined elements within the field of contemporary border security and migration management.

We develop this central argument via four main sections. The first explores a series of spatial and temporal (dis)locations of ‘the border’ in both the European and Australian contexts. We argue that, despite several important differences between them, it is possible to identify key dynamics common to both culminating in recent years with the rise of the discourse of humanitarian border security. From here we then offer two case studies of how compassion and violence have come to mark border and migration management policies and practices in both contexts: elite responses to the 2015 Mediterranean migration and refugee crisis and the Gillian Triggs episode, respectively. Finally, we conclude with an exploration of the implications of our empirical analysis of transnational humanitarian bordering and conceptual development of the paradigmatic Foucaultian frame for critical border and migration scholarship and IR more generally.

## **Spatial and temporal (dis)locations of the border in Europe and Australia**

PM Tony Abbott's remarks about the need for EU leaders to adopt an Australian-style solution to the migration and refugee crisis were tempered by Julie Bishop, his Foreign Secretary, who suggested that a 'one-size-fits-all' approach towards migration and border security was inappropriate across diverse geopolitical contexts (*The Guardian* 2015b). Of course, particular historical, geographical, political, legal, and cultural features in each context militate against hasty generalisations across the policy trajectories and on the ground experiences of both border security personnel and 'irregular' migrants. This is not least because the nationalities of 'irregular' migrants and refugees, their motivations for and experiences of (im)mobility, and their points of origin and transit routes mean that the politically contested issue of 'migration' is far from universally understood. To take one prominent example of a key difference between the EU and Australian contexts, the practice of indefinite detention – permitted under Australian law for 'irregular' migrants who arrive without authorisation – has been banned by the European Court of Human Rights (Peers 2015).

In the Australian case, there are particular dynamics that relate to its maritime borders and also to its relationship with neighbouring states in the region (Chambers 2015). Whereas the EU increasingly provides a common platform for Member States in addressing border and migration issues collectively, Australia's relations with its neighbours are still conducted through a traditional nation-state paradigm. Thus, when the notion of a 'regional solution' has sometimes been aired in Australian politics, as it was during Julia Gillard's administration (McKenzie and Hasmath 2013), this has always been viewed as a transaction between nation-states in the region. As such, the efforts to enlist neighbouring states such as Malaysia and Cambodia to provide long-

term homes for asylum seekers held in Australian detention camps, has involved various enticements and blandishments to these neighbouring states rather than a regional agreement about the treatment of asylum seekers *per se*. Indeed, this rather traditional political dynamic has been evident in Australia's behavior since the implementation of Operation Sovereign Borders in September 2013. Border control policy has not been focused on addressing the issue of asylum seekers in the region but on making sure that resettlement and sanctuary is not Australia's problem.

More recently, in response to the exodus of the Rohingya minority from Burma in 2015 and the ensuing crisis in the Andaman Sea – with estimates of up to 7000 people on boats being refused entry to Thailand, Indonesia, and Malaysia – Tony Abbott commented that, 'I don't apologise in any way for the action that Australia has taken to preserve safety at sea by turning boats around where necessary ... and if other countries choose to do that, frankly that is almost certainly absolutely necessary if the scourge of people smuggling is to be beaten' (*The Guardian* 2015c). In other words, the response promoted by Abbott to this regional problem was for governments of nation-states to unilaterally refuse to permit boat arrivals as to do otherwise would be an encouragement to people smugglers. Amid reports of the plight of the people stuck in boats in the Andaman Sea, the logic of response from the Australian government was one of security and deterrence rather than a humanitarian concern for the welfare of the people stuck in limbo until agreement was reached between Malaysia and Indonesia to accommodate some boat arrivals and Thailand agreed not to turn back boats. This took place at the same time as nations such as the USA, the Philippines and Gambia agreed to take in Rohingya asylum seekers while Australia refused to do so (*The Guardian* 2015d). While this example reflects a more general turn in the discourse of Australian politics to focus on people smugglers rather

than those seeking asylum (McDonald 2011), it also demonstrates the very different climate of regional politics within which Australia and the EU operate. When taken together with the different geo-political context of solely maritime borders in Australia versus maritime and land borders in Europe, it is clear that it would be dangerous to suggest that the two cases were like for like.

However, despite these differences, we argue that in recent years it is possible to identify several ways in which a series of spatial and temporal dislocations of the border have come to characterise emerging regimes of border security and migration management in both contexts – albeit with differential effects and implications. Here our focus is not to ‘compare and contrast’ Europe and Australia as such, but to identify and critically interrogate common logics of humanitarian governmentality that are increasingly reflected in discourses accompanying the changing nature and location of ‘the border’ transnationally.<sup>4</sup> We do so by looking in closer detail at three core aspects common to both geopolitical contexts: the extra-territorial (and increasingly militarised) projection of attempts to control the mobility of ‘irregular’ populations (Bialasiewicz 2011; Squire 2011; Author 2 self-reference 2009a); the outsourcing of ‘borderwork’ to neighbouring third states (Rumford 2009; Del Sarto 2015a, 2015b); and the rise of detention as an instrument of border policing (Mezzadra and Nielson 2013; McNevin 2015). While these core characteristics have been explored at length in each case respectively they have seldom been located in the transnational context proposed here and more rarely still have these developments been analysed against the backdrop of the accompanying emergence of the discourse of *compassionate bordering*, which we explore in greater detail via two case studies in the subsequent section.

Far from a fixed line demarcating the territorial limits of sovereign jurisdiction, the nature and location of ‘the border’ is evolving in new and important ways in both contexts and this problematises the dominant ‘inside/outside’ frame within which a range of theoretical literature produced by the discipline of IR is said to operate (Walker 1993). We see prominent moves to ‘off-shore’ diverse bordering practices – understood here to refer broadly to a diverse range of *attempts* to police, control, and secure ‘irregular’ mobility – beyond ‘Europe’ and ‘Australia’ such that there is a disaggregation between ‘territory’ and ‘the border’ as commonly understood in the context of the modern geopolitical imagination (Agnew 2005; Author 2 self reference 2009b). In turn, the creation of a global network of biopolitical border interventions targeted at the basic needs of ‘irregular’ populations defers and displaces European and Australian responsibility for access to asylum and protection under international law (Kitagawa 2011).

### *The European context*

Since the introduction in the early 1990s of strict visa requirements for entry to the EU, opportunities for unskilled migrants – particularly Algerian, Moroccan, and Tunisian nationals – to travel legally to member states in search of work has been choked off (UN, 2013a; Guild and Carrera, 2013). Without the existence of ‘regular’ channels open to those seeking employment, an ultimately unknown number of migrants have sought to enter the EU during this period via methods and points of entry deemed to be ‘irregular’. At the same time, a panoply of enhanced border security measures has been posited as the ‘solution’ to the ‘problem’ of ‘irregular’ migration in the European context.

The lifting of internal border controls among Schengen states in 1985 was accompanied by a series of ‘compensatory measures’, which, as seminally noted by William Walters (2002), have since developed into a ‘more diffuse, networked, control apparatus’ that polices ‘irregularity’ without respecting traditional distinctions between ‘inside’ and ‘outside’. The privatisation and militarisation of Europe’s borders has been marked, *inter alia*, by the emergence of the Schengen Information System (SIS), the EURODAC database of biometric fingerprints, the Visa Information System (VIS), the EU External Border Management Agency FRONTEX, the Smart Borders Initiative (SBI), the European Border Surveillance System (EUROSUR), and Mobility Partnerships (MPs) with third countries from Azerbaijan across North African states to Cape Verde. With these developments European bordering practices have undergone a series of spatial and temporal dislocations such that it is ultimately unclear where and when Europe’s borders begin and end. If ‘the border’ is understood minimally as an attempt to control ‘irregular’ mobility then Europe’s borders are increasingly spectral: an apparatus of security that is not always successful in its aims, but one that preemptively haunts each and every movement – actual and potential – that is deemed to be unauthorised.

By now there is a burgeoning academic and activist literature that has documented the way in which the *off-shoring* of EU bordering practices beyond the territorial limits of EU Member States has become a hallmark of migration management and broader initiatives to performatively secure the external dimension of European space (Bialasiewicz, 2011; Geddes 2005; see also Migreurop, 2012). These practices are illustrated by the work of FRONTEX whose missions since the late 2000s have extended far beyond the Mediterranean Sea into West Africa and resemble military operations in all but name (Balibar, 2009; Tazzioli, 2016). Such

extra-territorial projections have also gone hand-in-hand with the militarisation of European border security. Thus, while FRONTEX has sought to characterise itself as a technocratic risk manager and merely a coordinator of Europe's external borders (Neal 2009), its missions—including Operation HERA II in the Canary Islands and the West African coastlines—have deployed military equipment supplied by Member States in order to mount surveillance operations at sea and on land and are alleged to have been involved in illegal ‘push-back’ activities (Carrera 2007; Leonard 2009). The militarisation and outward projection of European border security is further reflected by the widespread use of satellites, GPS, and other forms of virtual communications to gain real-time information about the ‘battlefield’ between border security authorities and ‘irregular’ populations. For example, a central concept in the justification for the launch in December 2013 of the ‘European Border Surveillance System’ (EUROSUR) – a €250 million multi-platform system designed to ‘reinforce the control of the Schengen external borders’ (EU Commission 2011c, 1) – is that of the ‘pre-frontier area’: ‘the geographical area *beyond* the external border of the member state, which is not covered by a national border surveillance system’ (EU Commission 2011c, 9, emphasis added; see also Rijpma and Vermeulen 2015).

FRONTEX operations and surveillance technologies such as EUROSUR are only one aspect of a complex web of networks and practices that project European bordering practices outwards among neighbouring third countries designed to export control and pre-empt the arrival of ‘irregular’ migrants. Such projections in the European context are of course not new and can be viewed as a continuation of historic and colonial logics of striating space in order to attempt to control otherwise ungovernable subjects overseas long before the establishment of FRONTEX (Jabri 2012; Kinnvall 2016). However, the reliance upon the outsourcing of borderwork to

historically undemocratically elected regimes across North Africa has gathered significant momentum particularly since population upheavals since the so-called Arab Spring. Via a range of bilateral Mobility Partnerships with countries including Cape Verde and Morocco – supported with substantial funding from the EU Commission and continuing bilateral readmissions arrangements between Member States and authoritarian third states – Europe has pursued the *de facto* transfer of governance and risk to authorities with poor human rights records (Bialasiewicz 2011, 2012; Cassarino et al 2010; Del Sarto 2015b; Paoletti 2010; Triandafyllidou 2013).<sup>5</sup>

This pushing of the common refugee protection framework away from Europe, according to Gammeltoft-Hansen (2011, 146), has given rise to the ‘eclipse of a range of legal constraints’ and a new era of ‘protection-lite’. Andersson (2014) demonstrates how the exporting of the border in these ways cannot be dissociated from the extension of a market logic whereby authorities of third states in receipt of EU funding often then further sub-contract border control to private security companies and local militias who in turn profit from amplifying the perceived risk of ‘irregular’ migration as a part of what he calls a cyclical industry. That European bordering practices not only occur at Europe’s territorial outer-edges means that EU citizens have been largely insulated from border-related violence legitimised in their name. Yet the distancing of Europe’s responsibility for the violent effects of attempts to police mobility beyond its territory has been challenged by NGOs and the United Nations (UN). A by-now considerable body of research points to systemic human rights abuses – particularly, though not exclusively, in the context of spaces of detention – and widespread allegations that the EU is seeking to wash its ‘dirty hands’ of a problem that it has had a role in creating as a (post)colonial power (Human

Rights Watch, 2011; see also Amnesty, 2013; Borderline Europe, 2013; Migreurop, 2012; Pro Asyl, 2012a, 2012b, 2013).

### *The Australian context*

Similar off-shore, out-sourced, and militarised border logics can be identified in the Australian context (Chambers, 2015, McMaster 2002, McDonald 2011). Australia has been a leading international innovator in developing extra-territorial border control governance practices – particularly in tackling the arrival of asylum-seekers to Australia by boat in the aftermath of the ‘Tampa Affair’ of 2001 (Fox 2013). Through the development of ‘Operation Relex’, Australia pursued a securitised approach to managing boat arrivals, by surveilling and intercepting boats, issuing warnings to crew, boarding vessels, and transporting passengers to approved regional areas (Howard 2003, 40-41, McKenzie and Hasmath 2013). This initiative was linked to the so-called ‘Pacific Solution’, involving the legislative authorisation of interdiction measures in international waters, a strengthened role for the military in border protection, provision for detention and processing of asylum-seekers at offshore locations, and legal excising of ‘particular territories, including Christmas, Cocos, and Ashmore and Cartier Islands, from the Australian “migration zone”’ (Mathew 2002, 664). Though the Pacific Solution was dismantled in 2008, third country processing was reinstated in 2012 and mandatory immigration detention continues in locations such as Nauru and Manus Island.<sup>6</sup> Furthermore, in 2013 the Australian Government established a Regional Settlement Arrangement with Papua New Guinea agreeing that asylum-seekers arriving unauthorised by boat would be transferred to PNG for processing and resettlement (AHRC 2013, 3-4).

As Anne McNevin (2015) has outlined, since the early 2000s extra-territorial efforts to contain flows of asylum-seekers from Indonesia in particular have sought to effectively insulate Australian territory from encounters with ‘irregular’ migrants. Paralleling Europe’s controversial mobility partnership scheme and bilateral agreements with third countries, the Australian government has outsourced border control in recent years so that it increasingly takes place 1000s of miles away in the Indonesia, Malaysia, and Singapore borderlands (McNevin 2015). The Indonesian island of Bintan is a case in point whereby the Australian government funds authorities there to intercept ‘irregular’ boats and push them back to the port of Tanjung Pinang where, upon disembarkation, they are held in an Australian-run detention centre (McNevin 2015). While, according to McNevin’s research, conditions at that centre are in many ways a model, the same cannot be said of similar facilities on the remote islands of Nauru, Manus Island, and Christmas Island: ‘Islands are increasingly sites of sovereign experimentation in which territories, borders, and jurisdictions that trigger legal obligations to migrants of different kinds are deliberately rendered ambiguous’ (McNevin 2015: 302).

In the Australian context then, there is a well-established and widely supported agenda around the offshoring of border control (Bleiker et al 2013). Support for this policy agenda was captured in the widely discussed political declaration – by Prime Minister John Howard in 2001 – that sovereign states have the right to determine ‘who will enter the country, and under what circumstances’ (Maley 2009, 188). On the other hand, the measures have attracted strong opposition from others that regard them as politically illegitimate on a range of grounds, including: inadequate compliance with human rights standards, refugee conventions, and other provisions of international law; inadequate transparency in relation to offshore border

control operations, by both Australian military personnel and third party state and corporate delegates; and inadequate political accountability and democratic oversight for securitised and regionalised dimensions of border control practices (Fraser 2014).

Up until this point however, despite the recognition of the securitization of these debates (McDonald 2011), relatively little attention has been paid in either European or Australian contexts to the ways in which these dynamics have become accompanied by and increasingly justified in the name of specifically *humanitarian* discourses. These discourses effectively subsume humanitarianism and the provisions of international law within a national security agenda that focuses on removing ‘incentives’ for asylum seekers – by challenging people smugglers and disrupting their business model – and distracts attention from the root causes of people seeking asylum in the first place. Such discourses are what we refer to as an emergent transnational norm of compassionate borderwork.

### **Transnational compassionate borderwork**

While the off-shoring, out-sourcing, and militarisation of border security has been widely commented upon in both European and Australian contexts, what has so far evaded extended critical commentary across the two is the parallel rise of the discourse of ‘humanitarian border security’. As Jill Williams (2015) has noted in the context of her work on the US-Mexico borderlands, most critical scholarship at the crossover between border, migration, and security studies has tended to focus on technologies of control and the discursive frameworks in which policies are framed and legitimised. To a large extent, however, while the entanglement between humanitarianism and security has a long history (Fassin 2012), the conjoining of ‘border security’ with ‘humanitarian’ concerns for ‘irregular’ migrants and refugees is

itself a very recent policy development: ‘While humanitarianism has long been the handmaiden of imperialist and militarized interventions [...] the humanitarianisation of borders and border enforcement is a relatively new phenomenon linked to the rise of more restrictive and violent enforcement regimes’ (Williams 2015: 14). Indeed, notwithstanding the longer history of humanitarian security politics, what Williams (2015) and a number of other border and migration scholars are starting to identify is the rise of humanitarian and care dimensions of contemporary border control regimes (see also Basaran 2015; Pallister-Wilkins 2015; Squire 2014, Author 2 self reference 2015; Walters 2011).

So far, however, the transnational dimension of this phenomenon, its temporal as well as spatial dimensions, and the broader implications both for critique and IR theorising in general have not, we suggest, been explored as fully as they might. Furthermore, an impasse has been reached whereby the framework for engaging critically with ‘humanitarian border security’ policies and practices that nevertheless expose ‘irregular’ migrant and refugee populations to dehumanising and lethal conditions is one that is reliant on pointing to a ‘gap’ between ‘humanitarian’ rhetoric and ‘national security’ realities on the ground (Mezzadra and Neilson 2013). This is potentially problematic because it is an argument that suggests that widespread human rights abuse would be preventable *if only* humanitarian border security policies were enacted *rather* than exploring the possibility that these policies perpetuate the very forms of violence that they purport to legislate against.

The intellectual backdrop for this emergent critical research agenda into humanitarian borders – to which the discussion will shortly return – is that of a broader interdisciplinary current of scholarship – typically associated with in-depth political anthropological studies – that has sought to problematise broader

humanitarian logics of government and the performative work that they do in contemporary global politics. In this context, Didier Fassin's (2012) work on 'humanitarian reason' as a particular moral economy that enjoins 'us' to 'help' and/or 'save' 'them' is of crucial importance. Rooted in the Christian tradition of empathy and the abolitionist movement of the eighteenth century in France, the UK, and the US, Fassin argues that humanitarianism is a mode of governing otherwise 'threatened and forgotten lives', which encompasses a set of procedures and actions designed to 'manage, regulate, and support the existence of human beings' (Fassin 2012, 1).

Fassin's research considers the effects of humanitarian reason, the political dimension of its affective capability, and the blind spots and dilemmas that it gives rise to, and serves as a reminder that the intertwining of humanitarian and securitizing logics is not a new phenomenon. In the case of recent immigration in France he argues that the shift in the 1990s from struggles over political asylum to the humanitarian language of compassion constituted an important political moment whereby the body of the undesirable 'irregular' subject—'the primary site on which the imprint of power is stamped' — was removed from public life and given shelter in camps such as Sangatte (Fassin 2012, 112). In this way, humanitarianism and securitization, compassion and repression, hospitality and hostility are not, he argues, straightforwardly in contradiction with each other. Rather, Fassin stresses, these seemingly contradictory elements must be seen as being inextricably intertwined as part of the same terrain and logic of what Foucault (1998) paradigmatically referred to as biopolitical modes of governance.

Foucault used the concept of biopolitics to refer to a specifically modern way of exercising power characterised by a politics of caring for and maximising life. He argued that from the eighteenth century onward new forms of scientific knowledge

emerged in Europe – made possible by disciplines such as statistics, demography, epidemiology, and biology – and that this knowledge brought biological life (*zoē*) into the modalities of state power (*bios*). Whereas sovereign power referred to taking life or letting life live at the level of the individual, bio-power, he argued, focuses on regulation and intervention in order to enhance the *population* as a whole. On the one hand, Fassin argues that humanitarian action constitutes a form of biopolitical intervention inasmuch as it ‘uses techniques of the management of populations in setting up refugee camps, establishing aid corridors, making use of communication around public testimony to abuses perpetrated, and conducting epidemiological studies of infectious diseases, malnutrition, trauma, and even violations of the laws of war’ (Fassin 2012, 226). On the other hand, however, Fassin argues that humanitarianism is in another sense *distinct* from biopolitics because the former is primarily about saving individual lives, ‘which presupposes not only risking others but also selecting those that have priority for being saved’ (Fassin 2012, 226). It is because humanitarianism ‘qualifies and measures the value and worth of lives’ that Fassin sees it as being in tension with Foucault’s biopolitical emphasis on the optimisation and regulation of the population as a whole (Fassin 2010, 242).

The question of how biopolitical attempts to maximise life relate to the widespread negation of life under contemporary biopolitical conditions is precisely what is at stake in any attempt to diagnose the phenomenon of humanitarian border security and yet the extant literature highlights the limits of the Foucaultian frame. In his seminal piece, William Walters (2011) argued that the dynamics to which Fassin refers as instances of humanitarian reason have started to manifest themselves in the context of a range of border sites globally. Walters calls this trend ‘the birth of the humanitarian border’, which he identifies as the *corollary* of the kind of punitive,

violent, and militarised bordering practices explored in the European and Australian contexts above: in this sense the fusing of humanitarianism with border security is a method of ‘compensating for the social violence embodied in the regime of migration control’ (Walters 2011: 139). For Walters, the humanitarian border is a zone located at the outer-edge of sovereign territory whereby diverse biopolitical efforts to maintain the physical existence of ‘irregular’ populations at a bare minimum creates opportunities for a range of actors to (re)produce their political agency. Walters’ study focuses on the European context and the role that NGOs play in supporting vulnerable groups in ways that ‘problematize the border as a site of suffering, violence and death, and a political zone of injustice and oppression’ (Walters 2011: 150). As such, for Walters the notion of the humanitarian border is associated with a ‘positive’ reading of biopolitics, as found in Foucault’s paradigmatic account.

By contrast, Jill Williams puts forward a subtly different reading of humanitarian borderwork as one characterised by fundamental ambivalence. Responding to Walters’ call for further research into the phenomenon of humanitarian bordering, Williams (2015) argues that in the case of the US-Mexico borderlands it is not only NGOs that engage in practices of care, but other borderwork actors including states and their proxies. Moreover, in contradistinction with Miriam Ticktin’s (2011) argument that this kind of care represents a form of ‘humanitarian exceptionalism’ – whereby sympathy and succor is shown only to a small number of ‘irregular’ migrants in order to further reinforce more widespread forms of exclusion – Williams draws attention to the move on behalf of the state to embrace humanitarian bordering logics *as a form* of biopolitical governmentality. On this view, and to some extent departing from Fassin’s and Walters’ accounts, care and enforcement are not antithetical to, but rather go hand in hand with, the violent effects of compassionate borderwork as a

biopolitical technology of power because the humanitarian rhetoric and practice reach extends states' abilities to govern subjects (e.g. unknown 'irregular' migrants), spaces (e.g. sites such as hospitals), and – we would wish to add – *times* (e.g. moments of extreme crisis) in ways that were otherwise hitherto impossible.

In the discussion that follows, we demonstrate that the fundamental ambivalence to which Williams extends beyond the confines of the borderlands of Southern Arizona and argue that it is reflective of an emergent mode of biopolitical governance transnationally. Such ambivalence permeates contemporary discourses and practices of compassionate borderwork in both European and Australian contexts, which illustrate the way in which biopolitical regimes of care at the border also work to exclude and often with lethal consequences. In order to further conceptualise what is at stake in these contradictory dynamics we ultimately turn to the work of Roberto Esposito and find promise in his concept of (auto)immunity for supplementing the dominant Foucaultian paradigm with a means for understanding how compassionate borderwork has the innate capacity to both save and kill the same lives.

#### *Policy responses to the 2015 Mediterranean crisis*

Echoing responses to the 2013 Lampedusa incidents, EU elites commonly framed their reactions to the deaths of 'irregular' migrants and refugees in the Mediterranean in 2015 with a confusing blend of the language of border security and humanitarian protection: this dynamic has evolved dramatically over the course of the 'crisis' such that the two are now indistinguishable in the official policy grammars of the EU Commission.

Initially these dynamics were evident in the 'Ten Point Action Plan on Migration' issued by the Joint Foreign and Home Affairs Council of the EU

Commission (2015c). Interspersed with humanitarian references to ‘the dire situation in the Mediterranean’ and the imperative to act immediately in order to ‘make a difference’, the content of the Action Plan focused on short-term securitised and military-based responses. Thus, alongside the commitment to an ‘EU wide voluntary pilot project on resettlement, offering a number of places to persons in need of protection’, the Plan also referred to the reinforcement of Joint Frontex Operations Triton and Poseidon; the commitment to ‘capture and destroy vessels used by the smugglers’; the ‘fingerprinting of all migrants’; and a ‘new return programme for rapid return of irregular migrants coordinated by Frontex from frontline Member States’ (EU Commission 2015).

Similarly, in a statement following its Special Meeting of 23 April, the European Council declared the situation in the Mediterranean a ‘human emergency’ and stated ‘Our immediate priority is to prevent more people from dying at sea’ (European Council 2015). The statement continued by emphasising the security-based measures through which this humanitarian mission will be achieved: ‘We have therefore decided to strengthen our presence at sea, to fight the traffickers, to prevent illegal migration flows and to reinforce internal solidarity and responsibility’ (European Council 2015). Though short of a direct embrace of Abbott’s ‘stop the boats’ mantra, the Council vowed to ‘undertake systematic efforts to identify, capture and destroy vessels before they are used by traffickers’ thereby paving the way for EU military intervention on the coast of North Africa (European Council 2015).

Three weeks later, on 13 May, the European Commission unveiled its long-awaited ‘European Agenda on Migration’, which promised to establish a new framework for border security and migration management in Europe. Beginning with the truism that ‘every person’s migration tells its own story’, the document draws

heavily on the affective language of the ‘plight’ and ‘human misery’ of ‘vulnerable’ migrants, the ‘peril’ that they put their lives in to cross the Mediterranean, and the ‘shock’ expressed by Europeans at the sight of their arrival – dead or alive. At the same time, the repeated goal of ‘saving lives’ was again accompanied with multiple references to the need for enhanced border security, the targeting of traffickers and smugglers (the two, while distinct, are sometimes used interchangeably) and ‘irregular’ migrants alike, and the invocation of emergency legislation to help Member States ‘confronted with a sudden *influx* of migrants’ under Article 78(3) of the Treaty of the Functioning of the European Union (EU Commission 2015, emphasis added). With the announcement of a tripling of the funding of FRONTEX, the dual role of that agency was underscored as ‘coordinating operational border support to Member States under pressure’ and to ‘helping to save the lives of migrants at sea’ (EU Commission 2015: 3).

Against the backdrop of monthly sea arrivals in Europe rising rapidly from just under 50,000 in May to their peak of nearly 250,000 in October (UNHCR 2015), the EU Commission issued a further priority action plan in order to set out both short and long term measures (EU Commission 2015d). This document claimed that the impact of FRONTEX Joint Operations Poseidon and Triton had already saved ‘over 122,000 lives’ and commented that ‘Every life lost is one too many, but many more have been rescued that would have been lost otherwise – and increase of 250%’ (EU Commission 2015d: 3). Alongside other achievements since May – listed as action against smugglers choking off the supply of ‘rickety, unseaworthy boats’, the relocation of 160,000 people ‘in need of international protection’, and €3.9 billion in aid to Syrians and host communities in Lebanon, Jordan, Iraq, Turkey, and Egypt – the plan once again emplaces these humanitarian moves within a broader logic of

‘strong border control’ (EU Commission 2015d: 4). However, what is striking about this document is the absence of the militarised language of the initial ‘Ten Point Plan’ and a notable dilution of security as a framework for managing the ‘crisis’: border control in this new phase is framed almost exclusively via a logic of compassionate borderwork.

To a large extent the EU Commission’s response to the 2015 Mediterranean crisis represents a continuation and further intensification of the discourse of humanitarian border security first evident in the Commission’s 2011 ‘Global Approach to Migration and Mobility’ (GAMM). Moving away from traditional statist paradigms, the renewed GAMM called for a ‘migrant-centred’ approach to border security and migration management (EU Commission 2011a, 6). A particular feature of the GAMM is its catchall focus on the human rights, safety, and well-being of each *individual* migrant rather than on formal juridical-political categories of migrants: ‘In essence, migration governance is not about “flows”, “stocks”, and “routes”, it is about *people*’ (EU Commission 2011a, 6, emphasis added). While the GAMM emphasises the particular need to protect ‘vulnerable’ migrants, it refers more generally to mainstreaming democratic principles and human rights for *all* migrants as human beings irrespective of their origin, destination or ‘legal status’ and gives a special emphasis on empowerment via access to information (EU Commission 2011e, 14, emphasis added).

However, what marks the response to the 2015 Mediterranean crisis as distinctive in the evolution of EU border security and migration management is the folding of militarised options with the discourse of humanitarian border security in the first phase and then the move to subsume all elements of border security under the rubric of humanitarian aid in the second. In this regard, the EU’s particular focus on

‘smugglers’ is an important innovation – mirroring the Australian case – which simultaneously shifts attention for the ‘cause’ of the ‘crisis’ away from *both* ‘irregular’ migrants and refugees seeking a better life *and* the longer-term role played by restrictive EU border security and migration policies. Through this distancing and displacement, furthermore, the strong emphasis on the ‘smuggler’ as a third party – as reflected in the ‘European Migration Agenda’ and the ‘EU Action Plan against migration smuggling 2015-2020’ (EU Commission 2015e) – has created new opportunities for the justification of possible military action in a way that would otherwise attract international condemnation.

Aside from the obvious difficulties of identifying and distinguishing between ‘smugglers’ and ‘irregular’ migrants and refugees and the inherent dangers that this poses, the EU Commission’s response fails to recognise that the creation of markets for smuggling have in part been stimulated by the EU’s historic closure of ‘regular’ channels for migration since the early 1990s. As such, the reproblematisation of the problem as being essentially one of criminality – rather than as an outcome of repressive border security and migration policy and longer-term structural inequalities – depoliticises the broader political context in which the crisis can be located and understood. Furthermore, the invocation of an exceptionalist discourse of ‘emergency’ permits military solutions married with new forms of compassionate borderwork as an emerging framework to deal with a range of problems associated with populations perceived to be ungoverned. Thus, in his remarks of 14 April, Vice-President Commissioner Avramopoulos said: ‘Europe finds itself amidst a widening arc of instability from the East all the way to North Africa [...] The unprecedented influx of migrants at our borders [...] is unfortunately the new norm and we will need to adjust our responses accordingly’ (EU Commission 2015b).

What we are seeing in this context, therefore, is akin to what Ticktin (2011: 5) has referred to as ‘armed love’ whereby ‘brutal measures may accompany actions in the name of care and rescue – measures that ultimately work to reinforce an oppressive order’. In a modification of the kind of humanitarian exception referred to by Ticktin in her study of the French state (2011), however, what we witness in the EU’s response to the 2015 crisis is more akin to a generalised exception associated with compassionate borderwork: the emergence of a form of governmentality, which interpellates the ‘irregular’ migrant as the ‘victim’, the smuggler as the ‘perpetrator’, and the EU as the ‘saviour’. Furthermore, as we shall go on to see in the context of our second case study in the Australian context, this logic of the compassionate border is not irreducible to contemporary European border politics, but is arguably an emerging transnational form of governmentality.

#### *The Gillian Triggs case*

One recent Australian case that exemplifies the dynamics discussed in the first section of this article is the furore in February 2015 around the publication of the Australian Human Rights Commission Report (AHRC) on *The Forgotten Children: National Inquiry into Children in Immigration Detention 2014* (AHRC 2014). The AHRC Report had two key aims. First, it was designed to ‘assess the impact of prolonged immigration detention on children’s health, wellbeing and development’. Second, it wanted to ‘promote compliance with Australia’s international obligations to act in the best interests of children’ (AHRC 2014: 11). In so doing, the Report was repeatedly critical of both Labor and Coalition governments in Australia because of the evidence presented that the detention of children had ‘serious negative impacts on their mental and emotional health and development’:

It is ... clear that the laws, policies and practices of Labor and Coalition Governments are in serious breach of the rights guaranteed by the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. The United Nations High Commissioner for Human Rights also suggests in his opening address to the Human Rights Council that Australia's policy of offshore processing and boat turn backs is 'leading to a chain of human rights violations, including arbitrary detention and possible torture following return to home countries'. (AHRC 2014: 12)

The publication of the Report sparked a highly contentious debate that focused on the role of the AHRC, the political leanings of its President, Gillian Triggs, the demands for her resignation from members of the Federal Coalition government and the media, and the differences in immigration and detention policy between the government and the previous Labor administrations between 2007 and 2013. The primary assumption underpinning the claims of the critics of Triggs was that the timing of the release of the report was deliberate and intended to undermine the Coalition government, which had been claiming the success of its 'Stop the Boats' mantra and its implementation through Operation Sovereign Borders. The ensuing political furore concentrated on the question of whether Triggs should resign (or whether she had been offered any inducement to do so) and the fact that the number of children being held in immigration detention camps was lower under the Coalition administration than had been the case under ALP governments.

In the Report, however, Triggs suggests that the number of children in detention in July 2013 (under the Rudd ALP administration) was sufficient for her to

exercise the Commission's powers to hold an inquiry. However, she waited until the outcome of the September 2013 federal election was known and, on the basis of the 'relatively stable' number of children remaining in detention over the first six months of the new Coalition government, decided to press ahead with the investigation. As we now know, this decision was pivotal to the ensuing controversy but, given both governments were subsequently chastised, it seems pertinent to note that the investigation was focused on the impact of the detention of children on their health rather than whether one set of policies that detained children was better than another. Indeed, there is implicit recognition in the document that Operation Sovereign Borders 'has prevented asylum seekers from reaching our shores' thereby enabling the AHRC to focus on the 5514 asylum seekers detained on Nauru and Manus Island at 30 September, 2014 (AHRC 2014: 12). In other words, the focus on the impact on children's health and well-being was directed towards a group of people who were largely detained under an ALP administration rather than the Coalition government when the Report was published. This is even more explicit when Triggs states that as 'the arrival of asylum seeker children by sea without visas has ended for the moment, it is time to refocus on the plight of the 800 children who remain in Australian detention centres and on Nauru' (AHRC 2014: 17).

Moreover, the Report also identifies a number of policy changes by the Coalition government with regard to children in detention after February 2014 which had alleviated the situation of some asylum seeker children (AHRC 2014: 15). Obviously, however, the recommendations of the Report were directed towards the government of the day in dealing with the remaining children detained at the point of publication but also those who had previously been detained under various mandatory detention policies since those first enacted by an ALP government in 1992 and

continued thereafter by governments of both complexions. Triggs also states that it is the policies enacted by the Gillard ALP government in August 2012 and the second Rudd ALP administration in July 2013 (as well as their maintenance in the first six months of the Abbott Coalition government) to suspend processing of asylum seekers who arrived by boat that was increasing the *duration* that asylum seekers (including children) were spending in detention in addition to the 128 children who were born in detention centres between January 2013 and March 2014 (AHRC 2014: 20).

In effect, the debate that ensued enabled the government to reiterate their rhetoric that they had stopped the boats and reduced the number of asylum seekers reaching Australian shores, while critics of the government pointed to the inhumane conditions in the Christmas Island, Nauru and mainland detention centres, the immorality of holding children in detention at all (regardless of the number involved), and the fact that the hardline Australian policy was having ramifications in other countries in the region – particularly Indonesia (Toohey 2014). However, buried within this debate and the regular political posturing which accompanied much of it, was a much more subtle point which exemplifies the concerns articulated in the first half of this article. In a standard piece of vitriol directed at ‘compassionistas’, and amid numerous other assertions about queue-jumping and chaos in the immigration system, the journalist Chris Kenny noted ‘the need for a strong regime to prevent life-threatening voyages’. Indeed, he urged the need for ‘tough measures restoring order, preventing tragedy and ensuring fairness in our generous immigration system’ (Kenny 2015).

It is this latter point rather than the more general commotion about the rights and wrongs of the Triggs Report that are significant for our purposes here. Very few people in the discussion about the detention of children were suggesting that it was a

good situation. However, where the AHRC Report was designed to draw attention to the human rights, health and well-being of children in detention and therefore the humanitarian case for their release, the points being made by both the Federal government and their supporters in the media was that the Coalition elected in 2013 was being *more humanitarian* through the implementation of Operation Sovereign Borders. Therefore, according to this narrative, by stopping the boats, the government was preventing potential immigrants from arriving on Australian territory and therefore ensuring more humanitarian outcomes than would otherwise be the case if their critics were in government. In other words, border security policy designed to ensure outsiders did not arrive in Australia (and their subsequent offshore detention in unsavoury conditions) was having the effect of being humanitarian and therefore guaranteeing the common human rights of all were being better protected. It was a classic fusion of security and humanitarian discourses predicated, of course, on the primacy of security policy. The government were committed to the hardline border security policy and a narrative of ‘control’ anyway (McKenzie and Hasmath 2013) but had managed to articulate a humanitarian rhetoric within this policy agenda.

This manoeuvre involved shifting the focus of humanitarianism from a concern with the circumstances that asylum seekers have endured to one focused on how they will be treated in their status as potential immigrants. Therefore, rather than concentrating attention on the conditions which gave rise to migrants travelling to Australia in the first place, the focus turned to the dangers that people experienced in transit. And, indeed, the process of arriving in Australian territory became the focus of humanitarian discussions rather than the conditions that would be experienced on arrival and their long-term impact on health (which was the major focus of the AHRC Report). These conditions were much more problematic and complicated in

humanitarian debates than the rhetoric of the ‘stop the boats’ agenda permitted (Bleiker et al 2013).

In the words of the AHRC Report, ‘locked detention environments harm children, and children need to be removed from these environments as soon as possible. This is an urgent requirement for the health and wellbeing of these children’ (AHRC 2014: 22). Evidently, the key focus of the Report was the inhumane treatment of children in detention once they had arrived in Australian territory. The humanitarian argument was based on universal human rights and the specific conventions on the treatment of children in international law and was therefore focused on children who had already made it as far as Australian detention centres. Both major political parties in Australia had already admitted that the detention of children was not a deterrent to asylum seekers in the first place (AHRC 2014: 21). Thus, within one example, we witness a twofold movement that subsumes universal, humanitarian concerns within a narrow security focus on border protection. First, the agenda became focused on the conditions that people face once they were already part of the asylum-seeking process rather than the conditions they were seeking to escape. Second, in focusing on the process and means of arrival, the policy of managing arrivals – and its potential inhumanity – was being shrouded by security concerns and their inside/outside dynamic. In effect, a rather traditional security agenda focused on distinguishing between insider and outsider was operating in a discursive manner to subsume a broader universal and humanitarian concern with human rights.

## **Conclusion**

The increasing entanglement of logics of securitization and humanitarianism in the context of European and Australian border and migration management is we argue

symptomatic of the emergence of a transnational governmental logic of compassionate borderwork. This is fast becoming a discourse with considerable policy traction, which, as the case studies of responses to the 2015 Mediterranean ‘crisis’ and the Gillian Triggs affair indicate, provides a script for the production of knowledge about and governance of ‘irregular’ populations globally. Perhaps one of the reasons for the appeal of this discourse among authorities responsible for border security is that it outflanks traditional grounds on which border-related violence might be held to account. By coopting the empathetic language of solidarity with ‘irregular’ migrants and refugees and insisting on them as ‘individuals’ whose rights must be respected and lives empowered it is a discourse that takes away humanitarianism as the basis for critique of border security practices that otherwise expose those populations to violent methods of exclusion – the dominant method through which critical scholars, NGOs, and ‘irregular’ migrant and refugee communities have hitherto framed their response.

In seeking an alternative strategy for critical engagement therefore we suggest that it is more effective to think about what humanitarian borderwork *does* as a logic of governmentality and performative political practice. What is important in this regard is to note that the form of political subjectivity produced is one that is taken outside of space and time and rendered effectively context-less. The ‘irregular’ migrant in need of saving by border security authorities is one that is not only denied any political agency, but also devoid of any connectivity with wider social relations. Excepted from the historical conditions that have led to such situations of emergency, she or he is treated as a biological life *not* a biographical life (Fassin 2012) – a subject who is positioned as being entirely dependent upon the salvation of the authority that promises to save her. Moreover, this instantiates an inescapable economy of violence

through which – via acts of succor – authorities seek to (re)authorise their authority in the absence of any prior foundation.

For these reasons, despite its universalist pretensions, acts of compassionate borderwork draw lines precisely by producing ‘irregular’ populations in need of saving and thus therapeutic intervention. Such acts not only secure dominant understandings of which populations count as ‘regular’ citizen-subjects, but also create new opportunities for knowledge generation about otherwise unknown – and therefore ungovernable – ‘irregular’ populations of migrants and refugees. Hence, the transnational humanitarian border is a biopolitical technology of security *par excellence* because it secures subjects who are deemed to be potentially risky from becoming dangerous (Dillon 2001). While IR scholarship has considered several of these dynamics in the contexts of humanitarian aid and intervention, security and counter-terrorism, and older colonial logics of surveillance and control, the transnational phenomenon of compassionate borderwork brings them together via biopolitical techniques that we have only begun to render visible and with political and ethical implications that will demand ever closer critical scrutiny. Furthermore, new diagnostic tools are required that move beyond the present impasse in the extant critical literatures.

Both case studies explored here illustrate that compassionate borderwork is a biopolitical technology of power that is not straightforwardly ‘positive’ – in other words designed to maximise and optimise life as per the Foucaultian paradigm – and yet neither can it be considered simply ‘negative’ or thanatopolitical in orientation as associated with certain readings of Giorgio Agamben’s (1998) treatment of biopolitics. The humanitarian mantra to ‘stop the boats!’ using military methods targeted at smugglers is politically and ethically ambivalent in both European and

Australian contexts and hence a supplement is required in order to move beyond critiques of humanitarian border security that either simply blame a gap between rhetoric and reality or those that oscillate between ‘positive’ and ‘negative’ readings of biopolitical forms of governmentality.

At stake is the question posed by Roberto Esposito (2008), namely: why does biopower have the capacity to kill if it is animated by and motivated to protect and preserve life? For Esposito (2008, 2011, 2013) the ‘positive’ dimension of biopolitics is not antithetical to the ‘negative’ propensity towards exclusion and death. Rather, Esposito argues that neither the protection nor the negation of life can be given ontological primacy in accounts of biopolitical forms of governance. Rather, in Esposito’s account, biopolitics pulls simultaneously in these two opposing directions and the missing link in both Foucault’s work and others’ inspired by it is the concept of immunisation.<sup>7</sup> Esposito argues that the need to protect life is not a new societal phenomenon, but that the need to preserve and optimise life was not central to ancient and medieval societies. What changed under specifically modern conditions was that the weakening of ‘the great chain of being’ created the need for alternative methods of self-protection. In this context, Esposito (2011) traces the emergence of the concept of immunity in both juridical-political and bio-medical traditions of thought as referring to a ‘protective response in the face of a risk’. The logic of immunisation works by using precisely that which it seeks to oppose in order to develop a resistance against it. But while in non-lethal doses this operation may protect life, beyond a certain threshold Esposito argues that it may threaten that which it is supposed to protect, which may in turn lead to an autoimmune crisis.

For Esposito it is precisely in the potential for such an *autoimmune disorder* that the *ambivalent* potential of biopolitical governance ultimately lies. While Nazism

represented the zenith of the historical realisation of ‘negative’ biopolitics, its passing did not mean the end of that potentiality. The logic of autoimmunity has not disappeared, according to Esposito, and he warns against symptoms of excessive immunitary defence in global politics today: for example, the neurotic drive to simulate maximal security by Western governments in the context of the war against terrorism. Rethought in the light of Esposito’s diagnosis compassionate borderwork is a discourse that operates according to an (auto)immunitary logic: the very lives that are identified as in need of protecting and saving can also become targeted by excessive, aggressively militaristic, and ultimately lethal apparatuses of security. Nowhere is this paradoxical logic more visibly at play in the field of contemporary border security relations than when ‘irregular’ migrants and refugees in distress are unsure as to whether governmental actors claiming to ‘stop the boats’ are doing so to protect or abandon them – or both.

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<sup>1</sup> In this paper we follow the convention of referring to ‘irregularity’ in inverted commas throughout in order to denaturalise this category as a contingent subject position (see Squire 2011).

<sup>2</sup> Abbott was deposed as Prime Minister in September 2015 by Malcolm Turnbull.

<sup>3</sup> Abbott’s successor, Malcolm Turnbull, also pointed to the success of the ‘Stop the Boats’ policy on his appointment as Prime Minister (see <http://www.theguardian.com/australia-news/2015/sep/15/after-winning-his-prize-malcolm-turnbull-must-learn-from-abbots-mistakes>). Meanwhile, Abbott has continued to champion the policy since he lost office (see <http://www.smh.com.au/federal-politics/political-news/tony-abbott-urges-europe-to-adopt-boat-turnbacks-in-response-to-refugee-crisis-20151027-gkk6z9.html>).

<sup>4</sup> By ‘governmentality’ we draw here on the established Foucaultian concept to refer to ‘a range of forms of action and fields of practice aimed in a complex way at steering individuals and collectives’ (Bröckling et al 2010: 1).

<sup>5</sup> It is worth noting here that historic bilateral agreements between EU Member States and authoritarian and corrupt third states – e.g. between Spain-Morocco and Italy-Libya – pre-date these developments at EU level. With thanks to an anonymous peer reviewer for making this point.

<sup>6</sup> In April 2016, Papua New Guinea’s Supreme Court ruled that Australia’s detention of asylum seekers on Manus Island is illegal because it breaches the right to personal liberty in the PNG constitution. See

<http://www.abc.net.au/news/2016-04-26/png-court-rules-asylum-seeker-detention-manus-island-illegal/7360078>.

<sup>7</sup> For a fuller exegesis of the work of Esposito see (author 2 self-reference).

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