Europe in Crisis, the Left, and the Challenge of Migration

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Abstract

Taking as a point of departure recent writing by theorists such as Seyla Benhabib, Michel Feher, and Slavoj Žižek, who have argued that the ongoing refugee crisis presents a unique opportunity for Europe to redefine itself, the essay traces the ways in which the crisis and related issues are represented in Elfriede Jelinek's play Charges (The Supplicants, 2015) and Yael Ronen and the Exile Ensemble's performance Winterreise (2018). The racialized, unsovereign bodies of migrants are always in the 'wrong' places, these works suggest, defined by transgression. Situating this analysis in relation to current debates about states of exceptionalism and new forms of neo-liberal governmentality under the conditions of globalisation, I ask about the intervention of such performances in the increasingly repressive European migration regimes? What is the role of the Left in reclaiming the material, social, and legal conditions for the acceptance of refugees in Europe? Moreover, what can be done to redress this humanitarian crisis and establish unity, solidarity, and hospitality in Europe against a transnational front of the forces rejecting refugees?

KEYWORDS: Europe, migration, the Left, refugees, neoliberalism, crisis

> *"The Mediterranean is today the centre of the world . . . [it] is the most problematic region in the world, and still the least integrated in the world."*
> --Frederica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy

The outbreak of the Arab Uprisings, the catastrophic war in Syria, and the rise of the Islamic state triggered a crisis of enormous magnitude in the Mediterranean. Mogherini's opening epigraph was uttered against the backdrop of the long and dramatic summer of 2015. The spectacle of humanitarian disaster—images of a Syrian toddler lying face down on the beach in the Turkish resort town of Bodrum; rickety vessels overloaded with men, women, and children, drifting upon vast expanses of water; the mass arrivals on the Greek islands; families trying to make their way under barbed wire fences in the Balkans; the crowds at

Budapest Station—'briefly brought into the light of day a long-repressed reality' (Kouvelakis 2018, 6). The spectacle reached a new extreme in two areas of the Mediterranean, the Aegean Sea and the Waterway between Sicily and North Africa.

Typically described in public debate as the 'cradle of civilization' and a fertile space of mobility and exchange, this interface between Europe, Africa and Asia has become a mass grave. From January to the end of August 2015, 300,000 refugees and migrants attempted the Mediterranean crossing (approximately 200,000 of them landed in Greece and the rest in Italy (IOM 2016). Countless migrant boats went under in Mediterranean waterways. The Mediterranean Sea stands for the "deadliest stretch of water" (UNHCR, 2012) for people aiming to reach Europe. By the end of 2015, an estimated 3,800 died in the Mediterranean, an increase of more than 15 percent from the previous year. In 2016, following the accord between the EU and Turkey, the number of dead rose considerably, exceeding 5,000 for the first time—an increase of 35 per cent (IOM, 2017).

As some critics have argued, 'by looking at the spatial politics that produces this migratory situation,' we can 'conceive of the Mediterranean as a borderzone of intertwining crises, i.e., the crisis of displaced populations, the crisis of the policies that govern mobility across European borders, and the Eurozone crisis with its effects on migration' (Garelli et al. 2018, 662). However, this crisis narrative that suggests discontinuity 'conceals historical continuities, as well as the political process that has led to the contemporary situation' (Wolff 2018, 383). I engaged with this crisis more than a decade ago, when I wrote about human rights abuses in the Strait of Gibraltar and the dilemmas facing irregular migrants, refugees and asylum seekers trying to enter Fortress Europe. In my essay on Moroccan-Canadian playwright Ahmed Ghazali's play *The Sheep and the Whale* (*Le mouton et la baleine*, 2001), I discussed the material effects of the so-called non-arrival measures devised by northern countries to prevent irregular migrants from setting foot on their territories. With deterrence

being the key priority for most European Union (EU) member states, a range of measures were put in place more than a decade ago that have effectively undermined the right to seek asylum by blocking access to Europe. The arsenal of these measures includes the imposition of visas for all refugee-producing countries, readmission agreements with neighbouring countries forming a 'buffer zone', immigration intelligence sharing and police co-operation, reinforced border controls, systematic detention, and sanctions imposed on carriers transporting migrants who are not in possession of the required travel documents and visas (Gluhovic 2008).

In recent years we have witnessed the growing use of practices of internment and detention in dealing with irregular migrants –for instance, from 2000 to 2012 the number of detention camps in Europe has increased from 324 to 473 – while amidst increasing security concerns even the principle of *non-refoulement* has been compromised (see, Benhabib 2018, 122). Seyla Benhabib recently offered a scathing critique of the EU's failure to live up to its own human rights commitments. The failure is manifest, for instance, in removing refugees from trains headed to Germany and writing numbers on theirs arms in ink (as the Czech and Hungarian police did); having them chased by police dogs while tear gas and water guns are fired at protesting refugees (as the Macedonians, Slovenians, and Hungarians did); and subjecting them to inhuman living conditions and administrative procedures of harassment, incarceration and deportation in open-air prisons such as the Moria camp in Lesbos and the informal camps in Calais, now dismantled, but called 'the jungle' while in existence (2018, 101-102).

In this essay, I will first discuss the ways in which the European Left has engaged with Europe's 'migration crisis.' While the consensus in much of Europe is that immigration is a real problem, parties on the Left have largely avoided this question. On the other hand, the issue of borders and migrations has become an increasingly important 'worksite' of the

European critical Left. Scholars such as Étienne Balibar, Seyla Benhabib, Slavoj Žižek, and Michel Feher, have been among the few public voices calling for Europe to remember its traditions of hospitality and stated commitments to human rights. While attempting to comprehend the causes of the present migration crisis and relating it to the formation of neoliberalism, they have all argued, in their different ways, that the crisis presents a unique opportunity for Europe to redefine itself.

Following this discussion of the Left's paralysis and of the contributions of the critical Left, I will trace the ways in which exile and migration, radical uncertainty, and expulsion from social life are broached within the aesthetic domain by exploring Elfriede Jelinek's play *Charges* (*The Supplicants*, 2013-2016) and Yael Ronen and the Exile Ensemble's performance *Winter Journey* (*Winterreise*, 2017). I will consider Jelinek's trenchant critique of Europe's selective moral and political discourses and practices—what Didier Fassin terms "humanitarian reason" (2012)—with regards to EU border security and migration management. Exploring current dynamics at Europe's borders between law experienced not as protection but as deterrence and containment, and life as threatened human beings who are in need of saving (but who also perpetually elude capture) the play shows that securitization and humanitarianism are co-constitutive of biopolitical governmentality (see, Nick Vaughan-Williams, 2015). These pressures create paradoxical situations in which humanitarian policies and practices designed to protect and save lives often contain the potential violence that endangers those very lives and ends up killing or dehumanizing them. My analysis of Jelinek's *Charges* recognizes the essential failure of human rights and their inability to restore the broken connection between rights and life, while trying to offer an alternative diagnosis and move beyond the present impasse. Along with Behnabib and Itamar Mann, I will argue that in order to address this issue, 'we need a new conceptualizations of the relationship between international law and emancipatory politics; a new way of

understanding how to negotiate the facticity and the validity of law (Habermas), including international humanitarian law, such as to create new vistas for the political' (Benhabib 2018, 103).

Then I shift my focus to Yael Ronen and the Gorki's Exile Ensemble in Berlin, whose work foregrounds theatre as a 'worksite' (after Balibar) in which to forge global solidarity and collective agency. Today, in a post-Trump, post-Brexit, and even post-Macron world, where a racialized and financialized global capitalism forecloses the possibilities for sociality and solidarity in dramatic ways, they emphasize theatre as social space that that can mobilize the notion of our responsibility to one another. Challenging contemporary views of the refugee as passive object of humanitarian intervention, I show how the Gorki theatre is involved in the struggle at the same time as it portrays the struggle. In other words, the Exile Ensemble's *Winter Journey* represents the singularities of refugees' experience through its actors' accounts of themselves and their stories, while the duration of the company's work makes the impact larger than that of any one play. The theatre here is a worksite that can help us think in more concrete terms about how to move forward towards a more affirmative biopolitical border imaginary, while investigating how migration also identifies a mode of social resistance and political becoming.

The Politics of Migrations and the European Left

Since the watershed year of 2015, centrist and far-right parties have mostly decided European migration policies, while progressive voices in Europe have struggled to agree on how to resolve the crisis. Only a handful of European states are currently governed by left-wing governments (Portugal, Greece, Sweden, Slovakia, and Malta), and several of the traditionally largest left-wing parties suffered major electoral defeats in 2017. While many commentators have linked the Left's decline to the late-2000s financial crisis, the weakening

of Europe's left reflects deep structural and technological changes that have reshaped European society, including the dissolution of the traditional working class and the decline of political parties as mass organisations. In large parts of the continent, blue-collar voters are either abstaining from the ballot box or supporting populists.

As Michael Bröning and Christoph Mohr observe, a major ideological reason for this is that centre-left parties seem to have largely abandoned traditional workers' interest, with a shift to the political centre, letting the new 'precariat' be drawn to nationalist protectionism, showing how economic desperation created fertile ground for the populist radical right. And while the views represented in this anthology unequivocally underline the importance of migration for voters across Europe and the entire European party system, they demonstrate a multifaceted response by the European Centre-left to the challenge of migration, ranging 'from open opposition in Slovakia to scepticism in Denmark and strong support for global solidarity voiced by the left parties of Hungary, Poland and Spain' (2018, 14).

So, with the consensus in much of Europe, right and left, that immigration is a real problem, what kind of discourse does the Left actually have, when it comes to immigration? Eric Fassin has argued that the Left 'dares not say that immigration is not a problem, for fear that this would sound like abandoning "the people"' (2018, 87-88). He explains this tendency as the consequence of intimidation resulting from the ideological defeat to economic liberalism the Left suffered in the last thirty years, and the subject of migration is only one in the range this defeat has rendered moot. While many on the Left now show more determination to resist the various displacements brought about by the now-enduring neoliberalism, when it comes to the political contexts of nation and immigration, there is not much ideological resistance. According to Fassin, 'this may be due to the fact that it has been tempting for the left, given neoliberal globalisation, to think of the nation state as the last best hope to resist neoliberalism' (2018, 88).

A few of Europe's mainstream (secular) public intellectuals have spoken out about the refugee crisis, or our commitments made under international laws and treaties. This is not to suggest that 'Europe' as a whole has been silent in the face of this crisis. During the summer and autumn of 2015, many local populations across Europe, civil society actors and non-governmental organisations displayed overwhelming solidarity with refugees and migrants. I agree with Gurminder Bhambra, however, that this generalised silence of most mainstream public intellectuals on the crisis facing Europe, as well as on its failure to live up to its normative and legal obligations towards refugees, signifies that they, 'for the most part, have failed to grasp the extent to which the current crisis is a crisis of Europe as opposed simply to a "crisis in Europe"' (2017, 400).

How did Europe acquire these features, asks Michel Feher, which the past few years have brought into such stark relief? Feher explains in *Rated Agency* (2018) that the state-sanctioned panic about refugees and rising migrant deaths generate policy challenges for countries anxious about their creditworthiness but not about the humanitarian crisis. In other words, the problem largely materializes as one of financial rather moral-political valuation. He begins by tracing neoliberal thought from its origins during the post-war era to its 'third way' manifestations near the turn of the millennium. Feher describes how not letting creditors fail has become the focus of governance, and how workers have been de-proletarianized through encouragement to re-style themselves as entrepreneurs, thereby avoiding conflict with the entrepreneurial class. Nowadays, the pursuit of credit is the prevailing preoccupation for corporations, governments, and individuals, and the power of investors to select deserving borrowers—to decide who and what is deemed creditworthy—has become a new site of social struggle. While in the 1990s, 'the champions of the third way had staked the reconciliation of their attractiveness in financial markets and their popularity in the electoral arena on the promise to help their constituents raise the value of their human capital' (2018,

171), the ways in which state officials now pursue their objective have been decisively altered by the turn to fiscal austerity in 2010 and the state-sanctioned panic about the influx of refugees in the following years.

In the wake of the 'Arab springs' and the sovereign debt crisis of 2011, argues Feher, the European Union has acquired two distinctive features: a rapidly aging population combined with a growing reluctance to open its borders to migrants. Therefore, far from staking their credit on the restoration of some demographic dynamism, European nations continuously seek 'to improve the per-capita valuation of their nation's human capital' (Feher 2018, 173). For this purpose, they do anything necessary to attract investment, including repel migrants deprived of favourably rated resources from coming in, and dispose of the people who risk lowering the capital value per capita of the population dwelling on European soil. Thus, Feher argues, 'weeding out the discredited so as to valorise the ratio of human capital per capita of a population [. . .] takes multiple forms, including limiting access to disability programs, making job seekers disappear from unemployment statistics, denying asylum and residency to most applicants, and in some cases pressuring young graduates to emigrate' (Feher 2018, 171-73).

This neoliberal agenda—the combination of 'restorative' austerity and 'protective' inhospitality devised by the European authorities—is turning the continent into a gated community mindful primarily of its credit rating, and intent on disposing of those who are not deemed credit-worthy. This raises pressing questions regarding the deeper roots and the sustainability of a political-economic regime preoccupied with attracting investors and deterring migrants. Feher concludes that, the ever-growing human, economic, and symbolic cost of turning the territory of Europe into a fortress may convince the managers of European affairs that it is not in their interest to present migrations as a problem they intend to solve – but as an opportunity they intend to seize. Unless the 'European project' of turning Europe

into a gated community for aging white asset holders is abandoned altogether—for, in his view, the status quo is no longer possible—Feher argues that we might be precipitated towards a period of social and political conflict, the 'next war' (2015).

Similarly to Feher, Slavoj Žižek argues that we must focus on what he calls 'the political economy of refugees' (2017, 43), in order to understand what is causing such mass movements of people. He locates the cause of the crisis in the inexorable dynamics of twenty-first century capitalism, its relentless search for profit, and the attendant insatiable appetite for natural resources. The tendency is, writes Žižek, to present unrest across the Middle East and sub-Saharan Africa driving an unprecedented number of people into making treacherous journeys across the Mediterranean or up through Southern Europe, as arising from 'ethnic warfare fuelled by old passions (2017, 46). In truth, he argues, in Syria, Lebanon, Iraq, Libya, Somalia, Congo and elsewhere, disempowerment has been 'the result of international economics and politics' (2017, 47). It is this same ideology that has created a situation of growing poverty and working-class hardship and that has resulted in years of extreme austerity across the EU, making the prospect of welcoming these refugees so unappealing to so many. As Žižek asserts time and again, the only global, hegemonic form of oppression and exploitation is the economic exploitation of capitalism; therefore our task is to recognise that the sole answer to the crisis involves thinking about how to rid the world of the capitalist superstructure creating this crisis. Mobilizing Giorgio Agamben's argument that 'thought is the courage of hopelessness' (Agamben, 2014), he argues that class and discourse analysis are the only way society can create a utopia free of the horrors that force people to migrate. Žižek identifies as **'the most difficult and important task" in this process 'a radical economic change that abolishes the conditions that create refugees' (2016, 103). If we do not transform global capitalism radically, 'immigrants from Greece and other European countries will soon join African refugees' (2016, 103). In a future of large migrations, he believes our only hope

lies in the 'global solidarity of the exploited and oppressed' (2017, 110). The scale of the political problems and crisis we are collectively facing demands that the Left resuscitate such a global political vision.

Theatre of Political Economy and the 'Right to Have Rights'

While the challenge for the European Left (from leftist academics to activists and political parties) is to take up the challenge of interrogating the complex political and economic causes behind Europe's border crisis and to develop concepts, ideas, analysis, and arguments that can strengthen these emancipatory struggles, I turn my attention now to contemporary theatre makers and their representations of mobile lives and the migration crisis. Responsive to the global condition that Judith Butler describes as "the nonchosen character of inclusive and plural cohabitation" and the accompanying ethical commitment to "the right to cohabit the earth with equal degrees of protection" (2011, 84-85), both Jelinek's *Charges* and the Gorki's *Winter Journey* show how migration delineates a creative act of political transformation and a site of resistance and agency. While contemporary capitalism fictionalizes social life in terms of agonistic competition over scarce resources (Žižek), and the European Union maximizes the reputational value of per capita of its population by either getting rid of, or not letting in, those endowed with a lower reputational capital (Feher), the artworks I consider here summon forth a collectivity yet to come. Although the language and dramaturgy they use are quite different, the notion of a collective 'we' developed in both shares certain qualities. Neither Jelinek nor Ronen and the Exile Ensemble lays out a thematic program or a set of slogans for social solidarity or collective political subjectivity. They appear only through their performative evocation of a different kind of body, space, belonging and community. While Jelinek's *Charges* attacks and interrupts the languages of banking and credit by foregrounding the tension we currently witness at Europe's borders between law and life, statelessness and citizenship, illegality and legality, and camp and

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polis, the Gorki's *Winter Journey* focuses on war, displacement, and hosting alternate political subjectivities. These works show that art remains a means for political, social, and cultural intervention that can re-orient the political moral compass by addressing empathy and affect as political categories. It can critique the current economic paradigm by staging its shortcomings and failures to remind us of the Left historical critique. Finally, it can gesture at the form of the new political and affective subject, suggesting the possibilities of the new 'we' and do it by means of public assembly, addressing the stage and the audience as a public space of citizenship.

The creation of Elfriede Jelinek's *Die Schutzbefohlenen* (translated by Gitta Honegger as *Charges* (*The Supplicants*) was prompted by a protest movement of asylum seekers from Afghanistan and Pakistan that began in Vienna in November 2012. To draw attention to their plight, the refugees marched from the *Traiskirchen* refugee camp to Vienna, and occupied the Votive Church as a symbolic sanctuary, seeking permanent asylum and work permits. The archdiocese of Vienna and the local Caritas initially guaranteed the requested protection to the refugees, which triggered impassioned public arguments, protests and counter-protests for and against granting asylum to these people. After approximately eleven weeks and several hunger strikes, the refugees were finally moved to a nearby monastery, a temporary refuge to keep them out of public sight. Jelinek's text was subsequently rewritten three times, responding to new events as the refugee crisis unfolded, with a final version published online in September 2015. Jelinek then supplemented *Charges* in the following years with several new parts. The text had its premiere on 23 May 2014 in Mannheim, directed by Nicolas Stemann, and has since been performed all over Europe.

Charges alludes to the drama *The Suppliant Maidens* (*Hiketes*) by Aeschylus. In the play, the daughters of Danaus fleeing at threat from the Middle East, are given sanctuary in Argos after King Pelasgos first rejects them but finally acquiesces to the will of the

enlightened Argive population. Christopher Balme notes that the original German title of Jelinek's text, *Die Schutzbefohlenen*, refers to the usual German translation of *Hiketes* as *Die Schutzflehenden*, 'those who plead for protection, an allusion to the Greek word *hikesia*, the ancient custom of hospitality and protection from persecution' (2018, 1). While this ritual could be traced back to archaic times, it 'attained in ancient Greece both ritual and legal form and thereby a degree of institutionalization' (Balme 2018, 1). While Jelinek's text is shot through with direct references to the specific event that began in Vienna in November 2012 and the many reports of the drowning or bare survival of African refugees on their way to Lampedusa or the Greek Islands, it is also open enough to allow it to invoke the plight of millions of migrants and refugees around the world as migration continues to shape the twenty-first-century global order.

What kind of moral and political agency can we attribute to subjects who are in the process of losing their place in the world, such as those refugees that assembled in the *Votivkirche* in 2012? To address this question I turn briefly to Hannah Arendt's idea of having a 'place in the world' as one of several manifestations of the 'right to have rights.' To Arendt, the fundamental experience associated with the loss of human rights is the deprivation of a place in the world in which one's opinions are significant and one's actions effective. 'This extremity, and nothing else,' writes Arendt, 'is the situation of people deprived of human rights. They are deprived, not of the right to freedom but of the right to action; not of the right to think whatever they please, but of the right to opinion' (1979, 376). The protestors from the *Traiskirchen* refugee camp are deprived of these basic rights in the sense that they have no demonstrable, institutional, and interactional framework through which what they say and do can be recognised and responded to by others (see, Langley and Kaplan, 2015).

Elaborating Arendt's notion of the political, Judith Butler's *Notes toward a Performative Theory of Assembly* also turns to the corporeal materiality of resistant subjectivity, of the body, and of assembled bodies. 'When bodies assemble on the street, in the square, or in other forms of public space (including virtual ones),' writes Butler, 'they are exercising a plural and performative right to appear' (2015, 11). Although Butler's book aspired to engage with the politics of mass assemblies and demonstrations that have drawn the world's attention, the Votive Church protestors share the strategy of coming together, and assembling to express freedom and exercise a right with the mass assemblies in Tahrir Square and Gezi Park and Zuccotti Park. For Butler, those who take to the streets 'are working to ward off the prospect of oblivion' (2015, 181).

In the aftermath of Refugee Protest Camp Vienna, twenty-seven of the sixty refugees received negative decisions on their asylum applications, while 'seven of the eight refugees who had been charged with people smuggling during a highly criticized court case were found guilty' (Felber 2016, 2). The ethical obligation to grant sanctuary to the persecuted reached its limits, and Jelinek's text ends with self-critical reflections on its own making and the limitations of the power of its address: 'That justice will be done for us, we pray for that, may it be the fulfilment of my prayer for safe conduct, for a better lot. But it will not happen. It will not be' (2016, 82). Still, as Butler reminds us, regardless of any particular outcome that the assembly achieves, 'it matters that bodies assemble' (2016, 7–8). Resonating across the pages of *Notes*, the verb phrase 'it matters that' expresses two related claims: the assembly claims that life matters; in demonstrating that life matters, the assembly demands that life matter.

Here and elsewhere in her text Jelinek gives a powerful articulation to a feeling of extreme loneliness, one that Jill Stauffer captures with the term 'ethical loneliness.' She explains how 'ethical loneliness is the isolation one feels when one, as a violated person or as

one member of a persecuted group, has been abandoned by humanity' (2015, 1). The surrounding world exacerbates the individual's feeling of forsakenness by turning a blind eye to or failing to stop or acknowledge the atrocity. And it is this process of being forsaken not once, but twice, that constitutes what Stauffer calls ethical loneliness: 'the experience of having been abandoned by humanity compounded by the experience of not being heard' (2015, 1). Through many examples and contexts, Stauffer's narrative illustrates how careful listening and creating the conditions for listening better, is essential to the hope of re-establishing trust and community after serious violence. While her book is primarily about the double abandonment and existential isolation experienced by Holocaust survivors and black South Africans under Apartheid, Stauffer's argument for the fundamental importance of listening is as much about the present day as it is about the past. For instance, for the one million refugees seeking asylum in Germany today, the question of listening to survivors is not just a matter of the past. While four decades ago 'the asylum seeker was assumed to be telling the truth' (Fassin 2012, 117), today asylum is set in a climate of suspicion where the validity of asylum requests is systematically contested as the applicants become indistinguishable from 'economic migrants.' As the political grounds for asylum requests is undermined, the condition of refugees is delegitimised, and the right to stay is reduced to the interpretation by a government interviewer of the asylum seeker's answers to interview questions about the persecution and abuse they faced in their homeland. Even with the best intentions, this interpretive situation guarantees that there can be little agreement about the severity of the circumstance and its origins in the encounters between the migrant and the keepers of the national borders.

While representing one among similar episodes in the political history of contemporary hospitality, Jelinek's text also raises the question of the ways in which we (the readers, the onlookers, and the spectators) are implicated in this and similar scenarios of

migrations and national belonging. What is the nature of our obligation to strangers and solidarity amid inequality? *Charges* has no designated speakers, which raises the question (as do so many of Jelinek's texts), of who the 'we' may be. As Jelinek notes, 'It has to be discovered who the speakers are at any given moment.' And she adds, 'sometimes it is I who speaks in the *pluralismajestatits*, sometimes it's ironical "we", it's something that masses appropriate, when everyone actually says "I", sometimes it is an abstract "I", so there are many "we's"' (2016, 153). The following passage from *Charges* puts this issue into a sharp relief:

> I don't know, there simply are too many, and too many people remain who were not here before, that's not possible. That many are not possible for us. Where could they go to, where did they come from? […] We will have to change our knowledge about people, but the knowledge resists. Whatever it knows it wants to keep to itself. It will never be as it was before again, just the fact that it knows of these people, of these objects will make a difference; consciousness, I am afraid, will have to change its knowledge, there won't be another way, and that knowledge alone will also change the object itself, it will change us all […]. (Jelinek 2016, 119-120)

While certainly deeply ironic, in this passage and elsewhere in her *Charges*, Jelinek also rightly gestures that Europe's migration crisis also involves a question about what it means to be European. As I discussed earlier, leftist academics such as Benhabib, Feher, and Žižek, assert that the crisis calls upon Europeans to rearticulate the deepest commitments the EU has stood for. Governments with professed commitments to human rights are now facing the dilemma of treating migrants as humans and risking a change of who 'we' are as a composite population, or giving up human rights and risking changing who 'we' are as an ethical community. The second part of Jelinek's *Charges*, to which I turn now, suggests that an ever-

growing number of migrants and refugees crossing the Mediterranean, both drowned and saved, turns this challenge into a catastrophe.

Jelinek wrote 'Coda,' the second part of *Charges*, in response to the disaster in Lampedusa as symbolic of the interminable tragedies in the Mediterranean. In this incident, a boat carrying 500 Eritrean refugees sank off the coast of Lampedusa on 3 October 2013, and 360 of those on board drowned. In an interview with Gitta Honegger, Jelinek argues that 'some things require that kind of speed and the haste of the language,' and this is true of *Charges*, where '[t]he text itself has breathlessness [that suggests both the writing process and the situation of the "real" refugees]' (2016, 149). In this text Jelinek renders a scene depicting men, women, and children reduced to bare life, adrift at sea on a flagless vessel, plagued by hunger and thirst. She writes:

> We teeter like ants under the carcass bits of beasts they are lugging, but we aren't falling yet. That's good. The motor is dead. We aren't yet. There is a sun lying on the water, can someone rescue us please? It might be drowning too! No it won't. The motor is down too, it won't come back no matter what we do. It can't be revived. The morning sun overtakes the shadows, but that does nothing for us, there's nothing in it for us! (Jelinek 2016, 96)

As Rosita Deluigi notes poignantly in her essay dedicated to a 'cemetery of boats' on the island of Lampedusa, this powerless engine is also 'the "trust-machine" for many people who want to cross the sea, and it is a symbolic object that costs money and also human life.' Now turned off, this object 'held the power of hope amid so much despair. An engine of dreams, like the one that powers a human's desire and need to set sail from their own land to reach new prospects' (2018, 16).

A testimony by a survivor captures some of the predicament experienced by the migrants in the transit of the drama and expectation, the nightmare of chance and salvation, imaginatively reconstructed by Jelinek:

> After three days the water supplies run out. Thirst and hunger take their place among the passengers as guests without a ticket. And heat joins them too, because the sun beats down relentlessly, and there are no trees to protect you, not even the meagre oasis that you might have found in the desert. […] We begin to lick each other. At least you are sending your companion's sweat down to your stomach. Sweat is salty, your skin is drenched in salt, but it is better than nothing. (qtd. in Deluigi 2018, 19-20).

Jelinek's 'Coda' offers gripping insight into the atmosphere of the moments of the move, into what usually remains ignored and literally unseen. Jelinek's text and countless testimonies like the one included here, which too often go unheard, also beg the following questions: Are we responsible for these people? Do we have a duty to rescue them? Do these humans have rights? Can there be any rights on a (flagless) vessel, such as the one portrayed by Jelinek, without a state guaranteeing them?

Taking Arendt's devastating critique of human rights as a useful challenge to start from, Itamar Mann argues that 'as long as some people feel bound by human rights, humans are never rightless' (2016, 10). In his book *Humanity at Sea*, Mann explores the nature of human rights law and legality in general in the context of what international law designates as 'the high seas,' which may throw some light on the human rights aspects of the migrants' predicament depicted by Jelinek. Generally, apart from the laws of refugee protection, few rules limit states in their discretionary decision-making as to whom to admit to their territory. Yet while the principle of non-refoulement applies at the border, no explicit rules hinder

states from deterring persons from reaching that border. Mann offers a change of perspective, reconstructing the human rights claims and obligations from the moment of encounter in the case of maritime migration and the interdiction or surveillance of boats. Even though many affluent countries in Europe and around the world have sought to frustrate the access of refugees to asylum before these people enter their jurisdiction in order escape legal constraints, Mann suggests that the situation of encounter as such can constitute a source of law, a source of human rights claims and obligations. He argues that duties (and thus legality) exist independently from the sovereign state, and do obtain among fellow seafarers upon their physical (or even imagined) encounter with each another. The 'human rights encounter,' as Mann calls it, forms (together with sovereignty) the dual foundation of international law. In the realm of human rights law properly understood, this encounter is, indeed, the true source of human rights. It raises faint but firm duties toward the stranger that stem from the mere fact of shared humanity, that is, from the bare life of humans as such.

Mann sheds light on the specifically legal reasons for the seeming failure to end the mass drowning of migrants and refugees in the Mediterranean Sea, such as the one depicted by Jelinek, which are of particular interest to us here. He argues that this failure does not simply stem from a political or moral failure. He posits that an often ignored reason for the failure to prevent deaths at sea is ingrained in the very structure of international law, the age-old doctrine on the division of responsibilities between states and individuals at land and at sea. This seldom-acknowledged characteristic of international law is now creating the conditions in which some people are rendered rightless.

Discussing the now recognizably tragic incident that occurred on 3 October 2013 off the coast of Lampedusa, Mann asks: 'What law, if any, were these people protected by? What law, if any, was violated when the decision was made to ignore their imminent deaths?' (2018, 355). As Mann and other legal scholars assert, outside their territorial jurisdiction,

coastal states are, in certain circumstances, bound to provide 'adequate and effective' search and rescue (SAR) operations at sea. The obligation to conduct SAR services is upheld both by moral tradition and international maritime law. The latter is found in the 1974 International Convention for the Safety of Life at Sea (SOLAS), the 1979 International Convention on Maritime Search and Rescue (SAR), the 1982 UN Convention on the Law of the Sea (UNCLOS), the 1989 International Salvage Convention and the reg. EU 656/2014 that defines the norms for the surveillance of external sea borders (Musarò 2017, 62). While the intent of these treaties (signed by European states) was to create a system to rescue all vessels in distress, the system has not prevented the occurrence of tragedies at sea.

As Mann further explains, 'under the law of the sea, if a boat is deemed to be in distress, a duty of rescue can arise without previously establishing the control required for jurisdiction under international human rights law' (2018, 356). In such instances, rescued migrants come under the control of the saving state. They will have a right of non-refoulement, and if they seek asylum, the state will be obliged to process their asylum requests. However, Mann also asks us to consider the 'spaces in which no such contact is made and in which rights cannot be invoked,' opening the law to a recognition of its own exclusions (2018, 356). This is the case with migrants who are beyond every state's jurisdiction, for instance on the high seas or in the SAR zone of another disintegrated state, such as off the coast of Libya nowadays. While these people are often knowingly left to die en masse, 'their loss of life is not due to a de facto violation of an existing de jure duty' (Mann 2018, 357). To bring this strand of argument to a close: Mann's important critical intervention demonstrates that through its selective border practices, the European Union's humanitarianism is extended during the 'refugee crisis' today only to particular subjects within particular zones, the kind of practice Maurice Stierl has termed Europe's 'selective or schizophrenic humanitarian reason' (2018, 708).

To conclude my analysis of Jelinek's text: her text tells, on the one hand, the stories of those forsaken by humanity, banished from the homestead economies of the *oikos* and disappeared from the public sphere. While whose terms might have secured for them some form of recognition, the text offers a critique of Europe's gradual divestment from human rights and the limits of the law in terms of international justice. It portrays the complicated law of the seas issues that otherwise the lay person might not fully grasp, while reminding the public—the 'people' or the 'audience' or the 'public'—that they are bound by human rights, or tries to instil that belief. On the other hand, it also is offering the poetry of the stage to create the experience of loneliness that could be the basis for the collective subject. The power of assembly is also a possible line of action after the play is over. Theatre makes assemblies; then there are other assemblies that can be made.

The nameless young African bodies, washed up almost daily on the shores of southern Europe, make us keenly aware of the fragility and indeed the false promises of human rights law. From a historical perspective, the dynamic is a familiar one. The plight of migrants today recalls Hanna Arendt's reflection on what it means to be a refugee in her text 'We, refugees.' Arendt writes: 'We lost our home which means the familiarity of daily life. We lost our occupation, which means the confidence that we are of some use in this world. We lost our language, which means the naturalness of reactions, the simplicity of gestures, the unaffected expression of feelings' (2007, 264). In today's world, Arendt's observation remains obvious still. Yet, as Seyla Benhabib claims, 'some things have changed in our world, and the refugee, the asylee, and the stateless person are increasingly political actors who claim the "rights they do not (supposedly) have," that is the rights that are denied to them' (2018, 119). As I will now briefly show, the Maxim Gorki Theatre's *Winter Journey* offers a fascinating example of the refugees, who, taking centre stage, are neither without initiative nor without autonomy.

We may recall here first the German Chancellor Angela Merkel's decision to open German borders to Syrian refugees in the summer of 2015. Responding to the breakdown of the Schengen Area rules under which the border countries of the European Union, such as Greece and Germany, had to control the Schengen Area borders, Merkel declared that welcoming Syrian and other asylum seekers on European soil was both morally mandatory and economically feasible. However, with her appeal to a *Wilkommenenskultur*, 'a culture of hospitality', the German chancellor found herself increasingly isolated both domestically and internationally. Faced with mounting pressure, Merkel eventually agreed to scale down her 'welcome' policy.

Why did those who pride themselves on being pragmatic and always worry about the economic consequences of migration, not side with Merkel? Peo Hansen explains, in line with Feher's picture of our neoliberal and/or financialized condition that I presented earlier, that he answer to this question rests with the EU's master regime of fiscal and racial austerity. Often expressed in terms of anti-Muslim hostility, the austerity regime effectively thwarts the type of expansive public investment in areas key to successful refugee integration (education, active labour market programmes, childcare and housing), and cultivates a model of citizenship that would allow the EU's demographic crisis to be perceived as congruent with the global refugee surplus. 'In all, the European Commission wants millions of migrants as replacement labour,' writes Hansen, 'but it wants it in the austere or, to speak Polanyian, fictitious commodity form of circular labour, *not* in the embedded, capacious form of refugees put on paths to citizenship' (2017, 149; original emphasis). The EU's program Circular Migration is also a tool for negotiating the varied interest of two political blocs, the neoliberals and the neo-nationalists. The program secures the interests of neoliberals because it gives markets access to cheap and mobile disposable labour. At the same time, it secures

support of neo-nationalist parties' because it prevents migrants from staying permanently and making political claims tied to citizenship (see, Feldman, 2011).

While German theatre's recent advocacy for refugees is commendable, Berlin's Maxim Gorki theatre's efforts to broach the subject of refugees' situation in Germany stands out, not the least in its attempt to counteract the unseemly underside of European immigration policy through its durational collaboration between artists and asylum that goes beyond the time of a particular performance event. In 2016, Gorki announced the development of an 'exile ensemble' that would 'provide a platform for professional artist who are forced to live in Germany' (Gorki website). The Gorki's motivation to form the Exile Ensemble arose from their attempts to engage in long-term political commitments and practices to provide these actors with some form of ongoing empowerment and agency. Here I am reminded of Anika Marschall's claim that 'artistic responses to contemporary migration movements and asylum policy can only be effective when rooted in and working with institutions and various societal stakeholders' (2018, 148). While Marschall advocates here for a particular kind of efficacy stemming out of socially engaged art projects, her claim that a 'durational collaboration between artists and asylum seekers creates spaces of encounter that reach beyond the fetishized moment of "refugee arrival"'(2018, 148) holds true. In this respect, Gorki's Exile Ensemble project stands as exemplary for emerging social art practices.

The premise of the piece is that a German man, Niels (the actor Niels Bormann), is hosting six performers from Syria, Palestine, and Afghanistan who cannot pursue their art in their homelands and are now living in Berlin. Niels takes these new arrivals on a bus tour of Germany in the coldest week of January. The actors' bus ride through Germany (with a brief excursion into Switzerland) becomes the key dramaturgical device for a performance that mixes personal narratives of displacement, exile and arrival with sharp, witty and often humorous observations. In Dresden, Niels wants to show the other artists the capital of

German Romanticism, but instead they find a demonstration by Pegida, an anti-immigrant movement whose name stands for Patriotic Europeans Against the Islamization of the West. In another scene, Hussein Al Shatheli, a Palestinian born in Syria, describes how he arrived in Germany via Turkey, Greece and Switzerland, after buying a fake Italian identity document. The group also gets to visit the Buchenwald concentration camp and leaves depressed. Here, in a powerful monologue, Mazen (Mazen Aljubbeh a refugee actor from Damascus), sparks the reflection of dominant German society about its own relation to difference both historically and in the present. While on one level the performance explores rejection, alienation and loneliness, the production could also be seen as part of the Maxim Gorki theatre's larger effort to make a positive difference in the lives of refugees who found themselves in Germany and thus, as a commendable effort to forge a path out of ethical loneliness, to use Stauffer's term again, emphasizing perhaps that another Europe is possible, a Europe anchored in humanitarianism, solidarity and real cosmopolitanism.

Conclusion

In this essay I have focused on the European refugee crisis, especially on the heavily policed Mediterranean space, raising questions about the role of the Left in reclaiming the material, social, and legal conditions for the acceptance of refugees in Europe, and what can be done from the standpoint of the Left to establish unity, solidarity, and hospitality in Europe against a transnational front of the forces rejecting refugees. The essay also traced the ways in which the crisis and related issues are tackled in Elfriede Jelinek's *Charges* and Yael Ronen and Exile Ensemble's *The Winter Journey*, showing how these works intervene in the contested context of increasingly repressive European migration regimes. At the same time, I remain aware that, as my colleagues Emma Cox and Caroline Wake have argued, the hypervisibility of the European refugee crisis can occlude other crises elsewhere in the world, in Africa, Southeast Asia, Australia and the Asia-Pacific (2018, 140). Indeed, in the past fifteen years

we have witnessed suffering masses of refugees, asylees, and internally displaced persons from the Global South and East desperately trying to reach the resource-rich countries of Europe as well as Canada, the USA, and Australia, with the conditions of refugees reaching crisis proportions not encountered since the Second World War. As s report by the United Nations High Commissioner for Refugees shows, 65.6 million people were displaced by conflict, violence, or economic and ecological disasters by the end of 2016 (UNHCR, 2017).

Saskia Sassen usefully reminds us in *Expulsions: Brutality and Complexity in the Global Economy*, that the global refugee crisis is but one in a larger system of expulsions that characterize contemporary capitalism. Sassen argues that this massive and diverse set of expulsions—from professional livelihood, from living space, and even from the very biosphere that makes life possible—is actually signalling a deeper systemic transformation that is taking us into a new phase of global capitalism and global destruction. The expulsions Sassen analyses cut across domains conventionally imagined in separation, from financial rationality to poverty, and from displacement to environmental problems. The connections the migration crisis is making apparent are caused by what the author calls 'predatory "formations,"' a mix of elites and systemic capacities with finance a key enabler, that push toward acute concentration' (2016, 13). The three forms of expulsions at the core of the book are: a steep rise of poverty rates, growing forced displacement, and massive expansion of the penal state. Arguing that parts of our economies, societies, and states in Europe are being stripped bare by an extreme form of predatory capitalism, the author notes that in 2012 '24.2 percent of European citizens were at risk of poverty, severely deprived or living in households with very low work intensity' (2018, 51). Next, 2011 was 'the fifth year when the number of forcibly displaced persons worldwide exceeded 42 million' (2018, 55), while in 2011 the Global South hosted 80% of the world's refugees. Finally, she registers the massive expansion of penal apparatuses across the Global North and South, noting that at present one

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in 31 US citizens is detained, on probation or on parole (2018, 65). Sassen draws surprising connections to illuminate an unprecedented severe exacerbation of these expulsions. It is unprecedented not only because of its geographical breadth, but also because it cuts across apparently disconnected and different social, economic and environmental issues. In all these cases, the myriad 'expulsions' of people, places and nature in brutal fashion takes place irrespective of their location and regardless of the state forms – whether socialist, communist, or capitalist – under which they occur. While her analysis confronts us with the challenge of neoliberal globalization that will literally bring life to an end, soon, if we do not find a way to sustain, a larger challenge for Sassen is to articulate what the next economic system should look like. If it is not failed communism and unbridled capitalism, what will it look like? The question of what kind of genuinely compelling vision of human political, social and economic arrangements would stand in opposition to the neoliberal agenda, is also relevant for the Left today. In another word, at this present juncture, when the sheer complexity of the global economy makes it hard to trace lines of responsibility for destroyed economies, livelihoods, and bodies, how can we engage in resisting the social and environmental havoc wrought by financial capitalists while featuring visions of alternative arrangements? These are our challenges.

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