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Wille | Leutloff-Grandits | Bretschneider | Grimm-Hamen | Wagner [Eds.]

Border Complexities and Logics of Dis/Order

Nomos

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Cultures, Spaces, Orders

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Volume 7

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Dynamics of Dis/Order in Border Complexities

Carolin Leutloff-Grandits and Christian Wille

Abstract

This chapter introduces the dynamics of dis/order in border complexities as the overarching theme of this anthology. In the first step, the underlying understanding of borders and the relationship between borders and orders are explained and linked to the concept of border complexities. In the second step, the insights into the interrelationship between borders and orders are deepened in a complexity-oriented perspective that takes into account different dimensions of the border and its interconnections, the resulting ordering logics and dynamics, and the liminality of borders. In doing so, the different perspectives on border complexities and the logics of dis/order chosen in the contributions of this anthology and their respective results are briefly presented.

Keywords: Border, Order, Disorder, B/Order, Complexities

1. Introduction

This anthology addresses the complexity of borders and the relationship between borders and dis/order. It starts from the premise that borders, in their simplest understanding, can be seen as markers of difference that have a status function (Cooper/Perkins 2012). Similarly, Sarah Green (2012, 576–577; 2019, 2), argues that borders have an ordering function, as they can be seen as classification systems that define and categorize people, places, and things, and enable us to make distinctions. Referring to a quote from Gregory Bateson, Green (2019, 14) states that borders make "a difference that makes a difference" (Bateson 1972, 453). She highlights the social construction of borders and the need to create clarity and make sense of the social world, even if the reality is far from clear and borders are often contested or incoherent.

Apart from the universal characteristic of borders as markers of difference, borders can have multiple forms and functions as well as qualities. In a complexity-reduced version, a state-border—or more broadly, a geopolitical border—might appear as a line on the map separating one territory from another. Still, when crossing a state-border on the ground, it may be hardly recognized, as not all state-borders are fortified. Others are materialized as iconic walls and secured with barbed wire fences to emphasize their function of controlling mobility. The border is often set in analogy to the

skin securing the body politic of the state—understood as the totality of all members of a state polity (Schwell 2010). Because the materialization of borders is so conspicuous and has increased enormously worldwide, especially in recent years, it can distract us from recognizing other dimensions of borders, such as the social dimension, even though these are often particularly powerful. In fact, the social dimension of borders—including geopolitical ones—is very important because they are used for social demarcation, e.g., to distinguish between "us"—on one side of the border—and "them" on the other. Social demarcation is often linked to symbolic and legal demarcations that contribute to (complex) status positioning. Being socially constructed, these demarcations may change in time. In a broader sense, state borders often include spatial, social, and temporal dimensions that have social, temporal, and spatial effects (Schiffauer et al. 2018). What we perceive as a border can thus also be understood as a bundle of interconnected border dimensions and their constitutive elements that can vary greatly. This understanding of borders contributes to the recent and ongoing "complexity shift" (Wille 2021) in border studies, and it is the aim of this volume to take a closer look at border complexities, particularly the complex interrelations of border elements and the emerging social orders.

Inherent in this complexity-oriented approach is the premise that borders are not static but changeable and take on very different forms and functions. They need to be reproduced—not necessarily through the performative production of the material setup of borders in form of fences and walls, but through everyday bordering practices—be they cultural, social, symbolic, legal, or linguistic (Paasi 1999). Indeed, as Claudia Bruns (forthcoming) pointed out, one could argue that even the hardest (materialized) borders would not last without their social and symbolic representation. To emphasize this constructivist approach, which has prevailed in border studies since the 2000s, borders have been denominalized and put in an active verb as "bordering" (van Houtum/van Naerssen 2002; Rumford 2008), which encompasses processes of establishing, shifting, transgressing, or subverting borders. For the analysis of the emergence and (re)production of a border, it thus makes sense to focus on negotiation and transfer processes and to ask how these are codirected and experienced by different actors. At state-borders, e.g. in the field of border security, a heterogeneous actor constellation of state, private, and corporate actors plays a role, constituting the order of the state-border with the help of different security discourses and material as well as non-material practices and infrastructures (Gerst et al. 2018). In fact, since borders are produced by different actors and

institutions, it should be noted that they are partly ambiguous. Importantly, the location in which bordering processes take place may not fall together with the physical border line at the fringes of states or larger political entities like the European Union but may move to the inner or outer of the state or EU territory. Because today's bordering processes often take place both outside and inside the state's territory, they are difficult to locate and may be barely noticeable, yet these bordering processes are often very effective. The increasing urge to require a visa to be able to cross a state/the EU border, which people must apply for in embassies, lead to what van Houtum and van Uden (2022) have called "paper borders". Furthermore, borders have a polysemic nature, as they do not have the same qualities for everyone, as noted by Balibar (2002, 75–86). For example, visas are selectively issued to some people and not to others, allowing those who have visas to cross state borders legally and often quickly, while others are prevented from crossing and are forced to wait, sometimes indefinitely, or take dangerous, complicated, costly, and often long routes to cross the border unauthorized (Wille et al. 2023).

In this anthology and a subsequent second volume, border complexities are discussed from a variety of analytical perspectives, focusing on spatial, social, and temporal dimensions, the constitutive elements at work in b/ordering processes, and their entanglements. Both volumes are based on the trinational workshop series "Border Complexities" funded by the Franco-German University, in which five thematically linked interdisciplinary workshops took place from 2019 to 2022 organized by the University of Luxembourg (UniGR-Center for Border Studies), European University of Viadrina (Viadrina Center B/ORDERS IN MOTION), École des Hautes Études en Sciences Sociales (Centre Georg Simmel), European University of Flensburg (Interdisciplinary Centre for European Studies), and the University of Lorraine (UniGR-Center for Border Studies). Within the workshop series, different analytical approaches that take up recent developments in border studies and conceptualize borders as complex and dynamic constellations that either structure social orders or emerge from them were chosen. As an overarching aim, the associated scholars wanted to investigate complex and multidimensional formations of borders from different disciplinary perspectives—involving geography, history, social anthropology, political science, literary studies, media studies, European studies, or linguistics, for example—to learn empirically about and conceptualize border complexities. With this interdisciplinary approach, the workshop series took into consideration the fact that border studies is not based

on an established canon of theories and concepts like classical academic disciplines but makes different schools of thought and theoretical traditions productive across disciplinary boundaries.

This first volume is based on the discussions in the kick-off workshop organized by the University of Luxembourg in Esch-sur-Alzette (5–6 December 2019), in which theoretical approaches and empirical examples of border complexities were presented, as well as the second workshop at the European University Viadrina in Frankfurt (Oder) (18–19 March 2021), which further explored border complexities by focusing on the "Logics of Dis/Order of Border Complexities". In the following workshops, the scholars took different dimensions of borders—such as the temporal, spatial, and material—into the center of their analysis, which will be further developed and presented in the second volume. The third workshop, organized by the École des Hautes Études en Sciences Sociales in the Villa Vigoni in Loveno di Menaggio (7–9 June 2021), examined the "Temporalities of Border Complexities". The fourth workshop at the European University in Flensburg addressed the "Materialities of Border Complexities" (2–3 December 2021), and the fifth workshop at the University of Lorraine in Metz focused on "Spatialities and Networks of Border Complexities" (2–3 June 2022). In the first part of this volume, we outline various conceptual approaches to border complexities. This includes theoretical as well as methodological considerations, which are in part discussed or presented based on case studies. In the second part of this volume, we take a closer look at what we think is the universal functioning of borders: the creation and emergence of dis/order. This builds on the assumption that borders and social orders inevitably refer to each other, as borders—whether spatially and materially fixed or socially expressed (as such often referred to as social boundaries in distinction from spatial borders)—structure orientations in time and space as well as thinking and practices and thus assume decisive ordering functions. However, as we will show, the relationship between borders and social orders is far from clear cut. While borders form the foundation of social orders and stabilize them, borders and orders are neither fixed nor given but a result of social practice and meaning-making that is in constant change—"in the making", "in motion".

Moreover, borders and orders are dynamically interrelated; the relationship between both is also ambivalent. While the drawing of borders aims to establish and maintain social orders, borders can also challenge and shift existing social orders, create disorder, or form new orders. Newly established state or other geopolitical borders may, for example, cut across

historically grown communities, as can be observed with the division of Germany in the German Democratic Republic and the Federal State of Germany in 1949 (Berdahl 1999), or more generally with the establishment of the so-called Iron Curtain (Pelkmans 2012). In fact, borderland communities—as well as migrant communities—often do not fit into the categories established by state-borders but establish their own (local) order (Wilson/Donnan 1998; Green 2010; Brunet-Jailly 2011; Leutloff-Grandits 2023a), be it due to multilingualism (Dost et al. 2020), to cross-border family relations (Leutloff-Grandits 2023b), or to (partly asymmetric) political and economic relations across the border (Jańczak 2018)—which also impact their identities.

Borders and social orders are therefore also in a tense relationship with each other, in part because people deal with a multitude of border and order configurations which relate to each other. These configurations and their interrelations can be explored along three central analytical perspectives developed at the Viadrina Center B/ORDERS IN MOTION: (1) It is necessary to analyze the complex actor constellations, practices, and discourses of border-drawing and the underlying logics and rule structures of order to understand how borders and orders are interwoven as processual and complex entities and how they are mutually produced. (2) The relationships between different orders and their borders should be addressed, since borders can intersect and different orders, such as the EU order and the nation-state order, can overlap. (3) The liminal spaces or grey zones that arise from contradictions and conflicts along different border and order dynamics shall be brought into the focus of the analysis, as they can—partly unintentionally—create disorder and insecurity as well as new orders and borders. These analytical perspectives will be further outlined below and are applied in various contributions to this volume. Furthermore, they were helpful during the workshop at the European University Viadrina in Frankfurt (Oder), as they seem particularly productive for examining the relationship between borders and social orders.

2. Bordering and Border Complexities

The complexity-oriented approach we are focusing on in this volume has been brought forward by critical migration and border scholars, who are focusing on the mobility regulation function of borders, as well as cultural border scholars, who look at the sociocultural construction of borders.

What is common among these scholars is the fact that they increasingly regard borders as outcomes and focal points of multi-layered formations that result from the (situational) interplay of different actors, activities, bodies, objects, and knowledge (Amilhat Szary/Giraut 2015; Brambilla 2015; Hess 2018; Gerst et al. 2018; Parker/Vaughan-Williams 2012; Kasparek/Hess 2010), and as such as an increasingly complex phenomenon. However, an explicit discussion of the notion of complexity and the methodological consequences of assuming and studying borders as complex phenomena has yet to occur in border studies. Based on this background, the authors of the present volume have taken up this task in an exploratory manner. The first four contributions in this volume (Wille, Cyrus, Gerst, and Connor) analytically examine previous approaches to borders and border complexities and discuss more recent methodological-analytical developments that have ensured that border processes have been conceptualized more precisely and have become accessible for (supposedly) more complex considerations.

Serving this end, various chapters contribute to fostering the understanding of border complexities by defining the concept of complexity in more detail, presenting methodological-analytical perspectives for complexity-oriented border research, and empirically examining case studies for the relationship between dis/orders and border complexities. Norbert Cyrus and Christian Wille, for example, demonstrate that different understandings circulate regarding border complexity and that in the scientific debate, an everyday understanding of complexity as equated with complicatedness, confusion, or indeterminacy is sometimes encountered. They furthermore show that complexity thinking, which can provide new impulses in border studies, developed in the 1980s because of increased computing power and chaos theory. It focuses on emergent phenomena that were previously elusive or barely tangible without paradigmatic computations and linear modeling. With the study of emergent properties of social collectives and global dynamics, complexity thinking eventually found its way into the social sciences and cultural studies. The complexity theories, which are differentiated into a widely ramified field, assume—pointedly formulated—that the whole is more than the sum of its parts and are interested in the causal processes for this. Thus, the emergent properties of complex systems are addressed, or less abstractly formulated: the "'higher-level' properties that do not occur in the isolated 'basal' elements that [...] compose [complex systems]" (Greve/Schnabel 2011, 7). Emergent properties—as an important feature of complexity—are thus unexplained by the

parts of a system but are either located in the unpredictable interplay of its parts or emerge from it (also Cyrus and Wille in this volume).

The performative moment, which is difficult to determine and is based on relationships and self-dynamic processes, is at the center of complexity thinking and is here associated with bordering processes. By introducing the term "textural border", Christian Wille illustrates that in the study of border processes the numerous practices, dimensions, actors, and forms of borders are increasingly taken into account—and this increasingly via methodological views "inside" the border. From a complexity-oriented perspective, this trend can be understood as paving the way for a complexity shift in border studies, since the elements at work in bordering processes constitute the interrelated parts of a whole that can stand for the border. Some existing approaches partially follow this idea, such as the approach of border regime (Hess et al. 2018), borderscapes (Brambilla 2015), bordertextures (Weier et al. 2018, 2020), or assemblage (Sohn 2016) (also Wille and Gerst in this volume). These approaches understand the border as a transterritorial and/or transscalar relational structure to make visible the parts of the whole that are related to each other and to subject them to analysis. The emergent and thus complex moment in bordering processes, however, is still minimally or not considered at all by these approaches. To grasp the complexity or the moment of emergence, they instead have to specifically ask what makes a border a border and how the elements involved in become performatively effective in their relationality, i.e., in their interplay. These questions are decidedly addressed by the concept of border complexities, tested in this and the following second volume, which opens a perspective on bordering processes that are sensitive to complexity and its emergent effects. More specifically, the concept focuses on the emergent effects of dis/order that become socially and spatially effective. In this context, borders are understood as textures, i.e., as complex structures consisting of interconnected elements, which in their plurality, however, do not yet produce effects of dis/order. Rather, border complexities are concerned with the interplay of the elements involved which is still often 'overlooked' in border studies and in which logics of dis/order and their effects are to be located as emergent properties. Border complexities, according to Christian Wille in this volume, thus stand for a concept that grasps borders as relational structures, focuses on the unpredictable, self-dynamic interplay of their event elements and on their emergent effects of dis/order resulting from this interplay.

Guiding this broader perspective on bordering processes in this volume is the performative relationality of the elements at work in border complexities, which is both methodologically-analytically and empirically elaborated on. Following the discussion on complexity thinking, Norbert Cyrus distinguishes between non-linear relationships, stabilizing attractors, and a dynamic equilibrium, which can characterize the interplay of elements constitutive of border complexities. He applies these features of complex interaction dynamics to the example of the German-Polish border and shows in an exemplary analysis that "[c]omplexity thinking offers guidance for an appraisal of the dynamic formation and maintenance of a particular state-border, its organizational design, assigned functions, and features such as permeability." Dominik Gerst also deals with the "internal relationality of borders" in this volume and sees suitable starting points to uncover emergent effects of dis/order, especially in opposing or conflicting relational logics: "This sometimes manifests as articulations of dissent or experiences of opacity, uncertainty, and contradiction that can serve as a starting point for complexity-oriented reconstructions." In his contribution, Dominik Gerst also discusses a complexity-sensitive research attitude, which he calls "seeing like a complex border" and develops methodological principles that imply border complexities. These include the tension between the separating and connecting character of borders, which from a complexity-oriented perspective should be understood as a dynamic continuum and be determined empirically against the background of a complex set of conditions. Furthermore, in complexity-oriented border research, the multidimensionality of borders is to be considered. However, it should be understood less as a fanning out of individual analytical dimensions than as a complex interweaving or interpenetration of different dimensions and requires a sensitivity for the multiple contexts and forms of borders. According to Dominik Gerst, the relationality of border complexities can be explored through a methodological decentering of the border, i.e., through an observer position in the border or, in Gerst's words, through an "analyzing borders from the border" which helps to uncover relational logics and effects of dis/order. In this context, following the bordering turn, Dominik Gerst finally refers to the complexity-oriented requirement to always examine borders as social accomplishments to get a view of their contingency, changeability, controversiality, and emergence. Ulla Connor takes up this hint in this volume and develops a praxeological approach for the empirical description and analysis of border complexities under the keyword "situated bordering". It is based on sociological theories of practice and

can detect and reconstruct complexity in the empirical accomplishments of borders: "Border complexities result from the assumption that borders can be described as specific and singular linkages of practice elements". This approach, also called border praxeology, demands a researcher's participation in bordering practices and explicitly poses the question of relationality logics and emergent effects of dis/order as one to be answered empirically.

3. B/Ordering Dynamics and Logics of Dis/Order

3.1 Borders, Orders and B/Order Constellations

In various contributions to this volume, borders are understood primarily as a system of socio-symbolic demarcation that establishes and maintains social order. However, these contributions consider very different constellations of borders and orders in space and time. In the following, therefore, we outline how the interrelationship of borders, their constitutive elements, and (social) orders can be conceptualized.

Following Niklas Luhmann's (1984) systems theory, Monika Eigmüller (2016) states that borders manifest the distinction between system and environment, between inside and outside. According to Sarah Green (2019), borders not only separate, but also establish relationships by creating differences between people, regions, and landscapes. However, Green (2019, 14) also notes that these differences are not always clear or unambiguous:

> In practice, of course, the degree to which that effort at classification is successful varies considerably. The world is full of vague, contested, incomplete and incoherent borders. Yet that does not detract from the fact that what borders are supposed to do, what is intended by those who build them, is to create clarity – at the very least legally and politically, if not also socially and symbolically.

As borders are prone to change, so is the quality of "borderness" and thus the way in which borders classify. This also affects the relationships between borders and social orders. To develop a deeper understanding of the borders and orders in question, it is therefore crucial to look at the ideas and ordering processes behind the processes of border-making. As Henk van Houtum and Ton van Naerssen (2002) have pointed out, processes of ordering and demarcation are also linked to othering, as social identity is based on the construction of a constitutive outside, which

often has discriminatory tendencies. In general, when analyzing borders from an ordering perspective, the multidimensional processes of ordering, categorizing and demarcating become apparent, through which objects, persons or even time periods are differentiated and often hierarchized. These processes are linked to what we call border complexity, as they are based on a complex and performative interplay of practices, discourses, networks, and infrastructures. Instead of only asking about the ordering function of borders, it is therefore helpful to focus on the border and ask about the quality of borders themselves and to unfold the "order of the border" itself (Gerst et al. 2018).

In order to think of systems 'from their borders', Schiffauer et al. (2018, 7) refer to the system theory of Parsons (1951), who defines social systems as "boundary maintaining systems" that stabilize themselves by forming both a meaning within the social system and a border to other social systems (Schiffauer et al. 2018, 11). They also refer to Luhmann (1984), who poses the question of system stability and change regarding the contacts between two entities as well as their borders. According to Luhmann (1984), it is instructive to look at socio-symbolic border-drawing processes between the system and the environment. Luhmann (1984) assumes that these demarcations have a system-integrative character through certain, jointly shared codes and expectations, because they are structure-forming and at the same time selectively restrict contact with the environment (which is assumed to be very complex) through "reduction of complexity". At the same time, however, there is also an "observation" of the environment (thought to be outside the system) by the system, to which the system in turn reacts by either reproducing or changing structures and thus also maintaining the system.

Even if the reference to Luhmann is not explicitly elaborated on in the contributions to this volume, many of them focus on the interrelation between borders and social orders highlighted by the sociologist and take a closer look at the ordering dynamics of borders by delineating social, symbolic, juridical, and spatial dimensions, as well as their interrelations. They do so from different disciplinary and empirical perspectives, thus offering a panorama of border and order relations in time and space that includes historical border cases as well as current constellations such as the EU external border and migration regime and the associated challenges for local communities as well as for migrants, but also for national and European societies, as well as increasing digitalization and the question of how state-borders take effect in digital spaces. The dynamic relationship

between borders and orders is also expressed in the term b/order, which is used in this introduction and in other contributions to this anthology. The same applies to the relationship between order and disorder, which is expressed by the term dis/order.

The historian Falk Bretschneider, whose contribution deals with the early modern Holy Roman Empire and the peculiarities of its diverse borders and the social orders, shows through the example of the punishment of expulsion that the juridical, social, and symbolic exclusion of the lawbreakers was more important than their physical expulsion, not least because the territorial border between the various principalities was hardly marked. It was more about having certain rights in a community that was part of the social order of the individual principalities of the modern Holy Roman Empire than about living within its territorial borders.

In their contribution, the political geographers and border scholars Henk van Houtum and Rodrigo Bueno Lacy focus on the EU migration regime and the various border practices associated with it. They show that the EU's border and migration regime relies heavily on the perception of irregular migrants as a threat to the European Union. The orderly functions of the EU border regime are manifested in multiple forms of physical, but also social and symbolic demarcations against potential migrants from non-EU countries, who are often discriminated against based on their nationality and prevented from migrating.

Daniel Lambach's contribution focuses on a relatively new field for border studies, cyberspace, and asks how state b/orders relate to cyberspace and how states attempt to exert control over cyberspace. Inspired by the notion of "boundary practices", Lambach develops the concept of territorial practices as a governance technique that consists in the reification and inscription of spaces, the drawing of borders, and the exercise of control. With the digital transformation reshaping societies and economies, states are also adapting. In relation to cyberspace, states seek to create cyber analogues of territories to protect themselves against potential threats and to underpin narratives of sovereignty. They have developed jurisdictional rules for cyber activities, designated virtual territories to be defended against cyber wars, and deploy symbols of statehood to communicate their authority claims. Cyberspace is thus not the "electronic frontier" that forms a border between the digital and physical lifeworlds, but rather an integral part of a hybridizing digital/physical lifeworld that is subject to state efforts at order and limitation.

In her contribution, literary scholar Cécile Chamayou-Kuhn examines the border-law nexus and its ordering effects and underlying logics based on the novel "The Wrong Indian" by Abbas Khider (2008). She conceptualizes the border-law nexus via the bordertextures approach as a border complexity and reconstructs order dynamics through three perspectives. She asks how borders, with their selective exclusion effects, produce the "figure of the refugee". At the same time, Cécile Chamayou-Kuhn uses the protagonist in the novel—an Iraqi who has fled to Germany—to work out subversive negotiations and resistances as constitutive elements of the border-law texture. Finally, the literary scholar asks about the interventionist potential of the aesthetics of the border. In this context, she proposes the term "textu(r)ality," which alludes, on the one hand, to the transgression of aesthetic norms and thus to unconventional techniques of textual use and analysis as interventionist practices. On the other hand, the term aims at the idea of border complexities that become accessible as textures which include aesthetic practices and artifacts.

More generally, the contributions in this volume examine a variety of borders, their constitutive elements at work, and the emerging orders. Conversely, they examine the orders behind or within certain borders, focusing on the spatial, social, and temporal dimensions. However, they also show the disorder potential of borders and the difficulties of clearly deciphering the order of a border—not least because of the complex interplay of spatial, social, and temporal dimensions.

3.2 The Interplay of Border-Drawing and Order Dynamics

In a globalized world, processes of border drawing, border crossing, b/order formation, and b/order dissolution take place simultaneously and therefore seem to be contradictory. While the call for state-borders is becoming louder to control the mobility of people and to limit access to social goods, these state-borders are less significant for flows of goods and capital or technologies and knowledge. Within the European Union, state-borders are hardly relevant for channeling human mobilities, and within EU states, EU citizens are treated equally in many respects despite different national citizenships. At the same time, the EU's external borders are increasingly controlled to limit access for those who are classified as undesirable or illegal border crossers. This shows that it can matter whether a political-territorial border is coded in multiple order-differentiating ways, in that it

not only defines the territory of the nation-state, but also constitutes an EU external or internal border (Wille et al. 2023). In doing so, we assume that in addition to nation-state orders, transnational and non-state border and order configurations such as those of the European Union are relevant and that these b/orders—which partly coincide—have a special relationship to each other. As Sarah Green (2020) writes, it is not only spatial entities of states separated by conventional state-borders that derive their meaning and value from these border markers but also other borders created by powerful actors such as financial institutions, supranational organizations, and infrastructure systems. How these different b/order configurations relate to each other, however, is unclear and needs further investigation. As Sarah Green (2020, 3) points out, "sometimes, these diverse entities are perfectly aligned into single borders; much more often, they crosscut one another or are entangled in a variety of ways". Contradictions and conflicts can arise when borders overlap—for example, when the territorial border of a state does not coincide with a language border, or when globalized economic relations and transnational social interdependencies oppose national rights and state orders.

In this volume, various contributions deal with the interplay of different border-drawing and order dynamics. The question is when, for whom, and under what conditions the borders of these orders become significant, and to what extent different b/orders are brought into a relationship with each other; they can, for example, overlap, strengthen, weaken each other or even dissolve. In doing so, we will take a closer look at the mixture of social, cultural, legal, and economic as well as knowledge-based border formations that stand for border complexity and examine how the different border dimensions interplay. By analytically unpacking the different b/order formations and examining the relationships of individual border and order configurations to each other, we can ask in what ways such relationships are stabilized and what paradoxes they contain. In this way, we can account for the complexity of border and order phenomena made significant by global configurations of technology, knowledge, politics, and economics, and avoid methodological nationalism. Moreover, we can also decipher the underlying border and order conflicts that may arise when different border and order configurations interrelate.

As an example, in his contribution to this volume, Guillaume Javourez shows that the border region between Greece and the Republic of Northern Macedonia (known as the Republic of Macedonia until 2019) is an ethnically mixed area that was historically part of the Ottoman Empire before it

was divided by two nation-states, becoming an external EU border region even more recently. Since the early 2000s, the region has been undergoing a gradual Europeanization of its operational regulations, enabling a certain degree of mobility across the border, not just for citizens of Greece to Northern Macedonia but also the other way around, although mobility options are unequal. Guillaume Javourez shows that alongside the order of the European Union, local and national orders also play a role here, which reemerge by being put into a dynamic interrelation.

In his contribution, Falk Bretschneider uses expulsion penalties in the early Holy Roman Empire to show that the Holy Roman Empire in the early modern period was characterized not only by the imperial order and its borders but also by the highly fragmented princely orders, which had their own administrative and jurisdictional borders. This led to a multiplicity or even ubiquity of borders in the early Holy Roman Empire, as well as to various overlapping orders: next to those of the Roman Empire itself and the numerous principalities within the Empire, family or religious networks often extended beyond the borders of the princely order, so that the various (imperial, princely, family religious) orders partly overlapped and formed a conglomerate of b/order spaces that merged into one another. This also had an impact on the form of punishment. Those who were expelled from a principality in the Holy Roman Empire partly found refuge in a place only a few kilometers away on the other side of the border, where the accused had relatives or other acquaintances. This was because the principalities, which were the main juridical and administrative units, were often small and thus their territorial borders were often near the place of residence of the accused. This spatial proximity to the border and the border crossing social and family networks mitigated the severity of the punishment. The expellees thus benefitted from the situation of transterritorial interconnectedness in everyday life—especially at the level of family ties—as well as from religious orders, which enabled them to counter the exclusion they had suffered with strategies of partial social reintegration. At the same time, this interconnectedness also generated cooperation on another level. Due to the ubiquity of the border and the small-scale nature of the political space, neighboring authorities had to cooperate in carrying out the punishment. As Bretschneider writes:

> That is, the territorial borders did not act as total borders that combined all forms of political, social, economic, or confessional demarcation (Lehnert 2017). Rather, they were only one type of demarcation

> alongside others, indicating first and foremost the distribution of certain rights of domination that could well be at cross-purposes with the spatial organization of other dimensions of life such as language and dialect boundaries, economic linkages, confessional affiliations, kinship relations, or forms of sociability such as festive culture. These different forms of borders and boundaries intersected and overlapped in the most diverse ways.

In their contribution, Henk van Houtum and Rodrigo Bueno Lacy look at b/order conflicts and the logic of dis/order from a critical perspective on the EU migration regime. They show that besides the construction of fences and walls as barriers to mobility, which receive spectacular attention in the media, the much more effective borders are drawn by visa policies —so-called paper borders—which discriminate against many people "by birth" based on their nationality even before they approach the territorial borderline. To understand the interconnectedness of nation-state and EU border regimes, it is therefore important to look at processes of social and symbolic exclusion beyond one's own national borders and even outside the EU territory, which are still closely intertwined with them. Furthermore, they show that the discriminatory exclusion and the inhumane treatment of migrants at the EU external borders, which is based on the increasingly dominant narrative that these humans pose as a threat to the European Union, again have an impact on the EU order, as it is not only contradictory to the human rights order for which the European Union claims to stand for, but it also fosters anti-liberal sentiments which are harmful to the European Union and the democratic constitution of the individual nation-states.

In general, the contributions to this volume show that in considering border complexities we must not only consider the various dimensions of b/order—be it spatial, temporal, and social (and here juridical, administrative, symbolic, and more)—but that we must think of borders and orders in their multiplicity—be they the b/orders of the European Union, of nation-states, counties, or principalities. We must look for the interconnections, intersections, and interrelationships of these b/order configurations, as well as their polysemic nature, meaning that the b/order configurations appear differently from different positions and have different meanings to different people (Rumford 2014, 14).

3.3 The Liminality of Borders and the Re-creation of Orders

While borders are usually first understood as dividing and demarcating lines between different orders—e.g. between two nation-states—their function as bridges that enable and sometimes even promote contact and exchange between different orders is less noticeable. In fact, even the hardest border, such as the so-called Iron Curtain, was never a complete barrier, as shown by the existence of tunnels under the Berlin Wall, as well as the many economic exchanges and diplomatic contacts between the German Democratic Republic and Western countries (Nanz 2018). Borders are thus always Janus-faced, opening and closing, separating and connecting at the same time, and as such are highly ambivalent and hybrid entities. As soon as we think of border(s) as multiscalar and multidimensional—be it social (understood in its broader definition and including economic, legal, political, cultural, and linguistic dimensions), spatial or also temporal—the different border dimensions in their connecting and separating characteristics may form a relational network from which border spaces can unintentionally emerge. These spaces are characterized by ambivalence: On the one hand, they can mean insecurity, disenfranchisement, and precarity. On the other hand, they are productive spaces of possibilities from which new orders—also called "hybrid orders" (Kraushaar/Lambach 2009)—can emerge. These processes of reordering, of reconfiguring orders, can be analyzed from a b/order perspective. In fact, by taking a closer look at these border drawing processes and the contact zones between—to use Luhman's terminology—the system and the environment, or—to remain in the terminology used in this volume, between different b/orders—the unstable, transformative character of b/orders comes into focus. These deviations "from the norm" create space for innovative behavior and enable ongoing adaptation to a complex and changing environment, as well as the reproduction and transformation of the system (or the order). Thus, when social systems/orders are viewed "from the border", a variety of border drawing processes come into view, which not only have a separating but also a connecting character and, on closer examination, represent a space of their own. In this way, the dynamic nature of border-drawing processes, as well as the dynamics of social orders themselves, can be emphasized. Since new orders that emerge as liminal border zones can also become relevant for the so-called centers, looking at these zones makes it possible to anticipate developments of general significance. Moreover, the borderlands of nation-states are often marginalized and peripheralized by the policies

of nation-states, and the local orders of borderlands often remain invisible to the center (Donnan/Wilson 1999). Highlighting their existence and their internal dynamics of being peripheralized can be a valuable endeavor for people living on the border (Marchbank 2015).

In her contribution, cultural studies scholar Astrid M. Fellner turns to such borderlands and the people who live there. From a complexity-oriented perspective, she analyzes the *Whoop-Up Country* in the Canadian-American West, which extends across borders but was cut through by set national borders in the 19th century. The borderland, which has been all but forgotten, is still effective in cultural imaginaries today and was significant in the development of North American nations. Using the interpretative method of bordertexturing, which focuses on interrelations and grasps the border as an (im)material complex structure, Astrid M. Fellner works out hidden histories, geographies, and knowledge of the *Whoop-Up Country* as documented in the texts of Paul F. Sharp, Wallace Stegner and Thomas King. In this way, the cultural studies scholar is able to uncover the contested nature of the Canadian-American bordering process, the relevant dimensions, emerging orders, and multiple interrelations, as well as the role of Indigenous people and writers, and draw conclusions about dynamics of nation-building, imperialism, and colonialism.

The fixed divisions drawn by state-borders are far from being clear when looking at them from a complexity-oriented perspective beyond Northern America as well. In Eastern Europe, borders have changed dramatically throughout history and in recent decades as seen in the context of the European Union. Yet clearly defined state-borders on maps rarely correspond to the fluid nature of borders as people experience them in everyday life (Wille/Nienaber 2020). Past b/orders, appearing as kind of phantom borders (von Hirschhausen et al. 2019) or tidemarks (Green 2015) that are officially no longer valid and have been replaced can persist in people's memories and are used as frames of reference that can still be relevant and serve as knowledge b/orders. People relate them to their current situation and create visions of spatiotemporal positioning and hierarchization (Jansen 2009, 2014; Green 2015). After the fall of the Iron Curtain, the primarily temporally conceived demarcations of "pre-socialist vs. socialist vs. post-socialist" became culturally charged again. This temporal layering must therefore also be considered when considering the interplay of different orders and borders and their governance of im/mobility.

Using the example of the border area between the Republic of Northern Macedonia and Greece, which had been divided by a relatively hard bor-

der during socialism, Guillaume Javourez's contribution shows the development of the new local order, which goes hand in hand with the increasingly permeable border due to the ongoing EU accession process and development of cross-border mobility practices. In the shadow of the two national orders as well as the EU order, Guillaume Javourez highlights that this new local order, which is emerging from border crossing and contact, relates to a timely layered knowledge order dating back to Ottoman times, when the region known as Macedonia was still united prior to its division with the fall of the Ottoman Empire in 1913. In this local order, relicts of the social order in Ottoman times, such as the use of a common Slavic language, mutual (and now cross-border) family ties, and some common cultural patterns, are mobilized on both sides of the border, which is double layered as nation-state and EU border. As such, previous orders matter (again) and are impacting the current social order, shifting spatiotemporal positioning. The contribution explicitly addresses the relationship between bordering processes and the emergence of a new, ambiguous local order which relates to two national orders, which are hierarchized in relation to the European Union (Greece, an EU member state, and Northern Macedonia, not yet a member state).

These foregrounded productive properties of the relationship between border and order are also found in the concept of the "grey zone", which describes a space of ambiguity, also called "in-between space" or "border space". According to Martin Demant Frederiksen and Ida Harboe Knudsen (2015), a grey zone can include regions along state-borders, especially when people move irregularly "across the border" or when this border has been only recently established. A grey zone may also include concentration camps or refugee shelters where people live without legal status and are sometimes reduced to their "bare existence" (Agamben 1998). Furthermore, the concept of the grey zone can also be used to better grasp regional developments in Eastern Europe and worldwide, to move away from misleading dichotomies, such as in this case the spatially conceived and at the same time culturally charged demarcations of "West vs. East" or "North" vs. "South" (Frederiksen/Knudsen 2015).

According to Sarah Green's (2015) definition, a grey zone is created by the coexistence of overlapping, parallel, or contradictory border regimes based on different epistemological and ideological ordering logics. This means that two different border regimes can operate simultaneously in the same geographical space, mixing and reinforcing each other, or sliding past each other as if they were two orders that barely touch. In the latter

case, they can create different places in the same place. For example, a grey zone may consist of an overlap between a state-border regime that effects reterritorialization along national parameters and an EU border regime that partially dissolves this territorialization within the European Union and allows internal mobility, while extending border control in relation to irregular migrants to the EU's neighboring countries—often in exchange for visa liberalization and mobility options. Thus, the border becomes a zone that extends beyond the borders of a political territory (Dünnwald 2015).

Although the term "grey zone" is hardly used in the contributions to this anthology, several articles take up a similar analytical approach by exploring the ambiguity, permeability, and non-binarity that is created when different border dimensions interplay. We want to know to what extent different border dimensions influence the self-location and local order of the inhabitants, and to what extent grey zones are shaped by the interplay of different border regimes as well as (the regulation of) cross-border mobility(s) and immobility(s).

As Henk van Houtum and Bueno Lacy show in their contribution, the discriminatory EU border regime leads to irregular border crossings as well as the outsourcing of border control functions to neighboring countries. Moreover, b/order mechanisms also exist after border crossing: the camp where many migrants are placed once they reach the European Union can be seen as an order of its own, as it separates migrants from the societal order by dislocating them within it. However, this dislocated space in which migrants reside is produced by and linked to the EU order and has an impact on societies within EU nation-states. However, these mechanisms do not necessarily lead to more order and control. By seeing migrants from third countries as a potential threat to the European Union and acting against them, feelings of insecurity and populism within EU nation-states—and thus anti-EU sentiments—are reinforced. These political attitudes and sentiments threaten the democratic and liberal foundations of the European Union and create disorder, which Henk van Houtum and Rodrigo Bueno Lacy also call an autoimmune disease of the European Union.

The contribution of Islam Rachi deals with the expansion of the practice of "expedited removal" of so-perceived irregular migrants within the United States of America under the Trump administration, which was originally bound to a tight zone at the border line and has then been widened into the interior of the US state, now even covering more or less the whole US territory. As shown by Islam Rachi, this territorial expansion of "expedited

removal" has been presented as an attempt to build more order and security within the United States, which goes hand in hand with the militarization of internal security and border controls. Next to the spatial dimensions of this b/order regime of "expedited removal", Islam Rachi also shows the powerful temporal aspects of these b/orders; under conditions of detention and within the short time frame given to them, migrants have difficulties in proving their legitimate residence within the USA, which in turn has profound effects on the lives of individuals, as they are then expelled from the territory of the United States.

Reflecting on this procedure, Islam Rachi points out that so-called irregular migrants are subjected to an administrative order that is in conflict with the US human rights' order, as it leads to a deprivation of freedom and individual rights for migrants. In fact, in relation to (or distinction from) the legal order of the state, the administrative order seems even of higher hierarchy—not least because the administration forces certain time constraints onto the migrant. Migrants are thus placed in an extra-territorial space within the US, which is still regarded as the liminal time-space of a border zone, in which the social order might take special contextualized forms. However, the treatment of so-called irregular migrants relates back to the social order of the US, which, as one border guard said, turns the US into a "land of wolves"—a metaphor for a land in which humans are hunted with disrespect to human rights. With this case study, Islam Rachi also contributes to the study of the post-Westphalian borders, and generally the changing character of borders and social orders in the post-Westphalian era. He shows that after 9/11, border controls, and with them the liminal state of being almost without rights and in "the hands" of the border guards to whom one must be able to prove one's legitimacy without having the means to do so, are not spatially limited to a territory geographically close to the US borderline but are extend into the inner of the US state, thus turning the entire US into a border space. The people affected by these border controls are subject to a different order, which runs parallel to the order which legal residents of the US are subject to and which is an order of liminality per se, placing its subjects in a situation of vulnerability and lawlessness.

More generally, in this volume, we advocate for an analysis in border studies that is complexity-oriented and puts the relationship and dynamics of borders and orders in the center. To this end, we argue for a perspective addressing the various border dimensions and elements in play that allows to go beyond the binaries associated with borders and based on hierarchies

created by centers of power. This includes moving between different scales or layers of analysis (European, national, regional, local, individual, interpersonal)—also known as a "scalar gaze" (Green 2005; Brković 2020)—and tracking practices, objects, bodies, knowledge, discourses across scales, and layers in a complex-oriented perspective. This approach helps to illuminate the existence and dynamics of different, often overlapping b/order regimes, as well as their polysemic qualities based on the multiple relational positionings within the grid of overlapping b/orders.

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Border Complexities. Outlines and Perspectives of a Complexity Shift in Border Studies

Christian Wille

Abstract

Border studies is seeing more and more discussion about complex borders or the complexity of borders. This article systematizes this discussion and shows that there are different views circulating about what exactly is complex at borders and that the complexity term is still used imprecisely. In this article, the notion of complexity will be defined in more detail and border complexities will be proposed as a perspective for an actual complexity shift in border studies. Border complexities stands for a concept that sees borders as relational structures and focuses on the unpredictable, self-dynamic interplay of their event elements and on the emergent effects of dis/order resulting from this interplay.

Keywords: Border Studies, Bordering Turn, Complexity Shift, Border Complexities, Complexity Theory

1. Introduction

Since at least the 2010s, borders have once again been determining the political agenda in Europe and are at the center of social debate. The principle of the border to order the social world, however, is as old as humanity itself. It is based on the establishment or (de)stabilization of orders that become socially and spatially effective. This volume aims to shed more light on the principle of the border and thus on processes of negotiating orders. For this purpose, the articles discuss the latest analytical trends in border studies, in particular the most recent complexity orientation. This article aims to discuss this and, following the reception of the cultural turns, make a conceptual proposal that offers a perspective for an actual complexity shift in border studies.

Like the social sciences and cultural studies in general, border studies has also been affected by the cultural turns (Bachmann-Medick [2006] 2007), from which the changed understanding of spatial, social and colonial aspects played an important role thereafter. Thus, the insight gained in the course of the spatial turn (Soja 1989; Lefebvre [1974] 1991) that spaces stand for meaningful construction and/or relational constellations relativized the idea of borders as unquestioned, linear markings of territor-

ial entities (Connor 2023, 28–38). From then on, the focus was on processes of space production and the borderings associated with them, which, in the course of the practice turn (Schatzki et al. 2001), were formulated as border practices with many variations (Connor 2023, 38–52). This consequential reformulation of the border follows the idea of social reality as a cultural achievement (2023, 24–28), which also includes the dis/orders caused by practices. No less significant was the postcolonial turn (Said [1978] 1995; Anzaldúa 1987; Bhabha 1994), which increased the awareness in border studies for the symbolic-cultural dimension, pushed for power-critical perspectives and allowed borders to be thought of above all as creative-productive borderlands (Fellner/Wille forthcoming). The reception of the cultural turns most important for border studies briefly outlined here has not only led to a differentiation within the multidisciplinary working field, as the strands of critical border studies, cultural border studies, cross-border studies and geopolitical border studies all show. Similarly, the cultural turns have led to various developments that manifest themselves in specific understandings and approaches to border issues. They form the basis for the complexity perspective to be developed here and will be presented in an overview.

2. Bordering Turn – Process Orientation and its Further Developments

The reception of the cultural turns is initially reflected in a fundamental reorientation in border studies, which is still effective today. It can be called the bordering turn and has been continuously evolving since the 1990s. Bordering as a "major border studies paradigm" (Scott 2017, 8) stands for overcoming the idea of the border as a given and fixed object in favor of the view that the border is both a product and a producer of social practices. In this perspective, the focus is less on fixed line-like borders and more on social processes that create borders: "This more process-based understanding of bordering shifts the focus from existential research questions (i.e., borders are this or that; borders are things that function like this or that) to studies of border's processes of emergence or becoming" (Kaiser, 2012, 522). Border studies therefore no longer focus on the border as an ontological object at the territorial edge, but on the processes of its establishment and/or (de)stabilization: on border practices (Parker et al. 2009). Early work by Henk van Houtum and colleagues, who have shaped bordering as a research concept and have worked out the relationship

between border practices (bordering), boundary demarcations (othering), order productions (ordering) and space productions (space), paved the way for this change of perspective (van Houtum/van Naerssen 2002; van Houtum et al. 2005). It can be said that, after the large cultural turns, the bordering turn assumes a socially-made nature of reality and consequently a continuous and constitutive social reproduction of the border, its changeability, its historicity and its orderedness and how it creates dis/order (Wille 2021).

In shifting from the border to bordering, an epistemological turn has taken place in border studies, which entails a number of other—sometimes still unresolved—questions. After all, the bordering concept only provides sporadic clues as to what distinguishes border practices from non-border practices, how the borderings located in social settings are to be embedded social-theoretically or what corresponding heuristics of empirical border studies should look like. The bordering concept is primarily to be understood as a methodology that guides border studies and—at the intersection of the numerous disciplines involved—undergoes various practical research appropriations and implementations. These are reflected in various further developments, which indicate the need to determine bordering processes analytically in a more precise manner. Some of these developments are central to the following argumentation and are presented below.

(a) Dimensionalization of bordering processes: The investigation of bordering processes is usually guided by specific research interests, leading to analytical distinctions and focusing on one or more specific dimensions of such processes. For example, the spatial dimension of bordering processes, which focuses on symbolic spatial productions, relational spatial constellations or questions of political cooperation and spatial development, is often of interest (Wille 2012, 2015; Caesar/Evrard 2020; Ulrich/Scott 2021). Furthermore, the temporal dimension should be mentioned, which is not only limited to historical considerations in time, but also includes entanglements of different temporalities (Leutloff-Grandits 2021; Aubry/Schapendonk 2023). In addition, a material dimension can be distinguished, which recently increasingly addresses the role of animals, plants and viruses under the keyword of the more-than-human perspective (Ozguc/Burridge 2023) and is interested in the materialities effective in bordering processes (Vallet 2014) as well as "objectscapes" (Kurki 2020). Related to this is the technological dimension of the establishment or stabilization of borders (Pötzsch 2021), which not only views digital and automated control practices as material infrastructures, but also emphasizes the physical dimension of bor-

dering processes from a biopolitical point of view (Amoore 2006). This is followed by the multivalent dimension of bordering processes, which looks for the inequalities produced and the symbolic orders that are effective for them (Wille et al. 2023). This is by no means a complete diversification into dimensions, which often reflects a classical disciplinary division in dealing with bordering processes, but it will suffice at this point.

(b) Diffusion of bordering processes: Another important development is the tendency to increasingly think and study bordering processes in their territorial, actor-related or scalar spread and/or dispersion. This is initially represented by the observation, also referred to as the "trans-territoriality of borders" (Scott/van der Velde 2020, 145), that bordering processes diffuse in space and take place in a fragmented manner across different practices in the midst of and/or outside nation states. Accordingly, the border is increasingly regarded as a phenomenon embedded in different practices, which occurs in different places (simultaneously) and with spatial variability: "the border is no longer at the border" (Cooper/Tinning 2020, 4). Examples of this are control and regulatory practices that are not exclusively located on the territorial edge, but are spatially mobile and ubiquitously located (Balibar 2002, 84). In connection with this is also the increasingly-taken-into-account plurality of actors involved in bordering processes, which can easily be seen in the example of migration management: the territorial outsourcing of border practices implies authorities of other states; border practices in the national interior, for example, also call private (security) services into action (Risse 2018). With the insight into the plurality of actors in border practices, which is often addressed with the concepts borderwork (Rumford 2012) or boundary work (Parker 2020), the conception of bordering processes has widened once again: border practices are not considered here as 'matters' belonging to only one actor or exclusively to a state authority, but rather as diffusions of the agency of several actors, sometimes distributed on different scales. This includes civil society actors, such as non-governmental organizations, citizens, activists, artists, smugglers or refugees, who are equally (made) visible in the examination of bordering processes.

(c) Texturalization of bordering processes: A further development can be seen in the recent tendency to analytically take bordering processes seriously in their multidimensionality and diffuseness. This is referred to here as texturalization and stands for methodologies and approaches that think more comprehensively about bordering processes in the totality of the practices, dimensions, actors and forms relevant to them as well as in

the interplay of these in space and time. For this, a relational idea of the border has prevailed, which is important for the complexity perspective to be discussed below. "'[R]elationality' as a crucial feature of the border" (Brambilla 2021, 12) goes beyond the idea of the border as a reality produced in a straightforward process that is often limited to only certain places, scales or social fields (Bürkner 2017, 91). Rather, relational thinking translates the border into a trans-territorial, trans-temporal, and trans-scalar diffused texture that consists of a multitude of scattered practices with the dimensions, actors, and forms that constitute them and that is held together by relationships between these elements: "borders demand an investigative piecing together of the many elements that explain their significance" (Scott 2020, 10). Concepts that follow a textural ontology of the border place dimensions of the border (e.g. technological, physical, multivalent), actors of the border (e.g. refugees, smugglers, border officials, activists) as well as symbolic and material forms of the border (e.g. knowledge, discourses, experiences) in a context that describes the establishment and/or (de)stabilization of borders in a relational and differentiated way. Such concepts allow, for example, the multiplicity of borders (Andersen et al. 2012; Brambilla 2015), its productions of dis/order (Sandberg 2012; Green 2012) or its contestations (Brambilla/Jones 2020) to be discussed as dynamic and powerful constellations.

The developments outlined in the course of the bordering turn have defined the bordering concept in more detail and multiplied the access points for empirical analyses. Yet many questions remain. These include, for example, the problem of social practices, which is fundamental for borderings as a border practice, but is rarely actually reflected on by border scholars. One exception is praxeological border research (Andersen et al. 2012; Côté-Boucher et al. 2014; Moffette 2015; Gerst/Krämer 2017; Auzanneau/Greco 2018; Wille/Connor 2019; Connor 2023; also Connor in this volume), which conceive of border practices following the practice turn using practice theories "to capture the changing relationships between the elements that make up the complex and dynamic system of bordering" (Iossifova 2020, 92).

3. Complexity Shift – Current Complexity Understandings and Impulses in Border Studies

Particularly in the course of the texturalization of bordering processes presented, a certain confusion of terms and concepts has arisen in border studies. Although it reflects the impressive trans-disciplinary scope of the field, it also makes the border appear to be a complicated task to investigate. Presumably against this background, and since the mid-2010s at the latest, the discussion of the border as a complex phenomenon has increasingly prevailed (Gerst et al. 2018, 3; Cooper/Tinning 2020, 2; Iossifova 2020, 92; Brambilla 2021, 12; Gerst/Krämer 2021a, 123; Gülzau et al. 2021, 17; Wille 2021; Siadou-Martin/Yildiz 2022). In this context, Laine (2022, 183) speaks of a "strong academic consensus about the inherent complexity of the border concept." Scott (2021, 27) also notes that the complexity perspective has been established in border studies: "contemporary border studies recognise […] the complexity of border-making processes." The recent complexity fever following the bordering turn gives reason to state that there has been a complexity shift in border studies, which will be outlined in more detail here in continuation of Wille (2021). For this purpose, the aspects in bordering processes that are identified by border scholars in the current debate as complex are first discussed.

(a) Singularity of the border: Complexity-oriented argumentation is often sought when the border is looked at as a specific configuration. The border is then projected as a unique and complex structure of political, cultural, historical and other conditions, which stands for a singular expression (Cooper 2020, 20–21). The consideration of such a "strong contextual determination of borders" (Cooper/Tinning 2020, 2) or the historically unique "complex mixture of different types of power" (Nail 2021, 477) help to prevent a simplifying understanding and to understand borders adequately, precisely and in their specific context (Gerst et al. 2018, 3; Cooper/Tinning 2020, 2).

(b) Diffuseness of the border: A complexity perspective is also used for argumentation if the multitude of elements that affect bordering processes is to be considered. These include, for example, the plurality of actors of the border or the different material and symbolic forms of the border. In this context, Bürkner (2017, 90) and Laine (2017, 6) speak of a "multilevel complexity of borders" and thus, in addition to the multiple social settings —"from the geopolitical to the level of social practice and cultural production" (2017, 6)—also refer to the spatial diffusion of bordering processes.

Based on the "actor-related polyphony of the border" (Gerst et al. 2021, 17), their social and spatial diffusion and the associated multiplicity, reference is made to the polysemic (Balibar 2002, 81) or perspectival (Brambilla 2015, 22) character of the border: "Multiplicity refers not simply to diversity but points to the fact that the different way any given object or phenomenon is handled also enact specific versions of it" (Andersen/Sandberg 2012, 7). This addresses the variable and often complex constellations of actors, dimensions and forms of the border, which are (made) relevant in bordering processes—although not for everyone in the same way (Salter 2012; Wille et al. 2023).

(c) Multidimensionality of the border: Complexity is also mentioned with regard to the various dimensions according to which borders can be analytically divided (Bauder 2011; Gerst et al. 2018). The spatial dimension is often of considerable interest, which appears to have become more complex due to the previously-mentioned diffusion of the border: "One major ontological view on borders and how/where they exist […] is the topological perspective in which borders are diffused throughout networked space as practices, discourses, technologies, etc." (Scott 2020, 9). The so-called "multi-dimensional matrix of bordering" (Konrad/Brunet-Jailly 2019, 5) is also used in different political-administrative scales and its complex interplay is sometimes discussed as (cross-border) "multi-level governance" (Hooghe/Marks 2012; Ulrich/Scott 2021). Finally, it should be noted that some of the dimensions of interest are themselves understood as complex structures: For example, Pötzsch (2021, 287), who shows for the technological dimension of bordering processes that "people and machines act hand in hand" and merge into "complex socio-technical networks." The temporal dimension of bordering processes is also described as a complex space-time structure (Donnan et al. 2017; Leutloff-Grandits 2019) or "complex temporality of borders" (Little 2015) (also Gerst in this volume).

(d) Relationality of the border: A complexity orientation is also used for argumentation with regard to the aforementioned relational character of the border. In this way, the relationships between the socially and spatially scattered actors, material and symbolic forms or between the relevant dimensions and scales of bordering processes are addressed (also Gerst and Connor in this volume). The focus on these relationships represents the concern of defining borders "as a structure of self-dynamic entanglements" (Gerst et al. 2018, 7) or "complex relational spaces" (Brambilla 2021, 12) consisting of numerous elements (Rajaram/Grundy-Warr 2007; Weier et al. 2018, 2020; Wille 2021). However, the relationality of the border has thus

far hardly been conceptually worked out. Scott (2017, 16) and Laine (2017, 14) only point to an inclusive or complementary relationship when the borderscapes approach links political visions to everyday practices or representations. Another specification is provided by Rajaram/Grundy-Warr (2007, xxvi) and Brambilla (2015, 29; 2021, 14), who classify the relationships between the elements of borderscapes as particularly tense and conflictual. Gerst et al. (2018, 3–7), in turn, emphasize the heuristic benefits of such relationships with regard to complexity. They state that the nature of the relationships is specific, influenced by a variety of factors, unpredictable and provides information about how borders work.

(e) Agonality of the border: Finally, bordering processes are often identified as complex where cultural orders have fallen into disorder or hegemonic norms are contested and alternative existences unfold: "Borders can be taken as either simplifying the world (dividing it into boxes) or making the world more complex (creating in-between spaces of encounter and hybridity)" (Schimanski/Nyman 2021, 249). This addresses interdependencies beyond binary distinctions that produce phenomena of the in-between or the hybrid. They are in competition with hegemonic orders, prove to be resistant and create complexity: "complexity by giving contradiction" (2021, 244). The agonality of the border is seen here as a crystallization point of complexifications that produce alternative orders, subjectivizations, empowerments or "alternative border futures" (Brambilla 2021, 16).

The series of aspects that border scholars classify as complex should suffice to show that complexity-oriented argumentation calls up different aspects of bordering processes and consequently different complexities of borders are identified (also Gerst in this volume). This observation should be further contextualized in a series of developments and initiatives that set significant impulses for the complexity perspective in the 2010s and can be regarded as pioneering for a complexity shift in border studies. They can be summarized under the following methodological, analytical and programmatic aspects.

(a) Strengthening methodological positions of internal border views: The thematization of complexity in border studies can initially be attributed to a stronger orientation towards internal border views. It is based on the criticism that the border can only be developed in a shortened or simplified way if methodological positions from the outside connect to existing borders—or, put simply: if bordering processes are examined around already-assumed borders and thus the actual object of analysis is missed (Brambilla 2015; Laine 2017; Bürkner 2017; Gerst et al. 2018; Weier et al. 2018, 2020;

Gerst/Krämer 2021a, 123). Methodological positions, which are located in bordering processes or in border practices and thus *in* the border, appear to be more profitable. This methodological attitude, which puts aside the views that look at and across the border which are widespread in geopolitical border studies and cross-border studies, unifies bordering processes and the respective borders of interest and succeeds via internal border views. These are then realized via observation positions, which can be described with Gerst/Krämer (2021a, 2021b) as "in-the-border views" and "like-a-border views" and not only expose the functioning or internal structures of borders, but—in the sense of critical border studies and cultural border studies—also make effective orders visible where they otherwise remain hidden. Appropriate observation positions offer methodologies such as borderness (Green 2012), border as method (Mezzadra/Neilson 2013), migration as a prism (Hess 2018) or border praxeology (Gerst/Krämer 2017; Connor 2023; also Connor in this volume). They are based more or less explicitly on the idea of the border as a trans-territorial, trans-temporal and trans-scalarly diffused texture.

(b) Development of approaches with textural border ontology: A further impetus for the increased attention on complexity can be seen in the recent development of research which is based on a textural ontology of the border. This includes approaches that take the aforementioned methodological position *in* the border and understand borders as a relational structure consisting of different elements. For example, the ethnographic border regime analysis, which emerged in the context of critical migration research (Transit Migration Forschungsgruppe 2007; Hess et al. 2018) and attempts to view the border "as a structure made of a multitude of actors, institutions and other human and non-human factors and practices, without simplifying the various interests and rationalities of these forces into a simple linear logic or a hidden agenda" (Hess/Schmidt-Sembdner 2021, 201).

In addition, the borderscapes approach should be mentioned (also Gerst in this volume), which was developed in the course of the research project *EUBORDERSCAPES – Bordering, Political Landscapes and Social Arenas: Potentials and Challenges of Evolving Border Concepts in a post-Cold War World* (2012–2016) (Euborderscapes 2016) and was theoretically developed in particular by Chiara Brambilla (Brambilla 2015; Brambilla et al. 2015). It builds on Arjun Appadurai's "Scapes of Globalization" (1996) and defines borders as "space[s] of negotiating actors, experiences, and representations articulated at the intersection of competing and even conflicting tensions" (Brambilla 2015, 29). The concept of space used here, which is often mis-

understood by border scholars, stands for the border as a polymorphic and texture-like land*scape*, which can also be described as a relational, diffused, episodic, perspectival and contested formation of its elements (Wille forthcoming). With regard to complexity, Scott (2020, 10) underlines the potential of the approach: "[The] borderscapes approach […] represents a highly promising tool for 're-assembling' border complexity." At the same time, borderscapes represents a space of opportunity that is intended to empower the visibility of suppressed existences to become actors in border land*scape* design (borderscaping) through committed border research (Brambilla 2021, 15).

The bordertextures approach joins the series of impulses for the complexity perspective, whose name already indicates its ontological understanding of borders. This cultural studies approach was developed by the working group of the same name of the UniGR-Center for Border Studies, which includes border scholars from Germany, France and Luxembourg. Here, the border is thought of as a dynamically changeable texture, which consists of activities, discourses, objects, bodies and knowledge, which in their complex interplay produce or challenge dis/ordering effects and thus borders (Wille et al. forthcoming). In addition to the description and analysis of everyday cultural entanglements with the border, the approach makes it possible "to reconnect and continue the numerous relationships between border discourses and aesthetic, artistic negotiations of the border" (Fellner 2020, 58). Furthermore, bordertextures exposes contradictions and simplifications, such as those found in populist discourse, and it can easily engage "in the complexity around borders" (Nossem 2020, 87). The approach is also understood as a method (bordertexturing) to uncover borderings as complex processes, to identify the effective elements therein and to bring alternative knowledge to light (Weier et al. 2018, 2020; also Fellner and Chamayou-Kuhn in this volume).

Finally, there is a proposal to conceptualize borders with the help of the assemblage concept and to make complexity empirically accessible (also Gerst in this volume). For example, Christophe Sohn (2016) with Gilles Deleuze and Félix Guattari (1987) understands the border as an assemblage, i.e. as "a heterogeneous and open-ended grouping of elements that do not form a coherent whole" (Sohn 2016, 188). This conception helps to outline the textural ontology of the border and to discuss it from a complexity perspective: The assemblage prism makes it possible to think of the relational constellations of the elements of bordering processes as continuously in the process of becoming, dynamically changeable and—at a certain

time and/or in a certain context—as specific socio-spatial formations. In addition, the assemblage approach calls the links and edges of the structure into question, i.e. how certain elements join the texture-like formation or also enter into alliances with other assemblages. Assemblage thinking also addresses the emergent properties of textural borders, which cannot be identified from their constitutive elements, but—following the complexity thinking—emerge from their interplay.

(c) Study of borders through the complexity lens: Further impulses for the complexity perspective came from various initiatives of border studies that deal programmatically with borders related to complexity. These include the conference *Complex Borders: Dimensions – Dynamics – Technologies* (November 3–4, 2016), which was organized by the Center B/ORDERS IN MOTION of the European University Viadrina Frankfurt (Oder). Following this conference, the special issue *Complex Borders. Perspectives of Current Border Studies* (Gerst et al. 2018), was published, which attempted to view "borderings not as a simplified and simplifying relationship, but as a product and producer of a complex mixture" (2018, 3). In addition, the *Border Complexities Project* (2019–2022) initiated by the UniGR-Center for Border Studies should be mentioned, in which border scholars from Germany, France and Luxembourg set themselves the goal in an interdisciplinary workshop series to "understand border (space) phenomena in their complexity and relationality" (Border Complexities 2019). This book is the first of two volumes in which the project results are put up for discussion.

The polysemy of complexity described above as well as the still isolated methodological-analytical developments and initiatives are due on the one hand to the multidisciplinary nature of border studies, through which certain research interests and research agendas are not strategically related to each other. On the other hand, insufficiently reflected ideas of bordering processes often compete in this working field, each of which follows the further developments of the bordering turn in different ways or not consistently. In addition, within the academic debate, there sometimes seems to be an everyday understanding of complexity, which prematurely equates the term with complicatedness, confusion and indeterminacy. Edgar Morin (2007, 6) also points out this general tendency or danger: "[C]omplexity […] usually means confusion and uncertainty; the expression 'it is complex' in fact expresses the difficulty of giving a definition or explanation." The plurality of complexity identified and the still imprecise use of the term insinuated here by the author—which often only states that "borders are a complicated social phenomenon" (Kolossov 2005, 606)—are by no means

intended to degrade the current debate. Rather, they should be the reason for a departure in border studies, which Laine (2021, 7–8) has recently called for: "The evident complexity of borders cannot be the end point of Border Studies but should instead be considered as a starting point, as a challenge that needs to be systematically tackled." For such a departure, which turns to the complexity of borders or rather border complexities, it is first of all necessary to overcome the everyday understanding of complexity. Thus, the following principles of complexity thinking are explained and associated with bordering processes.

4. Border Complexities – Complexity Theories and Borderings as Emergences

In order to clarify what complexity is, complexity theorists (Cilliers 1998, 3; Morin 2007, 6) often first draw attention to the fact that complexity is not to be confused with complicatedness: "Complexity though is not the same as simply complicated" (Urry 2005a, 3). They distinguish between complicated structures[1] on the one hand, which consist of a multitude of elements and function in a regular manner, and complex structures, on the other hand. Although the latter also consist of a large number of elements, its functioning changes over time and is unpredictable (Cilliers 1998, 3; Nowotny 2005, 15; Urry 2005a, 3). They 'intrinsically' bring forth orders or patterns that are volatile and elusive: "Complexity points to something which is just beyond our ability to understand and control, yet we presume it is densely packed, ordered and structured in some way that we fail to comprehend as yet" (Nowotny 2005, 15). Such self-dynamic structures are brought into focus with complexity research in order to study their contingent functions, features and effects.

This research interest developed in the 1980s as a result of the increased computing power and the chaos theory of the 1970s in order to grasp emergent phenomena which, up until this point, were elusive or hardly tangible with the proven paradigmatic calculations and linear modeling (2015, 16).

> [T]he chief impulse behind complexity theory is an anti-reductionist one, representing a shift towards understanding the properties of interaction of systems as more than the sum of their parts. This is, then, the

1 In complexity theories, the term "systems" is often used instead of "structures".

> idea of a science of holistic emergent order; a science of qualities as much as of quantities, a science of 'the potential for emergent order in complex and unpredictable phenomena' (Goodwin, 1997: 112), a more open science which asserts 'the primacy of processes over events, of relationships over entities and of development over structure' (Ingold, 1990: 209). (Thrift 1999, 33)

Complexity theories, which privilege processes, relationships and emergences, were initially established in the technical and natural sciences and have subsequently found their way into the social sciences and cultural studies (Thrift 1999, 33; Nowotny 2005; Urry 2005a; Filipovic 2015; also Cyrus in this volume). In this context, reference should be made not only to Niklas Luhman (1984), who dealt with the reduction of complexity in societies, but above all to the generally increased interest in patterns and dynamics of social dis/orders, which were also discussed as social physics with the advent of big data and the use of mathematical methods. In the social sciences, a "complexity turn" (Urry 2005a, 1–2) was accordingly proclaimed when, in the 1990s, under the influence of the globalization debate, so-called "21st-century social physics" (Urry 2005b, 235) were increasingly discussed, including the works of Giddens, Harvey, Baumann, Castells and others. In this context, no singular theory of complexity has prevailed as a master reference; rather, multidisciplinary complexity research has differentiated itself into different strands (also Cyrus in this volume): Manson/O'Sullivan (2006, 678) distinguish between an "algorithmic complexity" that reconstructs the characteristics of complex structures with the help of mathematical complexity and informational theories. Furthermore, they speak of a "deterministic complexity" that combines dynamic structures with chaos theory and catastrophe theory and finally of an "aggregate complexity." This deals with the question of how different elements form a structure that brings forth certain orders and has the ability to learn. Paul Cilliers (2016, 141) also systematizes and distinguishes between a strictly mathematical and computational trend inspired by chaos theory and a more critical trend of complexity theories. The latter is about understanding why and how social problems are complex.

In view of these and other systematizations, complexity research is to be understood as a multi-paradigmatic field that turns to material and/or social structures with an own form of agency. Such structures of performative character are the subjects of analyses that seek to understand "how there is always order and disorder within physical and social phenomena"

(Urry 2005b, 238). The complexity of the structures considered cannot be seen as an ontological property. Rather, the emergent orders or patterns that arise via the contingent interplay of the event elements are what stand for complexity: "The complexity emerges as a result of the patterns of interaction between the elements" (Cilliers 1998, 4–5). Regarding the border, this means asking by means of which unpredictable logics which dis/orders emerge, become socially and spatially effective from the interplay of the numerous elements of bordering processes. The intersection of complexity thinking with the bordering concept—following its texturalization—leads to what is proposed here as border complexities: Border complexities are meant to stand for a concept inspired by complexity theories, which sees borders as relational structures and focuses on the unpredictable, self-dynamic interplay of their event elements and on their emergent effects of dis/order resulting from this interplay. Thus, border complexities build on the bordering turn and its further developments, take a methodological internal border view and analytically go further than just asking which dimensions play a role in bordering processes or can be distinguished analytically or to what extent the elements involved are territorial, actor-related and scalarly diffused. Bordering processes, which are assumed to be complex, cannot—as is often (still) practiced in current border studies—only be explained by the multitude of elements considered: "Complexity is not simply a function of plentitude, but of interchange and relationships" (Cilliers 2016b, 200). Rather, border complexities address the emergent moment, which manifests where the texture of the elements relevant in bordering processes is merely a prerequisite for making their reciprocal-dynamic relationships visible—as an interplay that is effective for emerging dis/orders. Border complexities thus follows the meaning of *complexus* (lat.) in a twofold manner: On the one hand, the concept addresses "what is woven together" (Morin 2007, 6), and, on the other hand, it addresses the reciprocal relationships of the event elements and the resulting establishments or (de)stabilizations of borders. The challenge for border scholars is to keep an eye on the border "as a whole," i.e. as a textural structure, as well as the elements that make up it, while also focusing on the difficult-to-grasp relationship between these two levels in which emergences unfold. In this context, Morin (2007, 10) proposes a dynamic strategy of complexity-oriented research that should attempt to recursively "encircle" this relationship:

> Complexity requires that one tries to comprehend the relations between the whole and the parts. The knowledge of the parts is not enough, the knowledge of the whole as a whole is not enough, if one ignores its parts; one is thus brought to make a come and go in loop to gather the knowledge of the whole and its parts.

Border complexities as a concept that can open up a perspective for an actual complexity shift in border studies, thus focuses on the dynamic relationality of texturally composed borders and on the resulting emergences that become effective as borderings. In addition to a number of practical research and methodological questions that are discussed in this volume by Norbert Cyrus, Dominik Gerst and Ulla Connor, border complexities are ultimately to be discussed as an empirically accessible structure—or, more precisely: the event elements and their relationships constitutive of border complexities and therefore to be taken into account in analyses should be reflected upon (also Gerst and Connor in this volume). After all, according to complexity theories, complex structures are not composed of a random assembly of elements, but of elements that are important for the characteristics and effects of the structure. This meaning, however, is not inscribed in the elements, as Cilliers (1998, 11) explains, but rather arises in contingent interplay with other elements: "[T]he elements of the system have no representative meaning by themselves, but only in terms of patterns of relationships with many other elements." Border complexities cannot therefore be determined in advance of the analysis; rather, they must be carved out as a complex texture via exploratory procedures, in which supposedly insignificant elements can turn out to be quite significant—or vice versa. These explorations—which stand for the process of texturing (Wille 2021, 115) and can be guided by praxeological thinking (Connor in this volume)—are to be understood as tactile and acentric searching movements for relevant event elements for the establishment or (de)stabilization of borders and are oriented towards the "order of the border itself" (Gerst/Krämer 2021a, 131)—i.e. they follow those reciprocal relations that constitute border complexities. Such references or links are expressed in empirical observation, for example in performative "connection and relation logics" (2021a, 131) of practices, discourses, knowledge, activities, bodies and objects and indicate to what extent they are (not) significant and thus are (not) affiliated with border complexities. However, the constitutive meaning is not derived from random relationships, but should be characterized by a relevance to be determined empirically, which

the linked elements acquire in their interplay for emergent establishments or (de)stabilizations of borders—or, in other words: the relationships to be identified should be characterized by a borderness. As borderness reference, Sarah Green's work (2012, 580) can be used to qualify those relations of border complexities that make individual elements into actual event elements in "the way borders are […] generated by […] the classification system that distinguishes (or fails to distinguish) people, places and things in one way rather than another."

The considerations on the (re-)construction and investigation of border complexities are intended to provide initial indications of how borderings can be empirically approached as emergences. What is left neglected in this are the dynamics of complex structures, which can be held subject to their continuously becoming nature and thus changeability as well as temporality (Cilliers 1998, 3–4; 2016c, 89, 92; Greve/Schnabel 2011, 7), and, on the other hand, to any qualities of the borderness relationships (non-linearity, density, range, recursivity) (Cilliers 1998, 3–4; Urry 2005b, 238; Cyrus in this volume). In addition, the question of the border of border complexities, i.e. the endpoints of the tactile and acentric searching movement along relations that are relevant for borderings and constitute border complexities, should be discussed further (Gerst and Connor in this volume). Cillier (1998, 4) treats the problem of the "border of a complex system"—which is not isolated, but is rather in relation to environments—as a problem of framing, which should remain flexible and commit to a careful handling of the knowledge gained: "This [certain framework] need not be arbitrary in any way, but it does mean that the status of the framework will have continually revised. Our knowledge of complex systems is always provisional. We have to be modest about the claims we make about such knowledge" (Cilliers 2016a, 143).

5. Complexity Attitude – Epistemological Complexity as an Outlook

This article has systematized the complexity discussion that has emerged in border studies since the mid-2010s and has created a perspective for an actual complexity shift. The starting point of the considerations was the reception of the cultural turns, which led to an epistemological turn in border studies. The established process orientation around the turn of the millennium, which strengthened the concept of border practices, was outlined with its further developments as a bordering turn. In addition

to the dimensionalization and diffusion of bordering processes, these also include their texturalization, which has paved the way for a complexity perspective. The article first discussed what border scholars qualify as complex in the current academic debate and which methodological-analytical developments and programmatic initiatives have promoted the increased complexity orientation. The approaches show that the debate is characterized by different ideas of complexity and a plurality of what is perceived as complex at borders. In addition, the article identified an imprecise use of the complexity term, with which often only a complicatedness of borders is stated. Against this background, the concept of complexity was then defined with the help of complexity theories and border complexities were proposed as a perspective for an actual complexity shift in border studies. Border complexities stands for a concept inspired by complexity theories that sees borders as relational structures and focuses on the unpredictable, self-dynamic interplay of their event elements and on the emergent effects of dis/order resulting from this interplay.

With this conceptual proposal, the attempt was made to address the latest developments in border studies leading towards a complexity shift and to productively relate them to complexity thinking. Border complexities and their characteristics of texturality, relationality, dynamics and emergence were used to highlight those analytical aspects that can be connected to the bordering turn and that are still little or not taken into account in existing concepts of border research. This desideratum can be explained, on the one hand, by the still-young complexity fever and the still-insufficient cross-disciplinary debate within border studies. On the other hand, the aspiration of complexity-oriented research not only to identify the elements of bordering processes and to treat them in isolation from one another, but also to understand them empirically in their dynamic interplay as a texture with emergent effects, seems to be particularly challenging in empirical research.

In addition, this article's aim with border complexities was neither to update nor fix the statement often made by border scholars that borders are complex. Therefore, the talk of complex borders was avoided in favor of border complexities to indicate that borders do not stand for ontologically complex objects of investigation and that analyses which neglect the emergent moment and focus on individual 'simple' elements of textural borders are quite legitimate. The complexity view represents only a specific perspective of bordering processes, which, however, does seem to promise a more differentiated understanding than other approaches to border issues.

For this reason, the epistemological complexity—which manifests itself in a complexity-sensitive way to approach social reality (Cyrus in this volume)—is strengthened in a twofold sense as an outlook: on the one hand, as a methodological perspective that can follow the border along its relationships, which is sufficiently open to the unexpected and knows how to capture the unpredictable emergent moment—in short: a "complexity attitude" (Preiser/Woermann 2016, 1), which is prepared for complexity and its effects and knows how to detect them (also Gerst and Connor in this volume). On the other hand, epistemological complexity is intended to give a programmatic perspective to a new departure in border studies, which was most recently demanded by Walther et al. (2023). This perspective assumes an understanding of complexity, which can be the basis for an actual complexity shift and allows for analyses beyond complexity.

6. References

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Insights from Complexity Thinking for Border Studies: The State Border as Emergent Property of International Relations Systems

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Abstract

This paper introduces complexity thinking as a conceptual framework for the exploration and understanding of non-linear and unpredictable dynamics in the formation and maintenance of state borders. With a complexity lens, a state border can be conceived as emergent property of dynamically nested complex adaptive systems, constituted by interconnected and interacting agents. The complexity framework offers conceptual tools for an immediate consideration of the social ontology of state borders as such and deepens understanding of temporality, fragility, and malleability of state borders.

Keywords: Complexity Theory, Institution, State Border, Germany, Poland

1. Introduction: Exploring Border Complexities

The field of border studies pays increasing attention to features of boundaries and borders described as *complex* or *complexity*. However, contributions to border studies (e.g., Johnson et al. 2011) usually introduce these terms as a semantic reference without a clear-cut definition or project-tied conceptual specification. *Complexity* is predominantly introduced as a category of practice (Brubaker/Cooper 2000) and remains an expletive applied in the colloquial sense, described in the Oxford English Dictionary as "[uncountable] the state of being formed of many parts; the state of being difficult to understand" (OLD n.d.). Scientific publications utilize the term in a merely semantic way as a signal to show that results are difficult to get (Leendertz 2018).

Currently, we see the novel idea that complexity should be translated from a category of practice to a category of analysis, that complexity matters and that it should be further investigated as a category of analysis (Brubaker/Cooper 2000). However, it remains an open question whether the occasionally proclaimed "complexity shift" (Wille 2021) will unfold in coherent research efforts. One important theoretical caveat emphasized in recent contributions to border studies indicates that complexity can be conceptualized as a property of borders as well as a feature of observations of borders (2021, 113, 115).

Among the few efforts to address complexity (Herrmann 2018; Wille 2021), the contributions by a research group at Viadrina Center B/ORDERS IN MOTION stand out. The research group suggests considering borders in a broad sense as "a demarcation tool, which divides both different spatial, temporal, cultural or social units on the one hand and orders on the other" (Bossong et al. 2017, 66). The research group continues:

> As such, any border deserves to be studied in its own right, but can simultaneously serve as a distinct perspective on these demarcated units and orders. The resulting methodological principle of *thinking from the border* implies a fundamental change of perspectives: borders move to the centre of attention, rather than being perceived as a peripheral phenomenon. This also means taking the complexity of borders more seriously. (2017, 66, emphasis in the original)

However, the subsequent considerations do not focus on a particular border but develop a multidisciplinary heuristic of multidimensional and polymorphic borders including spatial, social, and temporal demarcations and a reflection on the relationship of borders and orders. The research group finally concludes vaguely that "borders themselves are intrinsic complex orders" (2017, 77). In a follow-up contribution the research group discussed the idea of complexity anew. Gerst et al. (2018) argue that a complexity focus unfolds that spatial, social, and temporal demarcations should not be considered merely as clear-cut and one-dimensional breaks but rather as relational entities with a specific mode of connectedness. Following the sociologists Niklas Luhmann (1995) and John Urry (2005), the authors explain that the term complexity denotes a patterned mode of connections: Components cannot connect all equally but only a few with some (Gerst et al. 2018, 5). Obviously, the contribution rather tackles the significance of borders as a function of complexity reduction.

Altogether, addressing complexity in border studies either takes a semantic mode, remains at a rather unspecific abstract and general level, or focuses on complexity reduction. The proclaimed "complexity shift" is still a desideratum. Notwithstanding, the proclaimed turn towards complexity is an overdue wake-up call to devote more attention to the reflection of border complexities. For this reason, it seems obvious to consult an academic strand that trades under the name of *complexity thinking* (resp. *complexity theory*).

Complexity thinking emerged initially as an approach to improve understanding of non-linear dynamics in the exploration of abstract deductions

in mathematics or inanimate processes in natural sciences. Complexity thinking eventually gained relevance in social sciences and humanities with the exploration of emergent properties of animated collectives in life sciences (Ansell/Geyer 2017; Cairney/Geyer 2017; Sturmberg 2018; Turner/Baker 2019). The idea of emergent property means in very general terms that a whole is more than the sum of its parts and thus displays properties which do not directly derive from the parts' properties but emerge from the parts' interaction. Consequently, the emergent property shapes the parts' capacity to act and interact within the system (feedback mechanism). The formation of a fish swarm, a flock of birds or an ant colony are prominent and intensively explored examples.

The French sociologist Edgar Morin (2007) distinguished between restrictive and generalized complexity. He argued that the restricted complexity strand recognizes complexity merely in its endeavor to decomplexify and thus remains in the epistemology of classic sciences: The leading paradigm still impose a principle of reduction and disjunction to any knowledge. In contrast, Morin (2007) postulates "generalized complexity" as an epistemological rethinking that bears on the organization of knowledge itself. The paradigm of complexity imposes a principle of distinction and a principle of conjunction:

> In opposition to reduction, complexity requires that one tries to comprehend the relations between the whole and the parts. The knowledge of the parts is not enough, the knowledge of the whole as a whole is not enough, if one ignores its parts; one is thus brought to make a come and go in loop to gather the knowledge of the whole and its parts. Thus, the principle of reduction is substituted by a principle that conceives the relation of whole-part mutual implication. (2007, 6)

This paper undertakes the venture to apply (generalized) complexity thinking's way of seeing the world in the domain of border studies. As I will demonstrate in the following, border scholars affiliated with humanities and social sciences have the chance to benefit from a consultation of complexity thinking affiliated with these disciplines. However, I premise that a fertile utilization of complexity thinking must avoid abstract explications but deal with specific manifestations of borders conceived as the effect of bordering practices in their own right. To this end, I choose the state border as my subject of exploration, with the Polish-German border as a particular empirical case of reference.

The following Chapter 2 opens with a brief and topically focused account of the genesis and content of complexity theory and concludes with an introduction of five operative concepts developed in complexity theory. The subsequent Chapter 3 takes up and interprets an ongoing dispute in border studies on an agentic power of state border as an implicit reference to complexity thinking and showcases the genesis and history of Polish-German state border(s) with its dynamic and turbulent historical, spatial, and social changes displaying features of complexity. Eventually, the case is discussed in terms of complexity thinking. The final Chapter 4 summarizes the main insights and offers tentative conclusions for further research.

2. Brief Approximation to Complexity Thinking

This chapter provides a brief and highly selective outline of complexity thinking and its basic ideas. After a short sketch of the origins and key ideas, I turn to an exploration of the nature of complexity as epistemological and ontological feature. Finally, I introduce operational tools I consider to be relevant for the study of borders.

2.1 Strands of Complexity Thinking

The origins of contemporary complexity thinking can be traced back to the emerging of systems science, cybernetics, artificial intelligence and dynamical systems theory, computing, and chaos theory (Sturmberg 2018, 37). The invention of computers spurred the career of complexity thinking that finally diffused from mathematical and natural science to social sciences (Leendertz 2018).

Acknowledging the broad variety of disciplines, Manson/O'Sullivan (2006, 678) attach the word complexity to research in three major streams and identify three understandings. *Algorithmic complexity,* which is associated with mathematical complexity theory and information theory, contends that the complexity of a system resides in the difficulty of describing characteristics. *Deterministic complexity* attempts to simplify some classes of dynamic systems with the aid of chaos theory and catastrophe theory. Lastly, *aggregate complexity* emerges from the study of how individual elements working in concert create complex systems which have internal

structure relative to a surrounding environment and exhibit learning and emergence (Manson 2001).

Today the conceptual framework is applied to a broad variety of research contexts that include among others engineering, organization science, economics and management studies, migration studies, and social sciences (Cairney 2012a). The complexity paradigm encourages a vivid research landscape concisely described by the anthropologist and computational social scientist John Murphy (2017):

> Complexity theory addresses highly nonlinear systems and systems that exhibit emergent, self-organised, and adaptive behavior. Domains include virtually every field of study, from economics to cosmology, to genetic evolution, to cognition and artificial intelligence. Its appeal is that it proposes that common principles guide the dynamics and evolution of systems across all of these domains and that these principles reflect a deeper order that profoundly structures the physical and social world in which we live. (2017)

Due to the variety of contexts to which complexity theory is applied, Murray et al. (2019, 5) point out that complexity theorists conceive of the approach as a set of tools, or more accurately as a conceptual framework—a way of thinking and seeing the world. In this view, complexity is conceived as an epistemological property.

2.2 Epistemological Complexity

From an epistemological view, complexity is firmly associated with uncertainty and unpredictability. Consequently, epistemological complexity is addressed in sciences striving to understand and predict the outcomes of non-linear dynamics observable for example in weather phenomena, stock-market developments, or economic processes. In a seminal paper dealing with the capacity of leaders to cope with a situation characterized by uncertainty and unpredictability, Snowden/Boone (2007, 7) conceived of complexity as one ”way of thinking about the world” in addition to other approaches such as simple, complicated, chaotic or disordered. These five states are not naturally given but emerge from the epistemological characterizations of the predictability and orderliness of a context (Illustration 1).

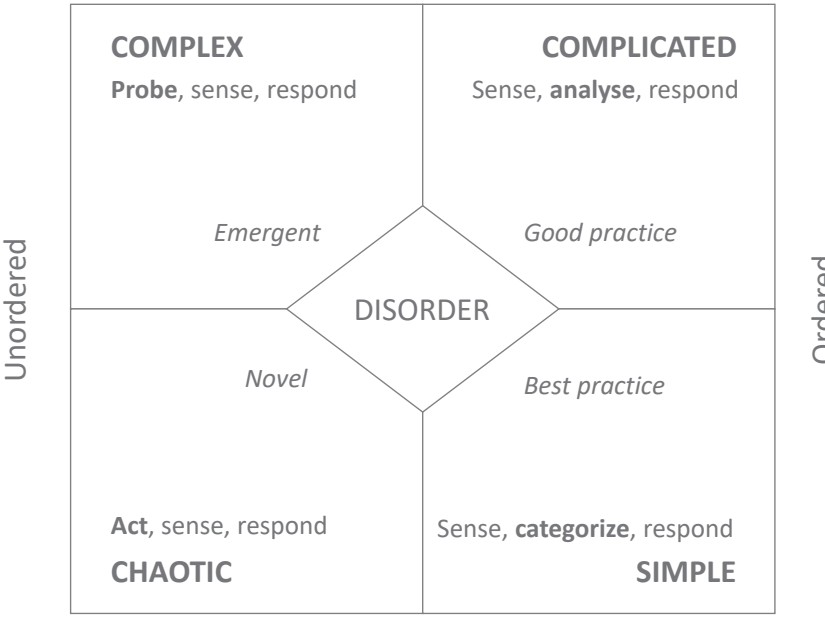

Illustration 1: The Cynefin-Matrix. Source: own work based on Snowden/ Boone (2007, 4).

According to Snowden/Boone (2007, 7), a *simple context* belongs to the realm of the known knowns, characterized by recurring patterns and consistent events. Clear cause-and-effect relationships are evident to everyone and right answers regarding future outcomes are at hand. Decision making follows the formula of routine: sense, categorize and respond. A *complicated context* belongs to the realm of the known unknowns. It is characterized by a cause-and-effect relationship that is discoverable but not immediately apparent to everyone. More than one right answer is possible, and expert diagnosis is required and available. Decision making follows the formula of expertise: sense, analyze, respond. A *complex context* belongs to the realm of the unknown unknowns. It is in flux and unpredictable, cause-and-effect relationships are not identifiable, no right answers are available, and emergent instructive patterns prevent linear predictability. In order to master a complex situation, creative and innovative approaches are required, and the many competing ideas should be tentatively tested in a reversible manner. Decision making follows the formula of anticipation: probe, sense, response. A *chaotic context* belongs to the realm of the

unknowable. It is characterized by high turbulences without clear cause-and-effect relationships and offers no point to look for right answers. In a chaotic situation, leaders have many decisions to make and no time to think. Decisions must be made without appropriate knowledge in the hope that they will deliver a first anchor that provides the ground for further decisions. Decision making follows the formula of anchoring: Act, sense, respond. Finally, Snowden/Boone (2007) mention *disorder* as a state in which it is unclear which of the other four contexts is predominant in a situation. The decision making follows the formula of mapping: assigning a state to the situation.

As an epistemological feature, complexity is a matter of subjective appraisal: A system is thus only complex regarding its particulars and their corresponding context (Lange et al. 2015). In this view, the epistemological contextualization depends on the perception of those assessing a state—and the contextualization modifies according to (the belief in) the knowledge available and its ascribed certainty. Thus, scholars committed to enhance rational coordination strive to transform complex into complicated contexts (Snowden/Boone 2007). The modern scientific approaches committed to linearity and predictability are appropriate to explain simple and complicated issues but fail to explain non-linear dynamics and unexpected outcomes (Saurin 2021, 2).

One illustration of this constellation is the image of an airplane. Complexity thinkers use to argue that an airplane is complex for lay persons but complicated for engineers (Cilliers 1998; Snowden/Boone 2007). However, as airplane crashes remind us, an airplane—or more precisely, dispersibility as its emergent property—may be subject to unpredictable accidents that lead to a chaotic final state: a crash. Consequently, Saurin (2021) noted that a technical artifact such as an airplane "is a complicated system when seen in isolation [...] when these artefacts are put in the real world interacting with other technological and social artefacts they are an separable part of a larger complex system" (2021, 2). Thus, sudden and unwanted transformation of epistemological states is related to an insufficient realization and recognition of complexity as a pervasive ontological feature of the material world, as famously expressed by Leonardo da Vinci: "Realise that everything connects to everything else" (quoted in Kumar et al. 2005).

2.3 Ontological Complexity

Complexity thinking opposes so-called reductionist thinking which aims to produce knowledge by distinguishing a whole in its parts and explaining each part separately—a paradigm perceived to be an over-simplification (Cilliers 1998). Complexity thinkers agree that not all systems are necessarily or always complex and concede that the orientation on reductionist principles has led to extremely brilliant, important, and positive scientific developments (Cilliers 1998; Morin 2007). However, reductionist thinking fails to sufficiently take into account and accept that some processes are inherently unpredictable due to complex non-linear interaction of components. In this vein, Turner/Baker (2019) summarize that

> complexity science expands on the reductionistic framework by not only understanding the parts that contribute to the whole but by understanding how each part interacts with all the other parts and emerges into a new entity, thus having a more comprehensive and complete understanding of the whole. Individual causal research in complex systems is near futile; a comprehensive approach is required to account for the unpredictability found in complex systems. (2019, 2)

Complexity is conceptualized as property of systems or organizations. A system is a set of inter-related elements and a complex system is one in which "the whole is greater than the sum of its parts" (Byrne/Callaghan 2014, 4). Complexity thinking shifts the focus from analysis of the individual parts of a system to the system as a whole, with a focus on the interactions of both the components and systems, and the exploration of non-linear and disruptive dynamics (Cairney 2012a).

The relevance of complexity thinking for social sciences was soon identified. More than 50 years ago, Brewer (1973) observed that social systems "exhibit properties of organised complexity. Their structure contains overlapping interaction among elements, positive and negative feedback control loops, and nonlinear relationships, and they are of high temporal order." Further, Brewer states that "these characteristics largely account for the observable diversity of social behavior" (1973, 73, quoted in Leendertz 2015, 8).

A special case of complex systems is known as the *complex adaptive system* (CAS), which demonstrates the ability to learn from, adapt to and co-evolve with its environment over time, especially when this environment also consists of other such systems (Holland 1995). The involvement of

human beings with their peculiar abilities of intentionality and reflexivity (Dittmer 2014, 389) add further complexity, "making the operation of human systems more complex and unpredictable rather than less so" (Stacey 1996, 187). Complexity thinking thus implies a readiness and willingness to open a horizon of a space of possibilities (Dittmer 2014). Bousquet/Curtis (2011) argue that

> one of the core features of complexity is its ability to refocus attention onto processes and social relations, offering a very different social ontology to those which see social entities, such as states for example, as having pre-theoretical characteristics or dispositional interests. (2011, 48)

2.4 Five Operative Concepts

The previous section outlined circumstances and reasons for the occurrence of complexity thinking and described how it related to and dissociated from an enlightened scientific épistéme referred to as reductionist. This section turns to the operational aspects. In orientation to explanations provided in the introduction of the seminal *Handbook Complexity in Political Sciences* (Cairney/Geyer 2015, 2), the main features of complexity theory encompass the five concepts of emergent properties, interconnections and interactions, non-linear dynamics and feed-back loops, stabilizing attractors, and dynamic equilibrium.

Emergent properties: As already noted, complex systems display "emergence". This concept is used in different ways by different authors. For Newsome (2009), emergence means that "capacities of a complex system are greater than the sum of its constituent parts […] a system can have emergent qualities that are not analytically tractable from the attributes of internal components" (2009, 55). He further explicates that

> complex assemblies of simpler components can generate behaviors that are not predictable from knowledge of the components alone and are governed by logic and rules that are independent of (although constrained by) those that govern the components. Furthermore, the intrinsic logic that emerges at higher levels of the systems exert 'downward control' over the low-level components. (2009, 55)

Emergent order emerges from the interaction of many entities. The patterns that form are not controlled by a directing intelligence but through self-organizing (Kurtz/Snowden 2003, 464).

Interconnections and interactions: Cairney/Geyer (2015) further emphasize that emergent properties derive not from the nature of the components, but from the frequency and quality of the interconnections and interactions of these components. Moreover, these components are interconnecting and interacting with each other at a local level, sharing information and combining to produce systemic behavior. In contrast to systems theory, complexity thinking does not postulate that the capacity to connect underlies narrow restrictions, but is rather related to a system of components with the potential to establish new connections or change existing ones.

Nonlinear dynamics: A particular feature of complexity is a non-linear cause-effect relationship. Most systems do not work in a simple linear fashion. In much of the reality, causation is complex.

> Outcomes are determined not by singly causes but by multiple causes and these causes may, and usually do *interact* in non-additive fashion. In other words the combined effect is not necessarily the sum of the separate effects. It may be greater or less because factors can reinforce or cancel out each other in non-linear ways. It should be noted that *interactions* are not confined to the second order. We can have higher order interactions and interactions among interactions. (Byrne 1998, 20)

These considerations lead to the idea that complexity is not about properties but capacities. "While properties of a material are relatively finite, its capacities are infinite because they are the result of interaction with an infinite set of other components" (Dittmer 2014, 387). Some actions (or inputs of energy) in complex systems are dampened (negative feedback) while others are amplified (positive feedback). Consequently, small actions can have large effects and large actions can have small effects (Cairney/Geyer 2017).

Stabilizing attractors: Complex systems display a tendency towards a dynamic state of equilibrium. Several mechanisms contribute to this tendency. Complex systems are stabilized by the emergent properties' capacity to exert some degree of downward control which aligns the arrangements of components—a feature called *strange attractor* (Partanen 2015). In social systems, strange attractors are institutions which represent sets of rules to which people adhere, causing regular patterns of behavior (Cairney/Geyer 2017, 3). Through the persistence of internal structure, a system remembers and path dependency occurs. The causal mechanisms should be better understood not as impositions but as *constraints* (Juarrero 2000, 26).

Dynamic equilibrium: Complex systems are constituted and maintained by the interaction of components which dynamically adapt behavior in mutual response to the behavior of other components. This feedback pattern facilitates a dynamic equilibrium that is at rare intervals punctuated by radical transformations (Holland 2006). Complexity theory observed the interplay of longer lasting dynamic equilibrium and occasional radical change in a wide range of dynamic processes of abstract and natural complex systems among natural processes like evolution, the experimental piling of sand, occurrence of avalanches, or development of politics (Bak 1996; True et al. 2007; Cairney 2012b). Complexity thinkers observed that complex systems are robust in two senses: Much of the time they basically stay the same, with changes being neither trivial nor transformative. But occasionally, complex systems can change radically in terms of form while retaining systemic integration. Complexity thinking emphasizes that a system's concurrence of stability and radical change does not derive from the characteristics of the components, but from the frequency and quality of the interconnections between the components which generate emergent properties that retract to the individual components (Bak 1996; Gloy 2014).

In its political science version, the punctuated equilibrium theory (PET) states that this general feature of dynamic stability with smaller imperceptible or unnoticed adaptations and rare radical transformation also characterizes political processes. According to True et al. (2007), this pattern emerges from the effects of limited capacities to process information. The capacity of attentiveness suffices only for a limited scope of issues. Thus, a particular occurrence may draw attention towards a hitherto neglected issue—and the more actors turn attention to this occurrence, the more the pressure to attend to the issue increases, and so too the probability of radical and disruptive change (True et al. 2007; Ansell/Geyer 2017; Masse 2018; Amri/Drummond 2021). Joly/Richter (2019) highlight that public policy theories prior to PET had been relatively successful at explaining either policy stability or large policy changes. "The main originality of PET was that it proposed a single theoretical model of policymaking that explains how the same governmental processes cause both stability and major policy shifts" (2019, 41).

3. Applying a Complexity Lens in the Analysis of State Border

This chapter aims to consider the implication of the selected concepts for the study of state borders. For that purpose, it is helpful to start with a general consideration of the epistemological and ontological nature of this very kind of border.

3.1 Epistemology and Ontology of State Borders

As a principal rule, as with other social boundaries, the state border—as Georg Simmel (1997) has famously stated—is "not a spatial fact with sociological consequences but a sociological fact that forms itself spatially" (1997, 142). By sociological fact, Simmel means that borders are not natural entities but mental abstracts that emerge from, and gain social reality from, the interaction of human beings or groups. These explications suggest that borders are primarily mental abstract objects (Rosen 2020) that become a concrete component of the social world only through the interactions of interconnected actors. While social boundaries—including state borders—emerge from the agency of human beings they reify as a structure independent from the agency and intentionality of individuals and subsequently constrain and enable as institutionalized structure human action (Berger/Luckmann 1967; Giddens 1984; Bousquet/Curtis 2011, 52), thus displaying properties of emergence.

The idea that borders can be conceived as emergent property of complex adaptive social systems with a capacity to downward control is echoed in strands of academic literature, media, national, politics and policies that—as Paasi (2021, 20) deplores—uncritically perceive bounded spaces and borders "to have 'agentic capacities'". Paasi (2021) argues that an anthropomorphic language and related terminologies accentuate abstract "spatial entities such as regions/territories or borders as actors that can do things" (2021, 20–21). Paasi considers such imaginaries as a socio-spatial fetishism that comes into play when meaning is created and attributed to bounded spaces. As Paasi claims, spatial fetishism displays itself in many ways—from simple core-periphery-related political rhetoric to views on spatial entities as fixed, stable, bounded and unchanging—a feature frequently associated with the territory and borders in geography and International Relations studies. Paasi (2021) believes that human beings "seemingly do fetishize relentlessly to be simply able to attain some convenient grasps on the complex world

of open or semi-bounded social systems" (2021, 21). However, he deals with perceptions and related languages that anthropomorphize borders without asking what makes people believe and behave as if borders display agentic force.

On the other hand, Green (2012, 579) argues that most border studies focus on the subjects and objects of bordering practices and not on borders as such. She goes on to say that borders do not independently exist as self-evident entities in the landscape but are fashioned out of particular epistemologies that vary across time and space. Green (2012) premises that borders are more of a verb, a practice, a relation and, importantly, a part of imagination and desire (2012, 579–580). Green's amalgamation of the epistemological and ontological dimension combines the social constructivist premise that a state border is the result of both human mental operations and social practices, while observing that borders are not just epistemological entities. Rather, Green (2012) states that borders are also ontological entities: "epistemologies made real, in a sense" that once constructed "can take on thing-like qualities both in practice and people's imaginations" (2012, 580). Such a conceptualization of borders—one that rests on insights from social constructivist and institutionalist approaches (Berger/Luckmann 1967; North 1991; Searle 2010)—connects very well with the idea that complex social systems display emergent properties that consequently may exert downward control.

Referring to the theory of institutional facts (Searle 1995), Cooper/Perkins (2011) stress that a particular place works as a border not because of its physicality, but because people accept the place as having the *status* of a border.

> The interesting thing about the border is that it is a place that has a function imposed upon it, but the nature of that function is to impose further status-functions to create institutional realities i.e. to situate things people and ideas within networks of legitimate meaning. (2011, 61)

In other words, as an institution, a border displays agentic-like capacities to both constrain and enable behavior and interactions. Seen with a complexity lens, the word 'border' denotes an emergent property of a complex system of interrelated and interacting social actors. Enacted in practices, a state border may work among many other functions as sorting machine (Mau 2021), value-filter (Kearney 2004), facilitator of collective identity (Newman 2006; Brown 2010), interrupter of movements (Bauman 2002),

or creator of incentives to develop cross-border links within a border region (Trippl 2019).

3.2 Making the Case: The Polish-German State Border(s)

As already indicated, it is reasonable to focus analysis on a particular kind of border. To this end, I choose to explore the Polish-German border. In this section I will briefly recall with a combined place-sensitive and phenomenological approach the historical shifts and morphological changes of this particular state border(s). The account's focus of attention is shaped by the operative concepts borrowed from complexity thinking and pinpoint the aspects of the Polish-German borders as emergent properties of the system of interconnected and interacting states, the nonlinear development with interplays of disruptive change and dynamic stability.

Today, the Polish-German border runs in line with the rivers Oder and Neisse and demarcates the territories of the Republic of Poland (RP) and the Federal Republic of Germany (FRG).

The border history goes back to the Polish-Lithuanian Commonwealth, which existed as a sovereign state for more than two centuries until disappearing from the map in 1795 when Russia, Prussia, and Austria usurped the areas. For 123 years, Polish-speaking populations were not organized in a sovereign and independent state (Grosfeld/Zhuravskaya 2013). A Polish-German border reappeared in 1918 with the re-establishing of a Polish state. However, at this time, the border was located east of the Oder and separated the two states of the first Polish Republic and the German "Weimar" Republic (Marks 2013).

In 1939, the fascist Nazi-regime invaded Poland and, in complicity with Stalinist Soviet Union, erased the Polish state. In anticipation of the end of World War II, the Allies negotiated the outline of a new world order, and agreed on a spatial re-ordering of territories and border pathways that included the westward shift of Polish territories (Allen 2003). The rivers Oder and Neisse were determined to be the site of the new border line that would demarcate the future German and Polish territories (Jajeśniak-Quast/Stokłosa 2000; Hong 2008; Eberhardt 2015).

Between 1945 and 1989, this state border separated the territories of two states both belonging to the same Cold-War camp (e.g. Warsaw Pact): The Polish People's Republic (PPR) and the German Democratic Republic (GDR). While the GDR accepted the Oder-Neisse line, the other German

state belonging to the Western camp—the Federal Republic of Germany (FRG)—refused to accept the loss of former territories and to recognize this border. However, due to other states' recognition, the Oder-Neisse line achieved the status of an internationally accepted border (Kamusella 2010).

At the local level, the shifting of the state border along the course of the two rivers displayed disruptive effects on formerly integrated areas. Until 1945, the settlements on both shores had belonged to the same state. Now, localities like Frankfurt (Oder), with a municipal area stretching across the river and connected through bridges, were suddenly separated. After 1945, the international border cut off the city of Frankfurt (Oder) from its former district Dammvorstadt on the other side of the river (Jajeśniak-Quast/Stokłosa 2000; Knefelkamp 2003). The German-speaking inhabitants had to leave, and Polish-speaking people settled down. The former district *turned into* the Polish town Słubice. Although the neighboring states both belonged to the same political camp, governments impeded cross-border connections and exchange at the local level for political reasons. Historical experiences and political concerns severely impaired mutual sympathy: German powers had assaulted and erased the Polish state while characterizing and treating Polish citizens as subhuman beings. A sharp linguistic boundary, different prevalent religious traditions (Catholic vs. Protestant), and distinct political and legal cultures divided people.

Notwithstanding, during this period the grade of permeability of the border fluctuated. In times of political and economic stability, the border was more permeable, and inhabitants had the chance to go to the other side to work, shop or meet friends. In times of political unrest, particularly during the imposition of martial law in response to the Solidarity movement of the early 1980s, authorities curbed cross-border movement. During this period, the state border was fortified and cross-border movement was restricted and surveilled (Jajeśniak-Quast/Stokłosa 2000; Schumacher 2005).

This situation changed radically at the end of the 1980s. Following the collapse of the Socialist state system, Poland emancipated from Soviet Union domination, and changed from a Communist Party-dominated People's Republic into a Parliamentarian Democracy known as the Polish Republic. Subsequently, the GDR became a Parliamentarian Democracy. The first freely elected Parliament voted for an accession to FRG. However, to get the confirmation of former Allies, FRG had to accept the loss of former German territories and recognize the Oder-Neisse line as its Eastern border. With reunification, the territory of FRG stretched to the rivers Oder and Neisse overnight, and the border line now separated

the states of RP and FRG. Governments abolished visa requirements in 1991, which enabled visa-free entrance for citizens. In the aftermath of Poland's accession to the Schengen agreement (2003) and the European Union (2004), border control facilities at the local level were completely dismantled. This permeable border arrangement enabled citizens from both sides to cross the bridge on an everyday basis for education, shopping or employment (Jajeśniak-Quast/Stokłosa 2000; Dębicki/Doliński 2017). Local administration also intensified cooperation: The cities of Frankfurt (Oder) and Słubice launched a joint plan for regional development and established a joint office with the leitmotif "Without Borders". However, in spring 2020, national governments stipulated border controls and installed mobile barriers in response to the covid-19 pandemic. Border crossing was almost completely curbed for 35 days. Local population from both sides protested the pandemic-caused border closure, thus displaying a default preference for an open border arrangement among the local population. In response to these protests, the policies on both sides pursue the goal of avoiding future border closures (Cyrus/Ulrich 2022).

3.3 Seeing Borders as Emergent Properties

Against the background of the case example of the Polish-German borders, in the remainder of this section I will discuss complexity thinking's potential to deepen border studies' understanding of state borders by turning attention to nonlinear dynamics of (state) borders' trajectories both from a diachronic and synchronic perspective.

The diachronic *longue durée* observation of the Polish-German borders reveals dynamics of dissolving and reemerging, location shifting, incremental changes of the organizational design, and disruptive transformations. The Polish-German borders provide a particularly clear case for the pervasive fragility and variability of a state border in time, space and design without being unique. Fragility and variability are constant and inherent features of each state border without exception—and differences are rather a matter of degree, pace and timing (Newman 2011).

Moreover, the diachronic *longue durée* observation pinpoints that the fragile and variable trajectory of the Polish-German border is embedded in an overarching institutionalized framework of the State Border (with capital letters) as an institution that constrains and enables the (self-)formation of states in the modern sense of a unity of people, territory and

government (Jellinek 1905). Today, the ideal model of a nation-state with clear-cut territorial borderlines constitutes the hegemonic and inevitable frame of reference for collectives that have established (or strive to establish) a distinct polity with an internationally recognized status of sovereign equality, as enshrined in Article 2.1 of the Charter of the United Nations. Contestations and conflicts among states regard a particular state border or recognition of equal sovereignty of a particular state, but the State Border institution is taken for granted as the institutional frame of reference. The modern model of statehood has

> as its central geographical moment the imposition of sharp borders between one state unit (imagined as a nation-state, however implausible that usually may be) and its neighbors. Previously in world history, a wide range of types of polity co-existed without any one – empire, city-state, nomadic network, dynastic state, or religious polity – serving as the singular model of 'best political practice'. It is only with the rise of Europe to global predominance that an idealized European territorial state became the global archetype. (Agnew 2008, 181)

In addition, the variety of polity types implies a variety of understandings. For example, the ancient Roman understanding conceived of the state border as the limit and demarcation of a civilized world from a barbarian one. The Mediaeval understanding stressed the rule over persons and accepted multiple loyalties and diffuse zones of transition at the edges of territories. Eventually, it was the development of cartographic precision, infrastructural capacities, and the idea of *Volkssouveränität* that facilitated the modern understanding of State Border. Thus, the institution of State Border displays features of temporality, fragility, malleability, and variety.

With an complexity lens, both the State Border (with capital letters) and the state borders (in plural) can be conceived as emergent property of separate but nested complex adaptive systems (CAS). Seeing State Border and state borders as emergent property of complex adaptive systems provides a clue for resolution of the dispute on the agentic-like features assigned to state borders. As an institution, the State Border and state borders are constituted by and acting on interconnected agents constituting a complex adaptive system—an effect emerging from the acceptance and cooperation of involved agents (Searle 2010).

The concept of emergent property aligns with Simmel's dictum that borders are sociological facts, and thus transforms the term from a category of practice into a category of analysis. In methodological terms, seeing borders

as emergent property encourage to identify the agents constituting a CAS, and to analyse the rules (strange attractors) and dynamics of interactions among these agents.

As an institution, the State Border emerges from, and is maintained by, a CAS of international relations with states as agents as formally assembled in today's United Nations. The concept of attractor helps ensure that state governments accept the institutional principles of equal sovereignty and non-intervention in the internal affairs of another state and accept and cooperate in the institutionalized UN system for the sake of mutually shared self-interest in a stable and predictable order (Müller 2013). However, cooperation in the institution does not prevent governments from attempts to dominate other states and unilaterally redraw borders while still participating in UN institutions. In such a situation, acceptance of the State Border institution simply means that aggressive state governments feel obligated to invoke justifications that somehow respond to the institutional principles and values. Against this background, complexity thinking points to the possibility that the current dynamic stability of the UN system is not secured against radical transformation. To follow this thread further, border studies may gain fresh insight from a consultation of existing and ongoing research on complexity in world politics (Harrison 2006; Room 2013; Crowley et al. 2020).

Complexity thinking offers guidance for an appraisal of the dynamic formation and maintenance of a particular state border, its organizational design, assigned functions, and features such as permeability. At the local level, the composition of relevant CAS is not limited to state parties. As indicated, the protest of local commuters against the pandemic-related closure of the Polish-German border induced a change of border arrangements towards more permeability.

The case of the Polish-German borders illustrates that borderlines that first and foremost serve the purpose of equally determining and demarcating territorial ownership become and serve as contact points for borderland population, and the site of functions such as migration control, formation of collective identity, value filter, and facilitator of cross-border relations. The working and maintaining of such functions assigned to these borders depend on the acceptance and cooperation of all agents involved in the particular property-related CAS.

In a strong sense, the historical recapitulation shows that the phrase Polish-German borders refers to different entities existing at different times, geographically located at different sites, demarcating the territories of dif-

ferent states, and displaying different functional and material arrangements. The phrase 'Polish-German border' turns out to be an empty signifier that deceivingly suggests a non-existent continuity and identity that does not comply with any entity. Behind the epistemologically created and semantically suggested impression of continuity, the Polish-German borders appear as entities displaying a dynamic equilibrium as conceptualized by PET: Long phases of dynamic stability with incremental changes are punctuated by few disruptive transformations. The concept of emergence helps to integrate the phenomenon of phantom borders in border studies, i.e. defunct state borders that have left traces and influences in the present day despite the temporal distance (Grosfeld/Zhuravskaya 2013; Hirschhausen et al. 2015).

4. Concluding Remarks: What Can We Learn and Take Away

This paper aimed to introduce and apply the conceptual framework of complexity thinking in the field of border studies. To avoid abstract explications and hollow generalizations, I focused on state borders and chose the Polish-German border as case of reference. Complexity thinking's emphasis on nonlinear and unpredictable dynamics direct attention to the temporality, malleability, and fragility of this very border, and eventually to the State Border institution. The complexity framework encourages to analyse incremental changes and disruptive transformations as outcomes of the interactions of agents interconnected in complex adaptive systems of border formation and maintaining at both the local and international level.

The form of appearance of a state border emerges from an interplay of dynamically nested complex adaptive systems at different levels (Harrison 2006; Turner/Baker 2019). This view implies not only an empirical openness to identify all CAS and agents involved in these dynamics, but also that an analysis requires a clear and consciously pursued focus on a particular property as point of reference due to the polymorphic feature of state borders (Burridge et al. 2014). Properties like durability, permeability, or liminality (Schiffauer et al. 2018) emerge from various nested and partly overlapping CAS (Cairney et al. 2019).

These short remarks aim to highlight the potential of a complexity lens to complement established border studies' agendas which hitherto do not tackle the state border as such (Green 2012). In addition to the analysis of border-related effects (such as cross-border connections in borderland

studies) or particular functions (like migration control in critical border studies), the complexity framework offers an avenue to explore the ontology and dynamics of a state border as such. While leading border scholars have good reasons to question the possibility of generating a single or general theory of borders (Newman 2011, 43; Paasi 2011), a complexity lens that views borders as emergent properties of complex adaptive systems provides fresh impulses for border thinking.

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Seeing Like a Complex Border: On the Methodology of Complexity-Oriented Border Research

Dominik Gerst

Abstract

Complexity has become an important point of reference in contemporary border research. Drawing on selected approaches to borders, this chapter elaborates the central methodological cornerstones and challenges of complexity-oriented border research. In addition to sketching a research attitude that can be described as *seeing like a complex border*, it becomes apparent that different understandings of complexity are circulating. In order to increase the degree of reflection of border research, the relationship of different 'border complexities' must be spelled out more carefully.

Keywords: Methodology, Complexity, Border Research, Reflexivity

1. Introduction

Complexity has become a prominent buzzword in border research in recent years. At its core is the observation that modern borders are complex phenomena, even if public discourse is dominated by positions that reduce borders to a simple dichotomy of open and closed. In this context, the diagnosis of the complexity of borders comes from an analysis of a wide range of border phenomena, including the complexity of cross-border integration (Gelbman/Timothy 2011; Lynnebakke 2020; Ulrich 2021) and variable forms of border crossing (Amilhat Szary/Giraut 2015; Nail 2016; Teunissen 2020), the complexity of socio-technical border control and surveillance systems (Côté-Boucher et al. 2014; Schindel 2016; Burridge et al. 2017) and of (supranational) border regimes (Nieswand 2018), to the complexity of border experiences (such as in the context of flight and migration) (Brambilla 2015; Banse 2018), and thus to the complexity of borders per se (Paasi 2011; Haselsberger 2014; Gerst et al. 2018). This led to the recent assessment that border studies is currently undergoing a "complexity shift" (Wille 2021).

Indeed, some approaches have already emerged that do not stop at an emblematic designation of border complexities, but rather offer conceptual proposals on how these border complexities can be decoded or deciphered. In these works, the level of methodology is addressed—sometimes explicit-

ly, but more often implicitly. In doing so, approaches to border complexity that undermine the traditional dichotomy of theory and empiricism, that reflect on what borders are and how they can be actively explored as a genuine part of the engagement with border complexities become highlighted. It seems that in order to identify adequate methods of description and analysis, the complexity of border phenomena requires a shift toward research practices and strategies. By doing so, complexity-oriented approaches reinforce a more general trend in border studies to negotiate questions concerning the methodology of border research (Wille et al. 2021). Border studies increasingly engages with its own methodological foundations and reflexivity. What is expressed here is a progressive institutionalization of the field, which is making greater efforts to clarify its own acts of research and understanding.

In this chapter, I would like to make a contribution to the self-reflection of complexity-oriented border research by focusing on the methodological foundations and consequences this analytic shift brings. In general, the methodology of border research addresses the procedural level of research practice in which scientific, theoretical, epistemological, conceptual and methodical reflections converge in the process of *doing border research*. This convergence raises questions about the consequence of theoretical considerations for empirical research and vice versa, and procedural aspects, i.e. concerning the technical handling of research problems and questions, as well as epistemological assumptions concerning observation standpoints are also addressed (Gerst/Krämer 2021). In short, methodology is a "global style of thinking used to investigate a research topic" (Gobo 2008, 30), grounding on a specific research attitude, an "analytic sensibility" (Francis/Hester 2004, 72). Against this backdrop, what are the key determinants of a border methodology calibrated to border complexities? What methodological principles inform, or are derived from, the study of border complexities? And what challenges must a border methodology deal with, in this regard?

To address these questions, I will first present selected approaches that are characterized by an interest in the complexity of borders. This is also appropriate because a systematizing discussion of complexity-oriented approaches is still a desideratum. What do these approaches aim at? In what way do they take border complexity into account? In a second step, I will identify central methodological implications on which the reviewed works are based and explore what methodological challenges they face. In the conclusion, I bring together the insights gained about methodological prin-

ciples in complexity-oriented border research and establish a connection to the fundamental understanding of border complexity. It turns out that a reflection on the level of methodology also points to a general need for reflection on border complexities research design: the need to acknowledge that we are not dealing with one, but with many understandings of *border complexity*, and that these different perspectives need to be explained in more detail.

2. Complexity-Oriented Approaches in Border Studies

This chapter is titled *Seeing Like A Complex Border* to put into words the specific methodological perspective, that 'global style of thinking' that guides complexity-oriented border research. This is inspired by Chris Rumford's seminal work describing a methodological shift in recent border studies—from 'seeing like a state,' aiming at a state-centered understanding of one-dimensional borders, to 'seeing like a border,' focused on the multiperspectivity and heterogeneity of borderings (Rumford 2014, 42). Rumford proposes the adoption of an observational position from which borders are not to be understood in a limited way as the product of state order formation, but from which the border itself is made the starting point to be able to follow the multiple and heterogeneous ordering performances of the border (also Mezzadra/Neilson 2013; Schiffauer et al. 2018). My extension of this phrase to include a complexity-centered perspective aims at provisionally bringing together emerging complexity perspectives to interrogate them for their methodological guidelines and consequences. What does it mean, then, to adopt a methodological position from which one can see like a complex border? To address this question, in the following section I examine six approaches that are based on the concept of border complexity. The review includes theoretical-conceptual contributions as well as empirically oriented studies. In each case, the aim is to reconstruct—in the sense of my holistic understanding of methodology—the analytical stance expressed therein, in which ontological, epistemological, methodological, and research-practical aspects, interact.

2.1 Borderwork and the Messiness of Borders

My exemplary review begins with the ideas of the aforementioned Chris Rumford (2014), who deals with the increasing complexification of con-

temporary borders as a "changing nature of borders" (2014, 3) under cosmopolitan conditions. The core element of his approach is the diagnosis of an increasing dispersion of borderwork, already expressed in Etienne Balibar's famous description of the "ubiquity" (2002, 84) and "vacillation" (2002, 89–90) of borders and culminating here in the observation "that multiple sites of bordering now exist" (Rumford 2014, 12). The insight that under cosmopolitan conditions borders are no longer to be found solely at the edge of state territories but take the form of border practices at various entry points such as airports, requires an analytical openness to bordering where and how it did not occur before, and directs the focus to changing social as well as spatio-temporal conditions under which borders can supposedly occur everywhere. Based on the culmination that borders still must, at their core, perform a separating and filtering function, Rumford (2014) further points to the polysemic nature of the border, also already articulated by Balibar (2002, 81–82) which indicates that borders mean different things to different people. While it may appear as an insurmountable barrier to one, another is able to cross borders for tourism purposes, for example, without any problems. This multiplicity of meanings of the border makes it necessary to place questions of categorial differentiation at borders—between travelers and migrants, desirables and undesirables, etc.—center stage. This leads to the next observation that modern borders serve as a form of mobility control rather than territorial control and for this reason need to be understood as processes—of blocking, slowing down, redirecting—rather than static entities (also Nail 2016). Finally, according to Rumford (2014), another argument against a notion of static and monolithic borders is the fact that they appear as "increasingly messy" (2014, 16), that is, diffusing not only spatially but also in form. Borders "comprise an untidy collection of activities and sites of action littered across society" (2014, 16) and are therefore neither easily recognizable nor easily navigable. This is mainly because responsibility over borders is divided and no longer exclusively in the hands of the state, and that not all border practices are made equally visible to all people.

According to Rumford (2014), the complexity of modern borders lies in the concurrence of their spatial dispersion, their polysemy, their processuality, and their inherent messiness. Methodologically, Rumford (2014) derives four aspects that an analysis of borders must consider: First, it is important to be open to the diversification of actors, based on the observation that societies have begun to vernacularize borderwork. The prioritization of the question "Who borders?" leads to the consideration

of the "bordering activity of ordinary people" (2014, 18), who are involved in border (de-)stabilization. Closely linked to this, secondly, is a methodological multiperspectivism: to see a (complex) border then means to adopt a border perspective that can be understood as a conglomerate of diverse perspectives of distributed borderwork. Third, the aforementioned processuality of borderwork can be approached by making the un/fixity of borders a guiding analytical category. The permanence and institutionalization of borders are thus never complete—"borders must be made and remade on a regular basis if they are to be fit for purpose" (2014, 20)—and analysis must start from this precariousness and instability to explain how borders can not only be stabilized but also have bordering effects. Fourth, and finally, the connectivity of borders comes to the fore, pointing to the interconnecting capacities of borders at multiple levels, from the local to the global, and paying particular attention to the fact that scale relations are produced at borders in the first place.

2.2 Borderscapes

Currently, the most prominent concept for researching complex border relations is that of borderscapes. It has been established in the context of critical border studies and invites "to question the complexity of the dynamics through which *border landscapes* are produced, across and along the boundary lines between different nation-state sovereignties" (Brambilla 2015, 15; emphasis in the original). Extending a processual and anti-essentialist perspective on borders that, similar to Rumford's understanding of borderwork, conceives of borders not as things for themselves but as processes of bordering, the concept sensitizes to diverse sources of complexity by tracing their coincidence. Thus, first, the spatial dispersion of borderings comes into view, which is fed by multiple processes and manifests itself in the fact that borders can occur at different places within societies—in border regions as well as in different social, cultural, legal, or economic settings—and thereby become visible in different forms. Second, their form is addressed as an aggregated bundle of distinctions that are expressed both symbolically and materially in the form of practices, discourses, interactions, and artifacts. Thus, borderscapes conceal "a complex web of conditions of possibility that are not immediately visible and inscribed in the relationship between space, lived experience and power" (2015, 23). And third, borderscapes denote the heterogeneous horizons of experience

that result from the interplay of borders, territories, sovereignty, citizenship, identity, and othering, pointing to the fact that borders are perspectival entities. The paradox that borderscapes denote both "*markers of belonging*" and "*spaces of becoming*" (2015, 24; emphasis in the original) points to the need for a perspective that considers the emergent temporality of borders.

When it comes to research practice, the concept is based on a strategy of decentering, which is grounded in the idea of an "ontological multidimensionality of borders" (2015, 26). This means that borderings are not to be analytically presupposed but should be problematized in their actual occurrence in the form of multiple interactions "at/in/across borders" (2015, 25). Thus, a processual ontology as well as a relational epistemology underly the approach, achieving a sensitivity to complex (and sometimes hidden) linkages of geopolitical and socio-symbolic distinctions that rearticulate differences or sometimes give rise to the new. In general, the stated goal here is not only to provide an analytical approach to the complexity of borders, but to address their ethical and normative dimensions. Brambilla (2015) therefore makes clear the opposition between methodology and method, emphasizing that borderscaping as a method is a critical practice that aims not only at an analytical understanding, but an emancipatory tactic that seeks to make phenomenological experience visible (Wille forthcoming). Here, I want to focus mainly on the analytical complexity-orientation that translates into an analytical strategy of going to the meeting points where hegemonic and counter-hegemonic borderscapes clash, where strategies of political ordering and the emergence of resistance and dissent meet. Viewing borders as "sites of struggle" (Brambilla 2015, 29) leads to an analysis where emerging conflicts can be analyzed as moments of negotiation and as "intersections of 'competing and even contradictory emplacements and temporalities'" (2015, 22). Linking genealogical with conflict-sensitive approaches, borderscapes can be described as multiperspectival sites of social change. Since borders are seen as mobile, this requires a multi-sited approach. As Brambilla (2015) points out with reference to Rumford's (2014) ideas on the multiperspectivity of the border, an analysis methodologically set up in this way then leads to a "pluritopical and plurivocal interpretation" and ultimately to the description of "border variations" (Brambilla 2015, 25) along scattered borderscapes. With reference to Mol/Law (2005), analytically bringing together borderscapes from the point of view of variability provides insight into "the complexity of boundaries in their materialities, their paradoxes, their leakages, their fractionalities, and their practical en-

actments" (2005, 637). Here, Brambilla uses the image of the kaleidoscope to express this complexity.

2.3 Borders as Boundary Sets

The impulse to start with the multiperspectival and polysemic formation of the nation-state border also underlies Beatrix Haselsberger's (2014) approach. She understands nation-state borders as "complex social constructions, with many different meanings and functions imposed on them" (2014, 507). Her complexity-oriented analysis aims to decode the inherent complexity of the border—understood as functional and semantic multiplicity—while making the border itself the starting point of analysis. Taking Austria's borders as an example, she proposes a methodological two-step procedure. The first step is to identify the manifold components and processes of the border that are involved in its construction and deconstruction. Here she speaks of various "boundaries" that mark individual semantic as well as functional aspects of the "border" and must be differentiated analytically; specifically, she distinguishes geopolitical, sociocultural, economic, and biophysical "layers" that can be understood as aggregations of a multitude of concrete differentiations and in turn come into focus in the form of "bordering practices" (2014, 510–512). The assumption is that socially dispersed practices such as visa policies (geopolitical), the preservation of cultural heritage (sociocultural), national strategic marketing (economic), or the construction of bridges over border rivers (biophysical) carry within them a nation-state distinction whose interplay determines the form and function of borders. The focus on practices making distinctions reflects the view that the boundary architecture of a border must be understood not as a rigid scaffolding, but as a practical and everyday stabilizing performance. The second step is then to reconstruct the "border spaces" that are created in this way, each of which emerges in parallel, overlaps dynamically, and thus makes the border, understood as an accumulated "boundary set," appear as "thick" or "thin" (2014, 17–19).

For Haselsberger (2014), the inherent complexity of the border as an institution of the state emerges from its multidisciplinarity and its own historical uniqueness and thus produces multiple relational geographies: For example, as the cross-border reach of national visas, as national memory spaces, as (national) economic markets, or as the impassable terrain of border rivers. Their disintegration or collapse characterizes the border—un-

derstandable as a practical aggregate, as more or less permeable. Methodologically, two particular strategies are applied here: On the one hand, the linking of diachronic and synchronic descriptions leads to the prioritization of the temporal dimension of the border, insofar as the complex historical becoming of the border is put in relation to its practical formation. On the other hand, a merging of semantic as well as functional analyses takes place, which makes it possible to reconstruct the complexity of the border in terms of a categorially-driven logic. Haselsberger's (2014) decoding of the border in terms of boundary sets can be described in this sense as a description of the complex semantic as well as functional potentials that determine the shape of the border in terms of actual border practices. The necessary sensitivity to the complexity of the border is captured in a model derived from the previous review of existing literature and serves as a heuristic matrix during the analysis, as a "dynamic border interpretation framework" (2014, 11), in order to be sensitive to the border complexity that manifests itself in border practice.

2.4 Border Assemblages

Similarly to the concept of borderscapes, for Christophe Sohn, the complexity of the border is rooted in its "ontological multiplicity" (Sohn 2016, 184). This results from the attribution of diverse actors, practices, objects, and representations that establish borders not as internally coherent, but contradictory and ambiguous. For analytical navigation, he utilizes Deleuze and Guattari's (1987) concept of assemblages, which focuses on heterogeneous groupings of material and semiotic resources. These do not form borders as holistic entities; instead they are characterized by multiplicity and ambiguities, which are related in terms of contingent and always merely provisional connections. It is thus not a matter of the mere presence or absence of border-related meanings and elements stabilizing these meanings, but rather their specific linkages. In this respect, the concept of border assemblages does not only allow for a mapping of relevant border resources; rather, the approach aims at elaborating the complex relational order of assemblages. Thereby, in a poststructuralist manner, the transformational potential is particularly emphasized over the ability to stabilize border relations. Following a processual ontology, the concept directs attention to the complexity-induced change of borders, which must be seen as unfinished and ongoing. By being able to distinguish between actual group-

ings of elements and virtual possibilities of emergence and transformation, the border comes into view as a complex space of possibility in the making.

In research practice, the assemblage theory is used like a toolbox and not an applicable grand theory. Connected to this is the goal of methodologically securing an anti-essentialist determination of the identity of the border while being adaptable in research practice to the inherent complexity as well as the mutability of the border. If the border can only be considered in the mode of becoming and constantly eludes unambiguous fixation, then a methodological position is needed from which this instability can be accounted for. The analytic strategy formulated against this background comprises several steps (Sohn 2016, 187–188). At the beginning, there is the identification of core dimensions of the so-called "border diagram" (2016, 187) along which the transformation of the border takes place. This refers to the meaning potential that, in the case of nation-state borders, currently form around categories such as territory, citizenship, sovereignty, political control, nationality, or security, and open up a horizon of meaning of what 'border' can mean. Second, the determination of one or more "attractors" takes place, which, in terms of border-specific guiding semantics such as "state security" or "geo-economic integration," bundles plural meanings together which are then realized in the form of combined practices, stocks of knowledge, actor categories, and artifacts (2016, 187). Third, and finally, the determination of the (in)stability of the identity of the border can be accomplished by surveying evolving qualitative distances of meaning between actual border assemblages and guiding semantics. Of particular interest here are historical tipping points at which assemblages cluster around new guiding semantics or new guiding semantics emerge at once, changing the meaning of the border.

2.5 Borderstructures

A more actor-centered view of complex border relations is called for by Christian Banse (2018). In his interview-based, sociological analysis of palliative care for migrants and refugees, he shows how patients must locate themselves in a system of multiple boundaries; a system in which political-legal, medical-institutional, ethnic-national, and interactional boundaries and the boundary between life and death condense into a "solidified border structure" (Banse 2018, 89; translated by DG). A border structure can thus be understood as a conglomerate of diverse social boundaries, which in

their specific interaction achieve a border quality that goes beyond the effectiveness of single boundaries (also Fassin 2020). This is experienced as a system of multidimensional uncertainty by patients and relatives, but also by doctors, translators, and other actors, i.e., all "border figures" who are "directly confronted with the dynamics of complex borders, because they live at the borders, so to speak" (Banse 2018, 84; translated by DG). Herein lies the multi-perspectival character of that border structure, which presents itself differently from each perspective.

From the perspective of the actors, however, borders are considered complex because they are interconnected, build up and reconstruct themselves as multidimensional structures with their own dynamics, and thus cannot be clearly defined either semantically or functionally. For the refugee or migrant patients, they manifest themselves as uncertainty about the future, as barriers to access, as contradictions, limits to understanding, and as role conflicts. The complexity of the border structure can thus be demonstrated and deciphered through its phenomenological consequentiality. Methodologically significant access sites thus become, on the one hand, border junctions in the sense of nodes or interfaces of the border structure, which are experienced in particular as a "zone of uncertainty" (2018, 86; translated by DG), but which can also be recognized as passable checkpoints or sites of resistance and reinterpretation. On the other hand, this understanding of complexity calls for a multiperspectival second-order observation—an observation of border observations (also Vobruba 2016)—since, from a phenomenological point of view, it is the nature of the inherent dynamics of such border entanglements to resist comprehensive and unambiguous penetration.

2.6 Borders as Interfaces

From the phenomenological dimension of border complexities, I would finally like to move to the act of drawing the boundary, i.e., the insight that the complexity of the border is not only inherent in its aggregated form, but already in the act of making any distinction. To clarify this, Athanasios Karafillidis (2018) imports the concept of interface complexity from sociological network studies and science and technology studies. The concept of interfaces has recently been used in border studies (e.g., Nelles/Walther 2011; Cooper/Rumford 2013; Saltsman 2018) to emphasize the connective character of borders. Karafillidis understands the practical production of

boundaries as operations of incision that can then become interfaces, i.e., devices of mediation and translation, when they are observed and thus interpreted and made connectable. Referring to German sociologist Niklas Luhmann, he states, "This conception of interfaces as observable boundaries exposes their complexity. Boundaries are not only structurally manifold, but this structural multiplicity is furthermore observed in manifold ways. Complexity as multiplicity of an entity [...] encompasses both" (Karafillidis 2018, 130; translated by DG). A methodological requirement that arises from this is that an analysis interested in border complexities must observe border operations and their observation or interpretation, which requires a particular research stance insofar as borders "quickly draw attention away from themselves to the entities they demarcate, that is, for example, nation-states" (2018, 131; translated by DG).

The perspective of interfacing introduced by Karafillidis (2018) is supposed to make it possible not to presuppose the drawing "of the border and observe its consequences or the change of the border, but to describe the process that regularly leads to the ongoing reproduction of such a dividing line" (2018, 142; translated by DG). In this, the structure of the boundary itself, its "form of interconnectedness," (2018, 141; translated by DG) is revealed. Complexity then describes the specific selectivity of possibilities that guides a selection and linkage of those resources that are called upon in the context of a border operation. Supported by an ethnographic study of Greek identity (Karakasidou 1997), Karafillidis (2018) shows that such a turn to nation-state boundary-making processes must bring three dimensions into view: First, the fixing of a distinction, as the Orthodox Church did in late 19th century Greece by mandating the use of the Greek language. Second, the selection of concordant attributes, characteristics, and correct behaviors, as became observable in the public marketplace in the use of national symbols and an ethnic division of labor. And third, the mediation of these contexts, in the example through schooling and a patronage system between influential families. Taken together, these methodological access points enable the uncovering of complex structures of relevance in moments of explicit establishment and further processing of borders, because here their potential for conflict comes to light in the sense of the possibility of divergent observations and thus also intentions and potentials for change. Their processual formation of meaning thus becomes a determinant: "Borders are thus always complex because they have history and are accompanied by histories" (2018, 133; translated by DG).

2.7 Interim Conclusion

Before I will turn to the methodological principles that may be derived from these complexity-oriented approaches and the challenges such perspectives face, I would like to emphasize a conceptual point concerning the notion of complexity. Reviewing these approaches with their focus on different border phenomena, it becomes apparent that qualifying border phenomena as complex involves several elements. Based on the shared intention to decode the complexity of borders, three (not always clear-cut) tendencies to grasp border complexities seem to be distinguishable here, each with different complexity-related epistemological interests. First, this concerns the tendency to locate complexity within the idiosyncratic conditions of borders. The border can thus be conceived as a complexity-reducing phenomenon. This is distinguished from a second tendency to describe complexity in terms of uncertain and opaque border effects. Accordingly, borders can be understood as a complexity-producing phenomenon. And third, there is the tendency to aim at decoding the inherent complexity of the border in the sense of a border-analytical introspection. Here, the border appears as a complex phenomenon. The latter approach can be further differentiated into attempts to trace the complexity of boundary operations and to decode the complexity of composite border aggregates. This reveals that we are dealing with a multi-digit complexity assumption and the need remains to discuss how these different notions of complexity relate to each other.

3. Methodological Principles and Challenges in Complexity-Oriented Border Research

The approaches more closely examined above provide an exemplary insight into how contemporary border studies approach the complexity of borders. On a methodological level, they also show how conventional divisions of object constitution, epistemological interest, and research strategy are increasingly being conflated in the sense of a methodological stance that I have provisionally paraphrased as *Seeing like a complex border*. Now, what are the pillars of such a perspective? And what methodological challenges does it face?

3.1 Methodological Principles

The central point of reference of complexity-oriented approaches in border research is the rejection of an ontologically unifying definition of *the border* as a research object. The insight that borders are not natural objects is by no means new. The constructivist turn in border research has led to taking borders seriously in their constructional character (Newman 2006). What is new, however, is the fanning out of the border into constitutive characteristics and features, which shifts the view from the singular act of bordering to the interplay of diverse border accomplishments and the resources made relevant in doing so. From the ontological relativity to which constructivist approaches refer with regard to the performative character of bordering, the view swings to the ontological multiplicity and heterogeneity of the border itself, which arises from the distributed work on it. Four aspects accompany this shift in perspective.

First, the tension between separability and connectivity comes into view. If border research has already come to the important insight that a central characteristic of borders is rooted in the supposed paradox that they both connect and separate, i.e., the transgression of the border is already inherent in its determination (e.g., Nail 2016); then, with the complexity orientation, an increased dynamization of the both/and relationship of these two border capacities takes place. Contrary to a dichotomous either/or resolution, which is paradigmatically laid out in the oppositional pair of opening/closing and leads to the insight that borders form a specific selectivity, connection, and separation, opening and closing appear in a complexity-oriented perspective as poles of a border continuum that could be described as a variable and dynamically changing density or as a constantly reweaving network. In terms of research strategy, this is considered in that connection and separation are not played off against each other in the sense that one of the two is given analytical priority in advance—in the form of a clear research agenda oriented toward exclusion or border crossing, for instance. Instead, they are taken seriously as potential organizing capacities of borders and analyzed in their actual manifestations. In doing so, the analysis does not end with the identification of, for example, a selective border crossing or a geopolitical order, but explains them in contrast to phenomena worth explaining. The aim is then to trace their emergence against the background of complex conditions, the arrangement of which determines the quality of the permeability of the border.

Second, there is a turn towards the multidimensionality of the border, which aims not only to identify border dimensions but to describe them in their differentiated and inherent logic, and thus to be able to show how complex shapes emerge from the interplay of individual border dimensions. The focus here is primarily on the spatial, social, temporal, and material dimensions of the border (also Schiffauer et al. 2018; Wille 2021). From a spatial perspective, it first becomes apparent that the locatability of borders as sites of bordering as well as the emergence of border spaces—which have always marked the privileged phenomenal area of border research—is also of great importance from a complexity-oriented perspective. However, central to the complexity-oriented view is the diagnosis of the spatial dispersion of borders, which is associated with both intensifying transnational interconnections and changing border regimes. In addition, the relationship between this spatial, i.e., political-territorial dimension, and the socio-symbolic dimension of the border takes center stage. While a central progress of border research in recent decades has been to understand territorial *bordering*, political *ordering*, and social *othering* as an intertwined process (van Houtum/van Naerssen 2002; also van Houtum 2021), a more complex understanding can now be gained. A one-dimensional othering (us vs. them) is replaced by an understanding of a complex regime of distinctions composed of a multitude of boundary-related categorical differentiations, expressed in terms of intersections of diverse social boundaries (Wonders/Jones 2019). The border thus becomes a site where established distinctions become relevant, intertwine, and from which new axes of differentiation emerge. This is, then, the key to understanding the ever-growing polysemy of the border; as perspectives on borders become more differentiated, the arsenal of meanings of the border also grows, that is, what it can mean from differing perspectives.

Furthermore, the approaches outlined above indicate that these connections cannot be conceived of without a temporal dimension. While the temporality of the border beyond its linear historicity has long been neglected (also Donnan et al. 2017; Pfoser 2022), a complexity perspective sharpens the view not only for the temporality of border processing itself, but also for the multiplicity of temporalities; Little (2015, 431) speaks of "complex temporality" that must be synchronized at borders or leads to heterogeneous time structures. In this context, borders sometimes produce their own temporal horizons (of waiting, e.g.), which refer to complex entanglements of space-times (Weidenhaus 2015) and social boundaries. Finally, a material dimension of the border is made accessible, bringing into focus a wide

variety of artifacts and objects of border processing that can (de)stabilize borders. Going beyond "human-actor-oriented methodologies" (Teunissen 2020, 389), it becomes clear that neither border infrastructures nor vehicles of border crossing are neutral objects, but elements or resources of border processing. A sensitivity to material affordances, which testify to borders forming specific material logics of their own, then leads to a better understanding of how the shape of borders emerges through "entanglements" (Schindel 2016, 220) with border actors. Empirically, this multidimensionality of the border manifests itself as polycontextuality, which in turn calls for a research stance that demonstrates sensitivity to the specific contextual configurations of borders. In this regard, a research strategy that combines a genealogical perspective on unfolding border spaces, categorial differences, marked border times, and material resources with a multi-site approach could be used to trace the interconnections of scattered, real-world phenomena. In doing so, dislocalization, polysemy, boundary temporalities, and material affordances offer conceptual reference points that can be problematized in their relationship to arrive at an understanding of their complex relations.

Third, there is an emphasis on the fundamental relationality of borders, marking a double shift in perspective compared to the classical notion that borders put at least two elements, e.g., nation-states, into a linear, separated relationship. On the one hand, complexity-oriented approaches point out that under current societal conditions there is a complexification of relational conditions and effects, such as borders performing multiscalar relational work beyond typical neighborhood relations (also Laine 2016; Bürkner 2019). On the other hand, the internal relationality of borders comes more into focus. Here, relations are seen as the cement that holds the individual elements of a border architecture together and stabilizes their complex structure. Turning to this relational internal structure (also Gerst et al. 2018) of the border builds on the recognition already described of the multidimensionality of the border, which cannot be understood as a simple collection of different border elements in the form of practices, discourses, objects, bodies of knowledge, and other institutionalizations that condition the meaning of borders and their relevance, but as an internal logic of relations that condenses space, time, and socio-materiality in the sense of a "space of difference" (DeChaine 2012, 1).

Methodologically, both perspectives are absorbed by a research-practical decentering of the border, through which the manifold internal and external relational performances of the border can be problematized. The border

thus appears "not as a taken-for-granted entity, but a site of investigation" (Parker/Vaughan-Williams 2012, 728). The adequate heuristic maxim is to consider those sites and situations of linking—from microphysical interfacing (Karafillidis 2018) to forms of borderscaping (Brambilla 2015) and bordertexturing (Weier et al. 2018), to situational border struggles (Mezzadra/Neilson 2013; Hess 2018), coagulated forms of border infrastructures (Nail 2016) and institutions (Cooper/Perkins 2012), or border aggregates such as assemblages (Sohn 2016) and dispositifs (Nieswand 2018)—to trace the multiperspectival as well as multiple-resource-based internal shaping and external formability of the border. In doing so, it proves particularly instructive to take advantage of the decided problematizations of these relationalities, that is, to exploit the fact that borders are "inherently problematical" (Agnew 2008, 176). From a complexity perspective, the problematicalities of the border occur when different relational logics clash, allowing insights into the orderedness and ordering performance of the border. This sometimes manifests as articulations of dissent or experiences of opacity, uncertainty, and contradiction that can serve as a starting point for complexity-oriented reconstructions.

Fourthly and finally, the vanishing points discussed so far converge in a differentiated consideration of border activity. On the one hand, following the so-called processual as well as discursive turn in border research, the complexity orientation builds upon an understanding of borders as practical accomplishments, an anti-essentialist stance that focuses on the practical production of borders in the form of borderings, borderwork, bordering practices and doings of the border (also Wille/Connor 2019; Connor 2021). On the other hand, the processuality is brought to the fore as both the contingent mode of border (de)stabilization as well as enactments of border-related actions, which makes it possible to describe their incompleteness as well as their conflictuality and changeability. Based on these two determinants that have defined the mainstream of border research in recent years (Wille 2021), complexity-oriented approaches shift the focus to the practical interaction of dynamic border agency. Border-related agency appears distributed; borderwork requires collaborations and distributed resources to produce situational border unity as a conglomeration of borderwork. As Cooper (2015) summarizes, methodologically speaking it is a matter of "[questioning] the often taken-for-granted relationships between borders, borderers and the bordered and asking whether these component processes, and the relationships between them, are so clearly and uncritically identifiable and explainable" (2015, 449). Sensitivity is thus achieved

to conflicts, frictions, and contradictions, as well as the unfinished nature of borderwork. In this sense, borders achieve their complexity through the respective inherent logics that singular doings follow, and which are responsible for the fact that borders in the process of becoming must be understood as more than the sum of their interacting parts.

The core concerns and procedures of complexity-oriented border research spelled out so far can be broken down—as a simplified summary might read—to a few central principles (Gerst/Krämer 2020). Following the perspective of *seeing like a complex border* then means analyzing borders from the border, that is, as Mezzadra/Neilson (2013, 13) put it pointedly, understanding them not only as a "research object" but as an "epistemological viewpoint." In practical research terms, this means problematizing borders as an aggregated site of investigation and looking for the complex conditions, modes of production, or effects of the borderness of practices, discourses, objects, etc. Furthermore, it would have to be about following border trajectories, i.e., to perspectivize the accomplishment of border practice and to stay on the track of the complex, trans-situational linkages of borderwork. Finally, it is important to focus on the relationship between borders and the formation of relational orders to determine the dynamic relationship between the mobilized inherent orderliness of the border itself and the multidimensional order-creating power of the border. Methodologically, a diverse set of qualitative as well as quantitative social research methods can be applied. In the sense of adequacy in the choice of methods, preferences can be observed above all for methods that are sensitive to the dynamics of borders (mobile methods), that help to navigate between the spatial, social, temporal, and material dispersion of the border (multi-sited ethnography) or that can capture the multiplicity of border meanings between official 'big stories' and local 'small stories' (discourse and narrative analysis).

3.2 Methodological Challenges

In addition to these new insights and condensed procedures, some challenges arise from dealing with border complexities which, upon reflection, can contribute to increasing the productivity of complexity-oriented border research. They can be derived from the previous considerations in the form of specific tensions and sorted according to questions that relate to the

research practice, the guiding epistemological interest, and the observation standpoint.

The practical challenges of research include, first, the de/centering of the border and thus the question of where, who, what, when, and for how long the focus of border analysis is. Scott (2020, 8; emphasis in the original) states: "borders have become *complex socio-political arenas* where issues related to identity, security and mobility, among others, are enacted and represented. There are, in other words, a multitude of contexts and spaces that *count* as borders." So, what counts as a border phenomenon and how does its analysis take shape? Whether this begins at the border fence, for example, or with border-diffusing practices of the health care system, it is crucial here to keep the borderness in focus (Green 2012; Gerst 2020) without, on the one hand, lapsing into a borderism that, in Rumford's words (2014, 13), packs "everything in terms of borders" or, on the other hand, proclaiming borderlessness while being blind to the sometimes hidden microphysics of modern border regimes. What makes given phenomena *border phenomena*? From which observational standpoint can we decide what needs to be included in the analysis? Second, it is important to address questions of in/visibility (also Brambilla/Pötzsch 2017; Sohn/Scott 2020) and thus to address in the analysis tensions between the observable and abstract qualities of the border, between obvious border design and hidden border structures, and between collective experienceability and asymmetrically distributed possibilities of visibility and participation. Third, the multidimensionality inherent in complex borders leads to questions of trans/disciplinary research designs. While disciplinary perspectives and methods can provide in-depth and differentiated analyses of individual border dimensions, the advantage of transdisciplinary research teams is that they can compile multi-perspective broad analyses. Thus, analyses oscillate between a particular understanding of complexity as depth and complexity as completeness; in particular, translation requirements must come into view in teamwork, method triangulation, and scientific communication, as made clear by debates about the possibility and usefulness of a general theory of borders (Newman 2011; Paasi 2011). Fourth, and finally, questions of power/lessness emerge, especially in the form of trade-offs between descriptive-discovering and critical-emancipatory scholarship, but also in the question of which actor's perspective border research makes its subject and thus gives voice to. At the same time, however, its own inadequacies and limitations can come to light in the form of inaccessible border locations and data, language barriers in the research process, or in

sheer powerlessness in the face of the possible brutality of contemporary border regimes.

4. Conclusion

In sum, the insight that borders form complex objects, which is fed by empirical studies as well as developments in social and cultural theory, has already produced several empirical studies and conceptual reflections in the interdisciplinary field of border studies. The tentatively systematic synopsis presented here has shown that the level of methodology lends itself to bundling the analytical potential of these scattered approaches. Even though these approaches aim at different border-related phenomena, one basic benefit from complexity-oriented approaches seems to be that the notion of complexity facilitates connections between previously unrelated perspectives and phenomena. Thus, some features and characteristics of border research that are related to complexity could be elaborated upon and related to a research attitude I have outlined as *seeing like a complex border*. In addition to the observation that such a border methodology would do well to be as extensively aware of its challenges as possible and to make productive use of them, the realization that border research does not operate with one understanding of complexity, but rather locates complexity in multiple places is a likely consequence. Is complexity a property of borders? Is it a condition of borders or does it emerge from the accomplishment of borders? This is where future methodological reflections would have to start. As I would state that complexity-oriented thinking has just entered border studies and by no means designates the field's common sense, it might help to refine complexity perspectives in further empirical studies and to enter a further dialogue with subject areas and disciplines that have been dealing with questions of complexity for a long time, such as sociological systems theory or the field of science and technology studies. In this way, much can be learned about possible merits of this line of thinking.

Indissociable from this is the further self-assurance of research standpoints towards border complexities. This point derives above all from the research practice of critical approaches, which explicitly do not speak of a methodology of complex borders, but of complex methods with which borders can be thought more complexly. Whose complexity, then, is it that complexity-oriented approaches refer to? A complexity that is recognized

and dealt with as such by border figures? Or a complexity that can only be recognized or worked out by border scholars if they have the appropriate methods to do so? For the actual research process, it makes a difference whether an attitude is adopted that makes it possible to discover complexity in the object, or whether the object is approached with a certain understanding of complexity. While in the first case a complexity-related learning process must be possible to achieve sensitivity to actual border complexities, in the second case the possibility for irritation must be allowed. While these connections, which point to the relationship between scientific and everyday border knowledge, cannot be discussed further here, a basic methodological orientation towards the perspectives and relevancies of the actors seems appropriate, i.e., towards "how each individual makes his or her way through this complexity" (Amilhat Szary/Giraut 2015, 10). In this way, overanalyzing border phenomena can be avoided. (Theoretical) enrichments of complexity, which consist in problematizing supposedly simple border demarcations with a complex border model, for example, are only insight-enhancing if they are not decoupled from the local perspectives of the actors. Conversely, naïve, actor-centered approaches are only suitable for complexity if they learn to interpret the signs of complexity. The previously opened challenges for research practice—de/centering, in/visibility, trans/disciplinarity and powerless/ness—can be understood in this sense as sensitizations that can accompany the research process. They thus form the foundation of a "border-analytical indifference" (Gerst/Krämer 2020, 69–70), which expresses itself in a principled openness on the part of researchers to suppress rash analytical decisions vis-à-vis the empirical border reality—an attitude that is particularly appropriate in the case of complex borders and a perspective of *seeing like a complex border*.

However, border research must not close its mind to the question whether the complexity of the border represents empirically reconstructable reality in every case. According to Niklas Luhmann (1981, 96; translated by DG), in differentiated modern societies "the complex does not simply take the place of the simple, the development only leads to the fact that besides simple forms there are also more complex ones to choose from." If this also applies to borders, then we should learn to distinguish clearly between supposedly simple and supposedly complex borders, which in turn arise from clearly ordered or opaque conditions and can produce clearly traceable or complex effects. While one of border studies' main challenges is still the diffusivity of the notion of the border itself, not much would have gained if it would get further complicated through diffuse

understandings of complexity. In any case, a 'methodological complexitism' should be avoided, which in case of doubt is conducive to a mystification of borders and thereby says more about the complex inventiveness of border research than about its phenomena of interest.

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Situated Bordering: Developing Border Complexities From a Praxeological Research Perspective

Ulla Connor

Abstract

The contribution develops the idea of border complexities with theoretical and methodological thinking of sociological practice theories. It gives an overview on praxeological thinking and connects it to ideas from border research. The goal is the development of concepts and methodological tools for guiding research on border complexities from a praxeological perspective. The contribution highlights the concept of situated bordering for thinking complexity.

Keywords: Practice Theories, Bordering Practices, Situated Bordering, Border Praxeology

1. Introduction

The notion of complexity is rather young within border studies. Gerst et al. (2018) provide an idea of complexity for studying territorial borders. In their vision, complexity sensitizes for the multiple linkages that create borders: They state that "the fact that a border appears as a clear demarcation is therefore not self-evident. It needs numerous specific links for a border to become effective in its specific form" (2018, 6; translated by UC). Complexity, then, is a particular perspective on borders that might contrast with an everyday perception. While borders as lines on maps, for example, can be read as supposedly clear political instructions for order, the proposed interpretation aims in the opposite direction. Here, borders are only clearly identifiable phenomena at first glance, for when viewed from a different angle they reveal themselves to be complex.

Within border research, Wille (2021) provides an additional perspective on the question on complexity. In his view, the term marks a theoretical shift in border studies that frame borders as "*complex formations*" (2021, 117; translated by UC). Following the *practice turn* (Schatzki et al. 2001) in social sciences and cultural studies as one of the influential shifts, border thinking has transformed profoundly in recent decades (Connor 2021, 2023). Starting from a "*processual shift*" (Brambilla et al. 2015, 1; Wille 2021, 109), in which borders are conceived as constructed phenomena with dynamic properties, border studies is moving towards a "*multiplicity shift*"

(2021, 112). Multiplicity emphasizes that borders are produced by different (institutional or everyday) actors and that they are locally dispersed. The "*complexity shift*" (2021) follows on from these shifts and highlights de- and re-bordering processes as specific combinations and constellations. "This approach attempts to think together the elements effective for border(de)stabilizations into a complex formation and to make it describable as a socially, materially, spatially, and temporally determinable fabric." (2021, 113; translated by UC) Complexity, therefore, becomes a guiding concept for studying borders, addressing several theoretical trends in the research field. However, as Wille (2021, 117) states, the definition or conceptualization of complex bordering practices remains rather undeveloped in most of the studies.

The contribution presented here addresses complexity of bordering on a conceptual and methodological level. In the perspective that follows, complexity is not primarily considered as an ontological property of borders. Rather, their complexity must be developed and made visible in investigations by means of an appropriate theory and methodology. Therefore, the question pursued in the following is: How can borders be understood as both theoretically and methodologically complex in scientific studies? The present contribution tries to answer this question with the help of sociological practice theories. Conceptualizing borders as practices is therefore presented as a way of thinking and developing bordering as complex within research. The above-described thinking in processuality and multiplicity already points toward possible analytical directions for a practice-oriented understanding of borders. The idea here is to use these two research directions within a praxeological approach for studying borders. Thus, from a sociological practice perspective, complexities of bordering can be developed when focusing on dynamics and multiple linkages of elements of practice. Additionally to these two analytic directions, further praxeological ideas will serve to extend a practice-oriented approach to study borders by the idea of "situated bordering" (Yuval-Davis 2013, 11; also Andersen/Sandberg 2012, 6; Connor 2023, 98). Situated bordering is presented in the following as a central research concept, which integrates different theoretical ideas to unfold borders in research as complex phenomena.

For this purpose, the first part of the contribution will give an overview of practice theories and ideas that are useful to elaborate social phenomena as dynamic, multiple, and situated practices. The second part of the contribution will connect practice-theoretical thinking to ideas in border studies and propose conceptual and methodological guidance for praxeologically

studying borders. The conclusion illustrates how these developed ideas are helpful when thinking about border complexities from a praxeological perspective.

2. Praxeological Thinking I: Practices and Their Situatedness

The term sociological practice theories summarizes a broad field of heterogeneous approaches and provides ideas to discuss them with regard to common basic assumptions (e.g. Reckwitz 2003). In the current discourse, the field of practice-theoretical approaches comprises a collection of works of central references from sociology, ethnomethodology or philosophy as well as science studies, cultural studies or gender studies (2003; Hillebrandt 2014). Studies considered praxeological are, for example, work by Pierre Bourdieu, Michel Foucault, Anthony Giddens, Harold Garfinkel, Erving Goffman, Bruno Latour, Judith Butler, or Theodore R. Schatzki. In addition, there are a number of recent studies that discuss these earlier approaches and develop them (Reckwitz 2003; Wenger 2008; Nicolini 2012; Schmidt 2012; Shove et al. 2012; Schäfer 2013; Hillebrandt 2014; Schatzki 2016).

Despite their heterogeneity, there are also commonalities between the approaches mentioned above. Thus, it has been emphasized that practice theories develop in critical distance to different theoretical threads such as functionalism, structuralism, systems theory or (rationalist) action theory (Reckwitz 2003, 283; Stäheli 2004, 155; Hirschauer 2016, 45). Praxeological studies discuss traditional ideas from social theory and problematize their shortcomings. At the same time, praxeological approaches offer alternatives to these ideas—for example, to overcome theoretical dichotomies such as micro/macro, subjectivism/objectivism, action/structure, etc. (Nicolini 2012, 2; Schatzki 2016, 31; Spaargaren et al. 2016, 6; Brockmeyer et al. 2018, 7). Practice theories, as Reckwitz (2016) summarizes it, are associated with the intention of "casting a different perspective on the social as well as on human action" (2016, 163; translated by UC; also Nicolini 2012, 8). They seek to lead a productive discourse for the development of new perspectives for the study of social phenomena.

In the following, the idea of practices and its related thinking tools is the key to develop borders as complex phenomena. To gain a better understanding of practices from the perspective of praxeological approaches, the term is examined in more detail along three focal points below.

First, practices in the context of practice theories points to the thinking of sociality as dynamic and processual. Here, the idea of practices as situated dynamics stands in relation to the idea of a relationality and repetition of practical phenomena. Secondly, praxeological approaches provide ideas of a multiplicity of practices, which highlights the elements, such as bodies or materiality. Third, it is crucial to point out that practice theories do not focus solely on the development of theoretical ideas. Rather, their concern is to develop theoretical orientations and to implement them in empirical research within a praxeological framework. Therefore, the dynamic and situatedness of practices is a methodological challenge for praxeological approaches when studying social phenomena such as borders. For the present contribution and the thinking of complexity, these ideas deliver helpful concepts and directions for research. As researchers follow the different connections of practices to other practices as well as their changing network of elements that condition their being, they can develop their objects as complex during the research process. In other words, they can make the heterogeneous elements and various linkages as well as the ambiguous transformations of border practices visible.

2.1 Practices as Situated Dynamics

Developing practices in their complex formation from the perspective of praxeological thinking means observing their ongoing unfolding and their changing connections or interlinking to other practices. Sociological theories of practice provide a theoretical set of ideas about the social as dynamic processes in research. In fact, as Nicolini (2012) points out, "practice approaches are fundamentally processual and tend to see the world as an ongoing routinized and recurrent accomplishment" (2012, 3). In this sense, Hillebrandt (2014) for example speaks of a "*process of formation of practices*" that occur "in constant dynamics" (2014, 103; translated by UC). Practice-theoretical approaches focus on this dynamic and try to explain how practices appear, develop, and disappear (Shove et al. 2012, 14–15). In the various approaches in the field of praxeological designs, there are various propositions of how to think these dynamics of practices. Furthermore, practice theories contribute different ideas about how practices are situational and at the same time interlinked and continuous. The thinking in terms of relationality, repetition, and situativity or situatedness of social

practice are central to many approaches and will be considered in the following to gain insights in how to think of practices as situated dynamics.

One of the central analytical viewpoints of praxeological approaches is the relational understanding of social phenomena. Practices in this understanding do not occur isolated from one another; they exist embedded in and in relation to other practices (Schäfer 2013, 369–370). Shove et al. (2012) suggest, as an example, how relationality and dynamics are part of practices. The authors develop practices as an ongoing performance along situationally established connections between elements in "*processes of integration*" (2012, 43). These processes can connect elements but also separate them. Thus, this perspective is about the relationships of elements of practices to each other and their complex (dis)connections. Accordingly, Shove et al. (2012) also formulate their notion of a dynamic understanding: "practices emerge, persist, shift and disappear when *connections* between elements [...] are made, sustained or broken" (2012, 14–15).

Besides relationality, the idea of repetition is also important in practice-theoretical approaches. Schäfer points out that sociologies of practice consider the social as both stable and unstable (Schäfer 2013, 311). In this view, social phenomena do not simply repeat themselves in an identical way. Rather, repetition is a theoretical concept that sensitizes for the shifting forms of practices when practices are taken up and changed (2013, 321). Practices as processes, in practice theory, means that there is an (often simultaneous) production and reproduction. Social phenomena are produced in open and contingent practices as "doings and sayings" (Schatzki 2002, 72) or "arrays of activity" (Schatzki 2001, 11). At the same time, practices also reproduce their stabilizing preconditions. Social norms or structures can thus be understood as (unstable) stabilizing practices that become visible as repetitive elements or relations. Schäfer (2013) indicates that practices, however, always remain necessarily "fuzzy" (2013, 371; translated by UC) in terms of their ordering structures. Practices do not follow priori fixed or determinable plans that could be laid down in theoretical models.

At this point, the notion of situatedness or situativity becomes interesting in practice-theoretical thinking. This becomes particularly evident in a more ethnomethodologically oriented approach to practices. In terms of stability and the social order addressed by it in everyday life, Lynch (2001) points out that "what is at stake is not the theoretical problem of order, but the substantive *production* of order on singular occasions" (2001, 140). From this point of view, the question of social order is thus

not a purely theoretical question of social science. What authors from ethnomethodology show is that social order is a problem of everyday life, when participants organize their situations and interactions. In this perspective, practices do not consist first and foremost of repetition and relations; rather, they are preceded by the productive achievements of participants or the effects of these achievements. In Garfinkel's view, situated practical work is central because "practices consist of an endless, ongoing, contingent accomplishment" (Garfinkel 2016, 1) that produces a shared and ordered world. Against this background, Garfinkel offers a way to think about social stability or continuity in practices. Rawls (2008) demonstrates this aspect of Garfinkel's thinking with the example of working groups:

> Garfinkel argues that the contingencies of local orders are too complex and changeable to be handled by any standardized unit, and that would include habits and routines, in addition to rules, definitions, symbols, etc. In fact, it is his position that all such 'units', like any social 'object' or 'thing', only come to have recognizable and shared meaning (or appearance) to a working group when they are made using shared methods to create a situated order against which social 'things' can be seen in common. [...] It is the constantly kaleidoscoping order properties with which objects are rendered mutually intelligible which provide a constant. (2008, 705)

Garfinkel offers the idea that participants use ordering practices in situations to participate together in social life. Continuity thus relies on orders that are situationally produced and made meaningful by participants. Practices in this perspective are open and indeterminate as well as ordered at the same time.

These ideas put the question of meaning and knowledge in a specific light. Repeating and relating practices are therefore local ordering practices that not only produce phenomena situationally but also the shared meanings of their participants. As a result, meaning is not something that comes from an external context of the situation. From the perspective of the approaches presented here, meaning is created through the joint production of connectivity of practices in situations. Ordering features of situations are therefore practical invitations for members to continue with what they do, for example, or to stop and discuss the next steps. Members produce, as Schatzki (2002) puts it, a "practical intelligibility" (2002, 75) for their everyday life and interactions. Practices thus provide orientation for "what makes sense to a person to do" (2002, 75). This includes a collective "*doing*

knowledge" (Hörning 2004, 36) in situations, when participants mutually indicate to each other what the object of interaction is and what this object is about. What researchers can learn here is how actors produce social activities that are plausible to them and how they mutually make themselves knowable and understandable as such (Meyer 2015, 97).

2.2 Elements of Practice

When talking about the complex connection, integration, or disconnection of practices in dynamic and contingent processes, the question of what is connected or disconnected as practice inevitably arises. Praxeological approaches offer different answers to this question. These are, for example, the above-mentioned "doings and sayings" proposed by Schatzki (2002). In addition, Shove et al. (2012) speak of "*materials*", "*competences*" and "*meanings*" (2012, 14) when it comes to the theoretical development of practice integrations. Furthermore, Reckwitz (2002) highlights practices as "forms of bodily activities, forms of mental activities, 'things' and their use, a background knowledge in the form of understanding, know-how, states of emotion and motivational knowledge" (2002, 250). Since materiality and corporeality have attracted renewed interest and increased attention within discussions of practice theories, both will be considered here in more detail. Paying attention to the different elements of practices is, together with the focus on dynamic situatedness, a useful research tool to follow the complex ways in which practices evolve.

The assumption of a corporeality of practices implies that practices are tied to the locality of its bodies. At the same time, the assumption highlights that practice-oriented approaches ascribe a central role in practices to human bodies. The understanding of practices in some approaches therefore stresses the idea of participating bodies, such as when Schatzki (2002) refers to "doings and sayings" as "bodily":

> I label them "bodily" to emphasize that they are things people do with their bodies, including whatever prosthetic parts and extensions (e.g., canes) bodies possess. Waving, running, pouring, throwing, uttering, and so on are things people directly do with their arms, legs, mouths, and the like. (2002, 72)

In this perspective, bodies are producers of practice. Moreover, they are a source of dynamics and indeterminacy when they repeatedly produce

practices anew with reflexive and creative turns or unexpected consequences (Giddens 1984, 5; Hörning 2004, 33).

Furthermore, in other praxeological approaches the body is located more on the side of a reproduction of practices. Following Bourdieu, for example, the corporeality of practices explains why certain social phenomena (e.g., social inequality) show themselves to be relatively stable over time. Bourdieu (1992) is interested in the internalization of social structures, which are reproduced by subjects in the form of practiced perceptual or behavioral schemata (1992, 144). Socialization processes, in which bodily competencies are acquired, are here in the focus of praxeological thinking. However, as Lave/Wenger (2006) show, learning processes do not only take place in specialized contexts (such as school). Rather, the authors speak of "situated learning," which can be regarded as an "integral aspect of practice" (2006, 34–35). In this perspective, all social situations are possible occasions to learn and transmit practical knowledge and skills without being necessarily the explicit objective of the participants (Schmidt 2012, 204).

Another focus of praxeological approaches is the materiality of social practices. Praxeological approaches ask how objects in social situations can be described as members of practices. That objects are receiving increased attention is partly due to the popularity of actor-network theories and especially Latour's work. Latour (2010) offers a particular approach to materiality when he ascribes activity to objects in studies. From his perspective, objects are actors that can change and influence situations (2010, 123). Thus, the development of a network in scientific description consists in tracing the connections between different practical participants in situations (2010, 223). Material objects will not be considered a priori as supposedly passive components of practices but will establish connections just as human participants do. With this descriptive technique, things, tools, or spatial settings become visible as part of practices in scientific inquiry.

However, the thesis of a special activity of objects in social situations has also been partially relativized in other praxeological approaches (e.g. Schatzki 2002, 200; Shove et al. 2012, 10; Spaargaren et al. 2016, 9). Shove et al. (2012) suggest instead "that aspects of human and non-human relations can be *better* understood when located in terms of a more encompassing, but suitably materialized, theory of practice" (2012, 10). From this perspective, objects are not acting agents in practices, but play specific "*roles*" (Shove 2017, 156):

> Some things are necessary for the conduct of a practice, but are not engaged with directly. I suggest these have an 'infrastructural relation' to practice. A second category includes things that are directly mobilised and actively manipulated. I count these as 'devices'. Third, there are things which are used up or radically transformed in the course of practice and that figure as 'resources'. (2017, 156)

In this view, practices are always connected to and emerge from the local materialities of the social setting. Just like bodies, they produce specific combinations of elements in situations and thereby produce practices in its typical forms. Corporeality and materiality are therefore reasons why practices never appear in identical ways but instead develop complex forms. Small shifts in the bodily-material setting can lead to practices being (re)produced or interrupted in different ways causing unintended and surprising effects and consequences.

2.3 Dynamic and Situated Practices as a Methodological Challenge for Praxeology

Up to this point, theories of practice have been presented in the form of an open vocabulary of ideas and concepts. In some cases, their concepts seem rather underdeveloped and raise questions about concretization. Interestingly, the development of such loose sets of theorizations is quite in line with praxeological approaches. Reckwitz (2016) writes in this regard on sociological practice theories:

> It is not about a new "theory system praxis theory" as an end in itself, about a competing enterprise to the theory architectures à la Parsons or Luhmann, but about social theory understood as a heuristic stimulating empiricism, a conceptual network that makes certain phenomena and contexts first and foremost visible and stimulates their empirical exploration. (2016, 164; translated by UC)

From this perspective, the theoretical ideas developed above are in fact research tools for an investigation of practices. Accordingly, approaches from the sociology of practice offer "procedures of praxeologizing" (Schmidt 2012, 51; translated by UC) rather than the development of theoretical conceptual systems. Thinking practices in terms of elements or as dynamics is therefore less an ontological assumption than a set of thinking tools in

the form of analytic orientations. The main principles of praxeologizing will be explained in more detail below.

In the perspective of practice-theoretical thinking addressed here, the development of such open heuristics is one of the consequences of the specific theorization of practice. Since praxeological approaches insist on the openness, contingency, dynamics, and situatedness of practices, they formulate a particular methodological challenge for themselves. The question, therefore, is how can practice be researched and described as situated and dynamic? The answer of practice-sociological approaches to this question is to give empirical research a central place in the study of practices. The idea is that practices, their multiplicity, situatedness and dynamics, cannot be grasped in an adequate way by theory alone. Researching practices means for these approaches to consider specific practices in the research field and to use them as guidance when it comes to the production of scientific knowledge.

More precisely, praxeological approaches position their research processes between empirical work and theory. As Schmidt (2012) points out, praxeological strategies are concerned with establishing a particular mediation or interweaving of the two in investigations (2012, 31). While the open theoretical concepts provide orientation for data collection, the empirical data about practice serve for the development of these theoretical ideas. Theory is therefore necessarily flexible: "it should be constructed in such a way that it allows itself to be continuously unsettled, irritated, and revised by the empirical" (2012, 31; translated by UC). Theory, by its openness, gives space to the different dynamics of the practices under study, as well as to its unexpected effects and consequences. It can also give guidance to describe situations and their local and contingent orders without prescribing them as structures in advance.

However, this approach raises questions about data collection methods. Here, too, the assumed multiplicity, situatedness, and dynamics of practices pose special challenges. Parallel to open theoretical sets, praxeological approaches argue against "any methodological constraint" (Schäfer/Daniel 2015, 42; translated by UC) and emphasize the importance of an open and research object-oriented choice of methods. This demand for open research designs can be situated particularly well within the qualitative spectrum of research methods (Przyborski/Wohlrab-Sahr 2014, 34). Qualitative approaches are conceived as "field research" (2014, 39; translated by UC) and developed along the characteristics of the field dynamics. Furthermore, they offer strategies on how the sociology of practice's demand for an

interweaving of empirical and theoretical work can succeed in the course of the research process. In qualitative research projects, empirical data is connected to theoretical ideas in the form of a "dialogue" (Strübing et al. 2018, 88; translated by UC). The research process itself thus becomes dynamic and takes the form of a movement that circles between empirical data and theoretical ideas (2018, 85).

Despite the idea of a diversity of methods, there are methodological preferences in praxeological approaches. In recent years, ethnographic procedures have established themselves as a kind of "house method" (Schäfer/Daniel 2015, 40; translated by UC). In this context, a particular compatibility of praxeological ideas of a dynamic, multiple, and situational practice with the procedures in ethnography is often emphasized. Schmidt (2012) writes that ethnographic strategies "are a methodological key to empirically and analytically unlocking those bodily-practical, everyday, and ubiquitous processes of structural mediation" (2012, 225; translated by UC). A situatedness and situativity of practices seems to be particularly central for these methods. Ethnographic approaches place the researchers in the events of practices and bring them close to the observed processes (Breidenstein et al. 2015, 41). Thinking in terms of situatedness and dealing with situativity is thus a particular focus of ethnographic approaches. Ethnography can therefore complete the special methodology of praxeological approaches as a suitable "package of theories and methods" (Nicolini 2012, 217) for the investigation of social practices.

In summary, praxeological studies provide a way to think of social phenomena as complex practices. As dynamics, they are unpredictable (even for those involved) and cannot be defined a priori in theory. The perspective on the situatedness and situativity of practice demonstrates that the problem of social order in social contexts is not only a theoretical question but also arises the participants. From this perspective, practices can be understood as ordering methods by which participants respond to complexity in practices. At the same time, the vocabulary of practice theories provides suggestions for thinking about practices as complex entities. Approaches from the sociology of practice develop alternative ways of looking at the social and pay attention to dimensions (such as the body, materiality) that often go unnoticed in everyday life. Thus, the practices themselves become describable as divers and manifold. Their complexity can be unfolded and developed as the changing multiple, contingent connections and interrelations between heterogeneous elements in investigations. How to deal with an assumed situativity in such investigations is a methodological challenge.

Here, praxeological approaches emphasize the utility of qualitative and especially ethnographic research designs to grasp the unfolding practices as situated dynamics.

3. Praxeological Thinking II: Situated Bordering

As shown above, sociological theories of practice offer a wide range of ideas and methodological strategies for thinking social phenomena as practices. With their foci on the multiple and dynamic ways in which practices evolve situationally, they give space and guidance for researching them as complex phenomena. Thus, their research strategies do not aim at reducing complexity—on the contrary, they make the complexity of social phenomena visible. This leads now to the question of how these praxeological ideas can contribute to the development of an analytical understanding of border complexities. The contribution develops central concepts and ideas that guide research from a praxeological view when studying borders as complex entities. To this end, we can relate the theorizations of practices elaborated above to the analytical trends in border studies. For example, border studies offers ideas on how to describe borders as processes, or in their multiplicity. Together with the ideas of practice theories, these understandings are expanded in the following. The outlined ideas below serve as an open set of assumptions and research strategies, which depict borders as practices and sensitize for their complexity. Here, complexity is developed through the concept of situated bordering, its dynamics and multiplicity, and complemented by methodological questions and directions on how situated bordering can be researched.

3.1 Situated Bordering and its Dynamics

From the perspective of a large part of recent border studies, territorial borders are conceived as an "ongoing process" (Wilson/Donnan 2016, 17). Authors emphasize the dynamics of bordering and develop borders as a form of acting in global contexts (van Houtum 2005, 672). Van Houtum/van Naerssen (2002) state that "bordering processes do not begin or stop at demarcation lines in space. Borders do not represent a fixed point in space or time, rather they symbolise a social practice of spatial differentiation" (2022, 126). In some studies, the notion of practice links the question of

territorial borders to the focus on the productive dimensions when it comes to bordering. In this view, Parker/Adler-Nissen (2012) employ a practice-oriented research perspective to ask for the "practices which 'constitute, sustain or modify borders'" (2012, 776–777). Thus, the authors shift the analytical viewpoint from the border to bordering as practical achievement.

Bordering processes are not characterized only by their transformative or productive effects. With the help of the praxeological concepts developed above, the idea of processuality can theoretically be extended. A relational understanding of bordering practices can be addressed with Schäfer (2013). In this understanding, territorial bordering practices are not isolated in social contexts; they relate to other practices and are co-produced and/or interrupted by them (2013, 369–370). Thus, relationality can serve as a useful research concept to identify the empirical processes in the research field by studying how practices or their elements relate to each other. This could mean asking for the special knowledge that actors make relevant when it comes to bordering practices and how they contextualize what they are doing (e.g., references to traditions, legal documents or political decisions). This could also mean focusing on the spatial arrangements of objects, things, and bodies in border situations such as airports or border crossing points. What kind of connections within the material, bodily, or spatial setting constitute, negotiate or prevent border situations?

According to Schäfer (2013), another praxeological idea that follows the assumption of processuality is thinking of practices as repetitions. When border studies point to continuous, albeit dynamic, global border-drawing practices, they highlight the persistence of border-drawing. Repetition is an analytical concept that focuses on these forms of bordering practices, even if the forms are never identical (2013, 321). The point is to clarify how practices empirically produce borders in such a way that they can be taken up by actors and exist as traditionalized border realities. Therefore, empirical studies would not only highlight the question of how bordering practices connect to following practices, but also how they stabilize and thus reproduce territorial bordering. This implies asking for power relations and their resources. Furthermore, the question of how actors make meaning of border practices is important here, as well as preceding socialization, routinization, or simultaneous learning processes that teach what a border is or how it should be viewed and enacted.

Developing borders in research as complex phenomena draws on the border dynamics, the relations, and repetitions of practices, but also highlights the specific acts and places of border production. This latter dimen-

sion can be further developed with the concept of situated bordering. The concept is connected to the idea of processual bordering and adds at the same time a specific focus. Situated bordering points to the locality of practices and develops them as observable occurrences, settings, and positions in the social context. Bordering practices are not only dynamic but, following practice-theoretical ideas, are primarily situated and situational activities. Praxeology as a research orientation implies that social phenomena as well as social order are achieved in situations. Social order is therefore the result and effect of practices, which are themselves not necessarily stable in their occurrence. Accordingly to Lave/Wenger (2006) and the concept of "situated learning" (2006, 34) it is therefore useful to think of bordering practices as "situated bordering" (Yuval-Davis 2013, 11):

> Borders are thereby conceptualized as practices that are situated and constituted in the specificity of political negotiations as well as the everyday life performance of them, being shifting and contested between individual and groupings as well as in the constructions of individual subjectivities. (2013, 15)

Bordering practices can take place in any situation, time, and context, but they are always specific and, in some way, local practices. The empirical questions are thus: How do actors make borders relevant in situations, and by what means, objects or methods? The special arrangements of border settings reveal the heterogeneous range of border producing practices and their evolving logic in space and time.

The notion of a situatedness or situativity of bordering practices makes yet another basic assumption in border studies particularly plausible. This is the insight that bordering practices often occur in forms of "b/*ordering* practices" (van Houtum et al. 2005, 2). The idea of b/ordering practices emphasizes that border drawing processes intervene in an ordering way in the social setting when they assign spatial or social places to things, people, or ideas. However, from a practice-theoretical and ethnomethodologically-inspired perspective as developed above, social order is a feature of all practices and not just when it comes to bordering. Thus, b/ordering should be developed as a specific form of practical ordering in social situations. Therefore, when thinking about the problem of social order starting from situations, praxeological approaches provide an analytical perspective. Against this background, b/ordering is to be understood as a set of specific methods used by participants to make their practices meaningful and connectable to other following or related practices. Territorial borders are

practical ordering achievements that produce a meaningful world to which members can mutually refer during their interactions (which can also be the negotiation of or fight against borders). At the same time, the idea of situativity of bordering activities suggests that orders can occur in very heterogeneous forms. This is what Sandberg (2012) points to with the concept of "modes of ordering":

> The notion of modes of ordering can introduce the idea and grasp that there are always more than one mode of ordering at stake when analysing how borders are formed in practice. Borders are thus conceived as the practical effects or products of the ongoing work of contingent and recursive modes of ordering. (2012, 119–120)

Based on the idea of a situatedness of border drawing practices, the contingency of these processes becomes particularly visible. Situativity emphasizes that borders as social objects are produced, confirmed, negotiated, and questioned anew in consecutive situations. Situated bordering is therefore a concept that helps us to analytically grasp the instability of borders, their fragility or their failure, as well as the modes of stabilizing and protection of territorial borders in practices. Bordering practices transform and evolve in the tension of stability and instability that characterize border situations.

3.2 Multiplicity of Situated Bordering

In some studies, border research has already highlighted analytical aspects of bordering practices that refer to their multiple elements. For example, different studies examine territorial borders as "spatial practices" (van Houtum et al. 2005, 3; Hafeda 2016, 398) or as "material practices" (Donnan/Wilson 1999, 58; Paasi 2011, 15) or "bodily practices" (Kleinmann/Peselmann 2021, 57). These perspectives are relevant when developing bordering practices from a praxeological standpoint and focusing on situatedness. When speaking of a connectivity or interlinking of practices, the question arises regarding what the object of practical linking performances is. Praxeological approaches offer different analytical foci to describe practices as multifaceted and multidimensional objects in investigations. They are focused on the material elements or bodily aspects of practices as well as their situational relations. Praxeological research highlights the typical dynamics of linking or unlinking of practices and their elements.

As a result, bordering practices are, by definition, ongoing, situational achievements of (re)producing, linking, or transforming territorial borders in their state of becoming. Following this argument, the linking of elements is now presented from a situationally rooted perspective. This situated linking as an analytical research orientation provides further guidance when understanding border phenomena as complex.

As developed above, because of the situational and thus contingent linking performances, bordering practices are not identical across different spatial and temporal settings. Territorial borders are produced or negotiated differently as objects in a variety of heterogeneous situations. The border is therefore not a one-dimensional object in research, but a "multiple border, where multiplicity is understood as heterogeneous practices and patterns of absences and presences that constitute the border" (Sandberg 2009, 107). Thus, multiplicity emerges in the perspective represented here from two analytical directions. On the one hand, the focus is on the different settings of border practices and their particularities. On the other hand, the focus is on the elements or aspects involved in the process, from which bordering practices compose territorial borders. From this perspective, bordering practices remain unpredictable in empirical research due to their multiple ways of unfolding in situations.

Focusing on the two aspects of materiality and corporeality, borders can nevertheless be ascribed typical properties from a praxeological perspective when examined across situations. The interplay of border fences and the actors monitoring them or the spatial divisions in refugee camps as well as the drawing of lines on national maps bring to light specific aspects of bordering practices and their consequences. The concept of multiplicity highlights the different practical functions and roles that materiality plays in border situations (e.g., arms, fences, roads, documents, maps). It also provides a perspective on the bodily involvement of actors when they internalize and perform borders. The research direction proposed here asks for the multiple uses of materiality and corporeality to investigate the various resources of bordering practices. To this end, it is useful to decompose practices into their multiple elements and trace their interconnectedness through studies to make the complexity of their interplay visible.

3.3 Researching Situated Bordering

Following the methodological principles of sociological practice theories, the research of borders from a praxeological perspective can be developed as a "border praxeology" (Gerst/Krämer 2017, 3; translated by UC). As described above, theoretical ideas do not stand alone at the center of praxeological approaches. Rather, they develop their concepts as part of a methodology that aims at making adequate empirical research of practices accessible. When it comes to the question of how territorial borders can be studied as situated practices, praxeological border studies faces methodological challenges. Due to their dynamic and situational conceptualization, borders are "never simply 'present', nor fully established, nor obviously accessible" (Parker/Vaughan-Williams 2012, 728). In this sense, territorial borders do not simply exist but are only traceable as changing and transformative processes of emergence (Schiffauer et al. 2018, 13). This leads to two methodological questions: first, where and how can bordering practices take place and thus can be observed, and second, how can researchers adequately collect data that show bordering practices as situated?

Borders as theorized in their ambiguous state of becoming provide a challenge to researchers when they search for an entry point in the investigation. Situated bordering practices can take place anywhere, by any actor, in different times and spaces and heterogeneous forms (Andersen 2012, 145). Therefore, Gerst/Krämer (2017, 3) propose the identification of situations of bordering starting from everyday, global understandings of bordering locations, and positioning the researcher accordingly. In the view of Gerst/Krämer (2017), these situations may be border crossing points, or the borders produced by customs when identifying dutiable goods and their owners. Nevertheless, this initial, everyday-world identification of situations of the border can only be an entry point into the analysis. The authors explain:

> We propose to make these situations of border drawing the starting point of a border analysis, but not to stop at these places, times or at these group divisions, but to follow the border trajectories further. That means to further accompany the person, goods, or ideas that are in situations of border drawing, and to further observe the effects of border crossing. (2017, 3; translated by UC)

With this approach, the researcher first narrows their focus on the ongoing bordering processes by concentrating on specific situations. The researcher

then follows elements of these observed practices—their movements and transformations—and links them to other practices and situations to gain further insight in the processes.

To study bordering practices, then, is to count on a special proximity of researcher and empirical field. Inevitably, the praxeological perspective proposed here thus follows an "empirical imperative" (Côté-Boucher et al. 2014, 197). Regarding border studies, this means basing the studies in the "research interaction with those who enforce borders" (2014, 197) or with those who experience or negotiate them. Although sociological approaches to practices postulate openness in the choices of methods in the research process, this refers to a limitation of approaches. From the perspective of praxeology, there are special requirements for data collection and evaluation procedures. The researcher should observe or participate in practices to survey the dynamics as well as their involved elements. At the same time, the empirical research should serve to develop the theory or conceptual framework, which requires a dynamic and flexible research process that relates empirical findings and theoretical ideas. Both requirements point to qualitative research methods, as highlighted above. Qualitative and especially ethnographic methods can serve to take up the challenges of a praxeological approach to study borders. However, border research is not limited to this set of methods and is challenged to develop methodological access within the research process, which means adapting to the studied border situations.

4. Conclusion: Border Complexities Through the Situated Bordering Lens

In this contribution, the aim was to conceptualize selected ideas from the repertoire of sociological theories of practice and praxeology for thinking about border complexities. To this end, reflections on dynamics, situativity and multiplicity as well as methodological challenges of practice theory were examined in more detail to relate them to border research. One of the crucial insights was that from a praxeological perspective, the complexity of borders is not primarily developed on the ontological level, but rather on the level of methodology and theorization. Sociological theories of practice provide ideas for studying and describing borders as complex social phenomena; they are less useful to determine what borders are from a purely theoretical standpoint. However, being mindful of the concept of situated bordering as well as the related ideas of processuality and multiplicity

could guide the theoretical entry into empirical research. These concepts provide orientation when studying bordering practices empirically and are therefore part of the proposed border praxeology.

With the border praxeology pursued here, the complexity of border practices can now be addressed on two levels. The first level develops border complexities in a theoretical-conceptual way. Accordingly, borders are conceptualized as dynamic practices whose complexity arises from their contingency and eventfulness. Here, situated bordering can serve as a central concept to avoid conceiving of borders as stable entities in investigations, helping instead to recognize the stabilizing performances and practical routinizations and their contingencies as situationally produced practices. The fact that border practices can be (un)connected to subsequent practices, that they endure historically and are transformed in various ways, can be traced back to the local and ongoing achievements of social order. Furthermore, from a praxeological perspective, bordering practices and their unfolding can be developed not only as situationally complex, but also as specifically multiple forms. Border complexities result from the assumption that borders can be described as specific and singular linkages of practice elements such as bodies and objects. They are related to other elements and practices; are linked, gathered, or separated. Border complexity is therefore a theoretical idea that connects descriptively to the thinking of situational and multiple practices of bordering.

The second level on which complexity can be addressed with a praxeological approach is the methodological approach. From a praxeological perspective, an adequate investigation of border practices connects to empirical research. It is precisely the idea of situatedness that supports the assumption that bordering practices must be studied through an empirical approach. Here, praxeological ideas provide guidance on how to deal with complexity in inquiry. The question is how to develop border complexities within empirical work and thus make it visible. One of the central ideas in praxeological research is that researchers need to expose themselves to border situations and make them the object of investigation on the ground. The methods used are oriented not to reduce complexity in investigations. In the understanding of praxeological approaches, the research process adapts to the object of study and follows its heterogeneous unfolding. Thus, border complexity is methodologically produced by an appropriate access to the empirical field and at the same time theoretically and conceptually developed based on empirical findings.

The ideas developed here provide a suggestion for thinking and addressing border complexities in investigations. In doing so, the contribution remains within the framework of a purely methodological-theoretical thinking, which necessarily finds its limits within a praxeological approach when it comes to producing knowledge about complex bordering practices. For the next step, therefore, the exchange with empirical data would have to be sought. The empirical work can serve a further development of a border praxeology and its conceptual ideas. This would also challenge the idea of border complexities itself—for its usefulness and meaningfulness is ultimately not only a theoretical question, but also an empirical one.

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Contre parallèles et méridiens : *Bordertexturing* – la complexité de la frontière entre le Canada et les États-Unis

Astrid M. Fellner

Résumé

Cet article explore la complexité de la frontière du 49e parallèle en Amérique du Nord. Il se concentre sur le *Whoop-Up Country* dans l'Ouest canado-américain, en soutenant que la méthodologie critique du *bordertexturing* permet de révéler les histoires, géographies et connaissances cachées de cette région, pour atténuer une méconnaissance épistémologique qui va à l'encontre des divisions figées du continent américain. L'analyse des textes de Paul F. Sharp, Wallace Stegner et Thomas King permet de dégager les histoires et Histoires multidimensionnelles de la frontière canado-américaine.

Mots-clés : frontière Canada-États-Unis, approche frontalière, *bordertexturing*, *deep map*, *Whoop-Up Country*

1. Introduction : « Contre parallèles et méridiens »

Le 49e parallèle marque la frontière entre le Canada et les États-Unis : du Lac des Bois à l'océan Pacifique. Le 98e degré de latitude ouest, le 98e méridien sert de frontière supplémentaire : pendant une grande partie du XIXe siècle, il divisait l'Amérique du Nord entre les territoires colonisés et les terres alors vierges et encore à coloniser. L'importance du 98e méridien est également en lien avec les précipitations, qui sont beaucoup moins importantes à l'ouest du méridien (Webb, 1931/1981). À l'ouest du 98e méridien se trouvait la vaste prairie semi-aride et sans arbres où vivait alors le bison d'Amérique du Nord, moyen de subsistance des peuples autochtones, lesquels ont farouchement défendu leurs terres contre les colons européens jusqu'à la fin du XIXe siècle.

Comme de nombreuses frontières politiques, le 49e parallèle entre l'ouest des États-Unis et le Canada dans cette région a été scrupuleusement choisi, divisant ainsi une vaste région de prairies. La création de cette frontière a toutefois profondément façonné le développement de la région et a contribué de manière significative à la façon dont cette région frontalière a été considérée (Morris 2004, 151). Les Grandes plaines du Nord sont une zone frontalière sujette à de nombreuses revendications territoriales

différentes et souvent conflictuelles. Au XIXe siècle, ces « terres sont devenus le point central des luttes entre les peuples autochtones et les agents britanniques, américains et canadiens pour l'établissement et le contrôle des limites territoriales des États américains et canadiens ainsi que des frontières d'appartenance en leur sein » (Hogue 2015, 5). Après que les nations colonisatrices dominantes ont mis en place leurs cadres nationaux, « les États-Unis et le Canada ont continué à poser leur cohérence, à se constituer et à constituer leurs imaginaires territoriaux, des efforts visant à incorporer pleinement les terres et les peuples de ces nouvelles périphéries nationales » (2015, 5). Comme beaucoup d'autres zones frontalières, la zone frontalière des Rocheuses septentrionales et des Grandes Plaines est « une zone paradoxale de résistance, d'action et d'une forme de délinquance » (Kumar Rajaram/Grundy-Warr 2007, ix), un espace qui est réifié par un kaléidoscope de pratiques culturelles autochtones et non autochtones, compliqués par des notions concurrentes comme *État/province/territoire*, *réserve*, *Indien*, *Métis* et *frontière*, qui continuent à encadrer la vie de leurs résidents (Miner 2013, 171, souligné dans l'original).[1] Dans cet article, je me concentre sur cette région frontalière, les Plaines du Nord, qui englobe les provinces actuelles de l'Alberta, de la Saskatchewan, du Manitoba, du Montana et du Dakota du Nord. Je veux notamment cibler l'analyse sur un tronçon particulier de la frontière, appelé *Whoop-Up Country*, en creusant dans la complexité de ce territoire frontalier, en découvrant les histoires, les géographies et les savoirs cachés qui ont survécu et continuent de refaire surface dans l'imaginaire culturel.

Le *Whoop-Up Country* doit son nom à une ancienne piste, « une avenue commerçante colorée et utile et une grande route d'aventure dans les années qui ont précédé la traversée des plaines occidentales par les chemins de fer » (Sharp 1955, 3 ; 2006, 75). La piste s'étend de Fort Benton, le centre commercial de la région, établi sur le Missouri supérieur en 1846, à Fort MacLeod, dans le sud-ouest de l'Alberta, et est devenue célèbre pour le transport du whisky de contrebande vers le nord. Ce sentier était un chemin international, car il était « parfaitement coupé en deux par la

1 La situation historique compliquée se reflète dans la difficulté de nommer les groupes de personnes dans les régions frontalières nord-américaines. La frontière internationale a également contribué à des pratiques de dénomination différentes : alors que des termes comme « autochtone » ou « Premières Nations » sont courants au Canada, le terme « Amérindien » est plutôt utilisé aux États-Unis. J'utilise le terme « indigène », plus communément utilisé des deux côtés de la frontière, pour désigner tous les peuples dont les ancêtres vivaient en Amérique du Nord avant la colonisation.

frontière canado-américaine qui mène continuellement vers l'ouest le long du 49e parallèle avec la précision de la chaîne d'arpenteur » (1955, 3 ; 2006, 75). De toute évidence, pour les commerçants pionniers et les colons, « la piste symbolisait les liens économiques, sociaux et culturels qui, pendant de nombreuses années, ont mis au défi une division des plaines du Nord inspirée par la politique » (1955, 3 ; 2006, 75). Jusqu'à ce que, au cours de l'hiver 1874, la Police montée du Nord-Ouest mette fin au commerce illégal du whisky au Montana, que la Commission de la frontière internationale termine son enquête en 1874, marquant « l'assaut final du monde extérieur sur cette dernière frontière » (Rees 2007, 3), et que la ligne principale du Canadien Pacifique à travers les plaines de l'Alberta soit achevée en 1883, le « Whoop-Up Trail symbolisait l'unité de cet empire des Prairies du Nord » (Sharp 1955, 8).

En explorant ces multiples dimensions du 49e parallèle du *Whoop-Up Country* et en creusant les histoires entrelacées du travail et de la violence, je veux retracer la fonction de la frontière canado-américaine dans la formation et la consolidation des deux nations nord-américaines. La signification du *Whoop-Up Trail* est peut-être sortie des mémoires, mais les histoires, géographies et connaissances cachées de cette zone frontalière, comme je le montrerai ci-après, ont survécu et continuent de refaire surface dans l'imaginaire culturel. Une série d'écrivains ont entrepris de « cartographier en profondeur les Plaines », capturant « dans leurs structures narratives un réseau complexe d'informations, d'interprétations et de récits » (Naramore Maher 2001, 7).[2] Paul F. Sharp, Wallace Stegner, et plus récemment Thomas King, notamment, constituent des voix frontalières hétérogènes qui ont tracé des histoires et Histoires multidimensionnelles des Plaines du Nord.

2 Le concept de la *deep map*, [carte profonde], a été mis en avant par William Least Heat-Moon, un écrivain américain d'ascendance anglaise, irlandaise et osage. Son livre *PrairyErth : A Deep Map* (1991) reprend une exploration intensive du lieu qui donne plus d'informations qu'une carte bidimensionnelle des lieux, des noms et de la topographie en incluant des méthodologies multimédias composites et multicouches pour étudier les géographies culturelles et historiques de Chase County, Kansas. Pearson/Shanks (2001) expliquent comme suit : « la deep map tente d'enregistrer et de représenter le grain et la patine d'un lieu par des juxtapositions et des interpénétrations de l'historique et du contemporain, du politique et du poétique, du factuel et du fictif, du discursif et du sensuel ; l'amalgame du témoignage oral, de l'anthologie, du mémoire, de la biographie, de l'histoire naturelle et de tout ce qu'il y aurait à témoigner sur un lieu étudié » (2001, 64–65).

En proposant une méthodologie critique appelée « bordertexturing », je veux montrer en quoi cette pratique, qui permet de rendre compte de la complexité de cette zone frontalière conflictuelle, peut servir de forme d'inconnaissance épistémologique. Je considère le « contre » du titre « Contre parallèles et méridiens » comme une contre-formation épistémologique enracinée dans la pensée indigène. Je soutiens que c'est à travers l'acte de *bordertexturing* que nous pouvons déballer la relation complexe et enchevêtrée entre l'impérialisme, le colonialisme, la construction d'une nation et la création de la frontière canado-américaine, contribuant ainsi à ce que Vimalassery et al. (2016) qualifient « l'inconnaissance coloniale ». Selon moi, le *bordertexturing* du 49e parallèle et du 98e méridien permet d'englober « les pratiques de refus et de rejet des demandes coloniales en matière d'intelligibilité » (2016, 2). Cette méthode contribue à rendre inintelligibles les enchevêtrements de la colonisation, des pratiques frontalières et de la construction nationale. Le *bordertexturing* constitue donc une réponse et une contre-formation épistémologique à la division fixe de l'Amérique du Nord en méridiens et en parallèles, qui morcellent le territoire, catégorisent les modes de vie et divisent les peuples et nations.

Avant de définir le 49e parallèle et de démêler les complexités frontalières du *Whoop-Up Country*, il convient mentionner la problématique de la notion de frontière sur le 49e parallèle, car elle concerne deux histoires nationales et deux cadres discursifs différents. Il s'avère que l'examen de la frontière entre le Canada et les États-Unis ou entre les États-Unis et le Canada est une approche fort différente selon qu'elle est envisagée du point de vue canadien ou américain. Les historiens canadiens ont effectivement tenu une approche de l'importance de la frontière et du développement frontalier complètement différente de celle des historiens américains, en lui donnant une signification idéologique divergente. Alors qu'aux États-Unis, la « thèse de la frontière » de Frederick Jackson Turner (1893) affirmait que l'exceptionnalisme américain était attribuable à l'histoire du pays, de par sa « progression vers l'Ouest » définissant une identité « américaine » particulière issue de cette limite entre ce que M. Turner appelle la « civilisation » et la « nature sauvage », les historiens canadiens ont abordé l'expansion de l'Ouest plutôt « à travers le prisme du 'métropolitisme' » (Higham/Thacker 2004, xiii). Cette théorie avancée par Harold Innis (1952), également appelée « théorie des principales ressources », affirme que les marchés des métropoles d'Europe et de l'est du Canada ont façonné le développement économique et politique de l'arrière-pays. Autrement dit, les désirs et les besoins des régions établies ont orienté et défini la création et le développe-

ment de l'ouest et/ou du nord du Canada (Higham/Thacker 2004, xiii). Le point commun entre ces deux théories est qu'elles mettent l'accent sur les connexions entre Est et Ouest, laissant peu de place aux échanges entre Nord et Sud. Les deux ignorent avant tout les perspectives des parties autochtones, proclamant le succès national de chaque pays et justifiant la conquête et la dépossession des peuples autochtones résidant dans les régions frontalières. Si les échanges entre Nord et Sud, comme en témoigne le commerce du whisky dans le *Whoop-Up Country* du XIX^{e} siècle, tenaient encore une place importante à l'époque pré-nationale, ils sont toutefois passés au second plan lorsque la frontière internationale a été établie. La frontière divise les terres autochtones, et les nouvelles nations font valoir leurs revendications territoriales en développant de solides connexions entre Est et Ouest.

2. Bordertexturing du 49^{e} parallèle

Dans ce qui suit, je souhaite développer l'acte du *bordertexturing*, en démêlant les complexités frontalières d'une petite section du 49^{e} parallèle, en exposant certaines des nombreuses couches du réseau complexe de relations qui texture cette zone frontalière. Une approche de la complexité, comme l'a souligné Chiara Brambilla (2023), peut aider à promouvoir une compréhension plus complète des différentes couches et des nombreuses imbrications des processus d'ordre et de *bordering*. La complexité explique également et évidemment la conceptualisation des textures frontalières. Proposant une base théorique pour l'analyse des frontières, ce concept met l'accent sur une compréhension des frontières comme des structures (im)matérielles constituées de pratiques et de débats ayant une variété de points de référence sociaux et culturels. Selon les explications de Weier et al. (2020, 30) du point de vue des études culturelles, la frontière doit être plutôt conçue en tant que *bordertexture*, c'est-à-dire en tant que structure tissée à partir de pratiques et de discours présentant d'innombrables points de référence dans le domaine de la politique, de l'économie, du droit, de la race, du genre, de la sexualité et autres, qui constituent la frontière sous forme de topos et de trope. Les textures frontalières sont fondées sur une pensée complexe, puisque la complexité « est un tissu (*complexus* : ce qui est tissé ensemble) de constituants hétérogènes qui sont associés de manière inséparable » (Morin 1994/2008, 5). Pour reprendre les dires d'Edgar Morin, la pensée complexe implique une pensée non linéaire :

> Il nous faut adopter un mode de pensée qui relie ce qui est disjoint et compartimenté, qui respecte la diversité tout en reconnaissant l'unité, et qui tente de discerner les interdépendances. Il nous faut adopter une pensée radicale (qui va à la racine des problèmes), une pensée multidimensionnelle et une pensée organisationnelle ou systémique [...] (Morin/Kern 1999, 130).

En tant que mode de pensée qui relie, le *bordertexturing* s'appuie sur une pensée radicale, ce que Walter Mignolo (2000) a appelé la « pensée frontalière » (ou *border thinking* en anglais) et refuse de se conformer à la logique dominante des colons. Mignolo (2000) déplace le point de vue critique de la frontière en tant qu'objet d'analyse vers la frontière en tant que mode de pensée profondément ancré dans l'expérience subalterne de la colonialité. En considérant la frontière comme un « angle épistémique » (Mezzadra/Neilson 2013, viii) qui permet une pensée multidimensionnelle, le *bordertexturing* implique une écoute des histoires variées de cette frontière, la création d'une cartographie profonde des zones frontalières qui capte les voix hétéroglossiques de la frontière différemment orchestrées et un éclaircissement sur la stratification à caractère palimpsestique qui consiste en un effacement et une superposition.

Le *bordertexturing* s'efforce de créer des histoires qui traitent de la « profondeur du lieu » (Naramore Maher 2001, 65), à savoir la profondeur des zones frontalières, dans le cas présent. Cette technique donne la parole à la frontière en tant que point de vue qui « permet une analyse critique aiguë non seulement de la manière dont les relations de domination, de dépossession et d'exploitation sont redéfinies actuellement, mais aussi des luttes qui prennent forme autour de ces relations muables » (Mezzadra/Neilson 2013, 18). En exploitant la *deep map*, le *bordertexturing* expose la connexion d'un lieu avec d'autres et attire l'attention sur la façon dont ces lieux ont été perçus par leurs habitants et les liens personnels, sociaux et imaginaires que ces discours affectifs ont, à leur tour, créés. En se concentrant sur la formation de territoires et de corps intrinsèquement liés, l'acte de *bordertexturing* transforme la frontière canado-américaine en une texture dont l'analyse requiert nécessairement une théorisation des structures, institutions et flux socio-économiques ayant façonné cette frontière, envisagée comme instrument des fantasmes coloniaux de construction d'une nation.

L'analyse suivante de certains textes clés sur les frontières séparant les Plaines du Nord, offrant un aperçu de l'histoire et de la texture complexes de cette région, a deux objectifs : le premier est d'offrir une analyse des

textures frontalières du *Whoop-Up Country*, et le deuxième, probablement plus important, est d'exposer ma conceptualisation du *bordertexturing* comme une pratique performative et critique de « l'inconnaissance coloniale », démêlant les complexités du 49e parallèle. Penchée sur une nouvelle « épistémologie de et à partir de la frontière », je me concentre sur les représentations des savoirs mineurs (en particulier dans les cultures indigènes), qui reconnaissent qu'une épistémologie de la frontière implique nécessairement une désorientation, un désalignement et une réflexion contre et au-delà des paradigmes occidentaux. Mon analyse du *Whoop-Up Country : The Canadian-American West, 1865-1885* (1955) de Paul F. Sharp, *Wolf Willow* (1955) de Wallace Stegner et de la nouvelle *« Borders »* (1993) de Thomas King vise ensuite à procéder sur un mode décolonial, en tentant de délaisser l'attention portée sur les colons européens pour inclure les systèmes de connaissance de ceux constamment effacés des récits de nations, de territoires, de corps et de frontières.

3. Complexités frontalières au 49e parallèle : Whoop-Up Country de Paul F. Sharp et Wolf Willow de Wallace Stegner

Dans la seconde moitié du XIXe siècle, le *Whoop-Up Country* était une région isolée de l'Ouest qui s'étendait sur l'actuel Montana aux États-Unis et sur les provinces canadiennes de l'Alberta et de la Saskatchewan. Après que les États-Unis aient acquis le territoire de la Louisiane auprès de la France en 1803, Thomas Jefferson a suggéré une frontière à 49 degrés de latitude nord comme limitation nord de la Vente de la Louisiane (LaDow 2001, 2), et en 1818, les diplomates britanniques et américains se sont accordés sur cette frontière pour séparer les États-Unis du territoire britannique, du Lac des Bois aux Rocheuses. Avant l'achèvement du chemin de fer de part et d'autre de la frontière, qui a rendu possible les liaisons entre l'Est et l'Ouest,[3] cette zone de prairies constituait une « singularité qui s'étendait sur tout l'horizon » (Rees 2007, 4). Pendant la période de transition entre le moment où la Compagnie de la Baie d'Hudson a cédé les Territoires du Nord-Ouest au gouvernement canadien en 1870 et l'arrivée de la Police à cheval du Nord-Ouest (PCN-O) en 1874 et la construction du chemin de fer du Canadien Pacifique, le *Whoop-Up Country* a attiré une série de

3 Le Northern Pacific Railway est arrivé à Helena, dans le Montana, en 1883, tandis que le Canadian Pacific Railway a été introduit à Calgary en 1884.

hors-la-loi, de fugitifs et de déserteurs de la guerre civile aux États-Unis. Après l'établissement d'une garnison dans le territoire du Montana aux États-Unis, la région s'est vu sous la protection de la police et le commerce de l'alcool de contrebande a été repoussé au nord de la frontière. Par conséquent, les négociants en whisky venus du sud de la frontière qui cherchaient à échanger de l'alcool contre des peaux de bison se sont établis sur les rives de la rivière Belly, près de l'actuelle ville de Lethbridge, en Alberta. « Le nom un peu ribaud de 'Whoop-Up' est devenu commun, plus comme une description de la région que du fort lui-même – un duché autonome intouchable par la loi », écrit Gordon E. Tolton (2014, 116), le biographe de John J. Healy, propriétaire notoire du fort Whoop-Up. Fort Benton, le poste de l'American Fur Company situé à la tête de la navigation de la rivière Missouri, était le centre du *Whoop-Up Country*, et le *Whoop-Up Trail* le reliait parfaitement au commerce des prairies du nord.

Dans l'historiographie, c'est Paul F. Sharp qui décrit au mieux le *Whoop-Up Country*. Son étude de 1955, intitulée *Whoop-Up Country: The Canadian-American West, 1865-1885* est un exemple intéressant d'une histoire régionale qui se concentre sur cette « frontière canado-américaine partagée » (Morris 1999, 472). Le livre explore le commerce transfrontalier du whisky à la fin des années 1860 et 1870, et constitue une étude détaillée du Whoop-Up Trail. C'est ainsi que Sharp (1955) décrit la piste :

> En dépit de son nom sauvage, cette route à moitié oubliée a jadis permis au commerce et à la culture de s'implanter dans un grand marché intérieur s'étendant vers le Nord, de la rivière Missouri à la vallée de la rivière Bow. De Fort Benton sur la Great Muddy à Ford Macleod sur la Oldman, il s'étendait jusqu'au Nord, écrivant l'histoire du whisky, des armes, de la fourrure, du fret et des entreprises pionnières. (1955, 3)

Le Fort Whoop-Up, l'original Fort Hamilton, était « un rendez-vous notoire pour les négociants de whisky à la jonction des rivières Bow et Belly » (McKenna 2006, 86). L'origine du nom 'Whoop-Up' est aussi mystérieuse que certaines des histoires issues du commerce de whisky jadis racontées comme des histoires délirantes. La légende raconte qu'un pionnier arrivé à Fort Benton pour s'approvisionner, à la question : « Comment vont les affaires ? », répondit : « We're a whoopin' it up » (Turner 1973, 46). Comme l'explique Tolton (2014), « l'expression 'whoop'n it up' – qui fait référence à un comportement plutôt sauvage – était d'usage courant à l'époque, et les 'bullwhackers' (meneurs de bœufs) qui dirigeaient les wagons de marchandises s'écriaient 'Whoop-it-up!' lorsqu'ils voulaient que les bœufs

accélèrent le rythme » (2014, 108). Sharp affirme que certains prétendent que le fameux nom provient des « commerçants dont les chariots rapides à six chevaux 's'élancent' ('whoop it up') vers la frontière pour éviter les patrouilles de la police et de l'armée » (1955, 49). Il affirme également que l'expression « whoop you up » signifie « être encerclé » (1955, 49). Le nom est resté, et bientôt, « les cartes officielles du gouvernement, tant canadien qu'américain, font référence à la voie ferrée vers le Canada comme étant le 'Whoop-Up Trail' », et toute la région prend le nom du *Whoop-Up Country* (Sharp 1955, 50). À mesure que la réussite de ce poste d'échange se répandait, d'autres forts sont apparus, faisant écho au nom de Whoop-Up en employant des surnoms tels que « Slideout, Slough Botttom, Robber's Roost et Standoff » (Tolton 2014, 117).

Sharp (1955, 46) souligne qu'il est impossible de relater « une histoire précise de ces petits forts colorés ». De nombreuses histoires sur le *Whoop-up Country* furent exagérées, mêlant réalité et fiction. Elles font désormais partie du grand répertoire mythique sur l'Ouest. « Les récits des anciens et l'imagination débordante des écrivains originaux ont nourri le mythe jusqu'à atteindre des proportions considérables », écrit Sharp (1955, 107). L'écrivain de western Bertha Muzzy Sinclair, plus connue sous son pseudonyme B.M. Bower, a certainement contribué à ce mythe. En 1933, par exemple, elle a également écrit un roman à quatre sous intitulé *The Whoop-Up Trail*, dans lequel elle raconte l'histoire d'un jeune homme, nommé Chip Bennet, qui part à la recherche de son frère aîné le long du Whoop-Up Trail.

Toutes ces histoires ont alimenté la création du mythe immuable de l'Ouest. Cependant, l'analyse historique de Sharp se concentre également sur les luttes économiques de cette région. Il explique en détail comment la Compagnie de la Baie d'Hudson, la Northwest Fur Company et l'American Fur Company ont toutes lutté pour faire valoir leurs droits et leurs revendications dans et sur ces régions, et comment les tribus amérindiennes des Sioux et des Pieds-Noirs ont résisté aux intrusions et lutté pour leur survie. Offrant une chronologie détaillée du « massacre de Cypress Hills » au chapitre 4 de son ouvrage, Sharp écrit également sur la fuite de Sitting Bull (chapitre 12). Dans le chapitre « Un peuple, divisé », il cite l'observation du commissaire de police Gilber M. Sproat qui, en 1878, a résumé le dilemme du peuple des Pieds-Noirs : « les Indiens au nord et au sud de la frontière internationale forment un seul peuple, séparé politiquement par une ligne invisible » (1955, 133). Lorsqu'en 1882, dit-il, le gouvernement américain « a agi unilatéralement pour mettre fin à la libre circulation des Indiens

canadiens et des métis à travers la frontière », le 49e parallèle est devenu une barrière pour la population autochtone : « à partir de ce moment-là, les Pieds-Noirs formaient véritablement un seul et même peuple divisé par une ligne invisible » (1955, 156).

Lors de sa parution en 1955, l'étude transfrontalière de Sharp a été bien accueillie, mais elle est rapidement tombée en désuétude en qualité de compte rendu localisé d'une région spécifique. D'un point de vue actuel, le livre est clairement daté : il est essentialiste et, à bien des égards, condescendant envers la population indigène. Je ne souhaite pas réhabiliter l'étude de Sharp au sein de l'historiographie plus large de l'Ouest américain et canadien. Mon objectif est plutôt de montrer qu'en proposant une histoire d'un segment particulier des Grandes Plaines divisé par la frontière canado-américaine, ce livre constitue une voix frontalière intéressante qui, en se concentrant sur les connexions entre Nord et Sud, s'écarte de nombreuses histoires nationales. Dans le même temps, cependant, elle a également éclipsé d'autres voix, notamment celles des perspectives indigènes.

Comme l'a relaté Aaron L. Barth (2012, non pag.), Sharp a déplacé le modèle de frontière de Frederick Jackson Turner vers le nord, au-delà du 49e parallèle. Ce faisant, Sharp a transformé le modèle national de Turner en un modèle transfrontalier, en décrivant l'histoire de la piste sur deux décennies. Les mots de Sharp ressemblent clairement à ceux de Turner lorsqu'il déclare : « Ici, dans les Plaines du nord, les deux grands courants de pionniers anglo-saxons qui avaient poussé à travers le continent ont finalement atteint leur dernier ouest dans le même environnement » (1955, 98). Comme l'expliquent Johnson/Graybill (2010), lorsque le livre est paru en 1955, il a d'abord été accueilli favorablement aux États-Unis. Sharp a toutefois été critiqué par les historiens canadiens « pour avoir mis l'accent sur l'unité régionale des Grandes Plaines du Nord » (2010, 12). À l'époque, l'école dominante de l'histoire du Canada, autour d'Harold Innis (1952), « mettait l'accent sur les liens économiques entre le noyau oriental de la nation et son arrière-pays occidental, laissant peu de place aux liens entre Nord et Sud et facilitant le traitement du récit de Sharp, plus orienté politiquement, comme une histoire régionale et non nationale » (1952, 12). L'étude de Sharp éclaircit notamment le processus d'établissement des frontières du 49e parallèle, démontrant également que les luttes de pouvoir pour le contrôle des terres s'accompagnaient d'efforts pour contenir et supprimer les autres conceptions de la territorialité et de la souveraineté des communautés autochtones. La séparation et la division des mythes en cadres nationaux – celui de l'arrière-pays canadien ordonné et celui du

Far West américain – relèguent d'autres histoires au second plan. Sharp, par exemple, ajoute un élément à l'histoire du *Whoop-up Country*, un fait banal qui, bien que faisant partie des textures frontalières multicouches de cette région transfrontalière, a longtemps été oublié. Avant l'achèvement du chemin de fer du Canadien Pacifique, le courrier de Macleod et des autres colonies canadiennes de la région passait par Fort Benton vers l'Est, avec des timbres postaux des États-Unis. Le Fort Mcleod canadien possédait même un bureau de poste américain sur le sol canadien (Sharp 1955, 188). Avec l'achèvement du chemin de fer, Macleod et les environs du *Whoop-Up Country* ont connu une réorientation « sur un nouvel axe pancanadien » (Morris 2004, 153). Les connaissances accumulées sur les régions frontalières, les histoires et les expériences des nombreux frontaliers qui ont utilisé la frontière à leur avantage et des nombreux peuples autochtones dont la vie a été perturbée par l'arrivée des colons, ainsi que les effets néfastes de la colonisation et de l'installation permanente sur l'environnement naturel, la flore et la faune, ont trop souvent été ignorés dans les versions nationales dominantes de la colonisation des Prairies.

La même année que la publication de l'histoire du *Whoop-Up Country* par Sharp, Wallace Stegner a commencé à rédiger ses mémoires *Wolf Willow* (1955) – qui, contrairement au livre de Sharp qui s'intéressait à la façon dont la frontière était apparue et à son incidence sur une région, se concentraient sur la frontière en tant que marqueur d'une nette différence entre le Canada et les États-Unis. Alors que le livre de Sharp se présente comme une histoire de la région, qui s'appuie toutefois aussi sur les techniques de la narration, le texte de Stegner est « une histoire filtrée par l'esprit (et la mémoire) évocateur et critique du sang natif le plus pur de la région » (Stegner 1962, xi–xii). L'édition Penguin du livre s'intitule ainsi *Wolf Willow : A History, a Story, and a Memory of the Last Plains Frontier*. De 1914 à 1920, Stegner a grandi dans le sud-ouest de la Saskatchewan, dans une ville appelée Eastend, sur une propriété située à 70 kilomètres au sud de cette ville, à la frontière entre la Saskatchewan et le Montana. Au début du XX^{e} siècle, lorsque les parents de Stegner ont emmené leurs fils dans une colonie à la frontière entre la Saskatchewan et le Montana, le rêve des colons de fonder une nouvelle société telle que l'a décrite Fredrick Jackson Turner commençait à s'estomper, et la famille Stegner a dû faire l'impasse sur l'illusion de cette expérience de colonisation. Les sécheresses et les hivers extrêmement froids ont détruit les cultures et décimé le bétail. La famille Stegner s'est vue contrainte d'abandonner et de partir. En 1920, le père de Stegner s'est brièvement tourné vers une activité de passage de

la frontière que le *Whoop-up Country* connaissait bien : l'alcool de contrebande. Cette fois, la direction était toutefois inversée : après l'adoption du Volstead Act aux États-Unis, le whisky était transporté en contrebande dans le Montana, désormais asséché, depuis le Canada (Stegner 1962, xvii–xviii). Mais en fin de compte, conclut Stegner, Whitemud, la ville fictive d'Eastend, est un échec, un endroit « mort, mort, mort » (1962, 296) et ne peut être considéré que comme « une leçon d'objet de la naïveté de l'espoir américain d'une nouvelle société » (1962, 287).

S'étant « engagé dans une cartographie profonde du lieu » (Naramore Maher 2001, 7) et offrant un bon exemple de texture frontalière, Stegner tisse soigneusement des liens entre fiction et réalité, histoire et impressions personnelles, souvenirs d'enfance et réflexions d'adulte. Situé dans les collines de Cypress Hills, *Wolf Willow* fait revivre à la fois la communauté des pionniers et le magnifique paysage qui l'entoure. Il décrit ainsi la beauté de la terre :

> Le ciel y est le théâtre du drame de ce paysage, regorgeant de lumière et en mouvement perpétuel. La terre y est passive. Et pourtant, sa beauté qui me frappe, à la fois comme réalité actuelle et comme souvenir ravivé, est le fruit d'une fusion : ce ciel ne serait pas si spectaculaire sans cette terre qui change, brille et s'assombrit sous lui. (2001, 7)

Le récit de Stegner est encadré par le récit d'une visite en tant que « pèlerin d'âge moyen » (1962, 5) dans la ville qu'il appelle, dans ses mémoires, Whitemud. Au début de sa visite, il décrit une promenade dans la ville au cours de laquelle il tente de susciter des souvenirs, qui reviennent dans un moment d'expérience sensorielle des « textures mémorisées » du terrain (1962, 6). « C'est ce saule griffe de loup, et non la ville ou qui que ce soit, qui me ramène à la maison » (1962, 19), écrit Stegner, rappelant « l'odeur envoûtante, ambiguë et totalement sauvage » (1962, 18) de cet arbuste. Son histoire est un « récit incarné » (Naramore Maher 2001, 8) ou ce que Kristie S. Fleckenstein (2001) a appelé un texte « somatique », à savoir une écriture qui « reconnaît les systèmes culturels, historiques et écologiques qui pénètrent et reconstituent ces lieux matériels » (2001, 281). Tissant ensemble un récit qui émerge du lieu et s'incarne dans les expériences immédiates de l'écrivain, Stegner admet que ses « propres souvenirs ne couvrent qu'un fragment ; et pourtant il me semble que c'est *mon* histoire » (1962, 20, souligné dans l'original). Stegner écrit un mémoire avec des pouvoirs de guérison contre son précédent sentiment de « discontinuité ». Lorsqu'il vivait à Cypress Hills, jeune garçon, Stegner se souvient alors

adulte : « je ne savais même pas que j'y vivais, et je n'avais pas la moindre idée de qui avait vécu là avant moi » (1962, 27). Il attribue son sentiment d'aliénation et de déplacement à l'expérience de l'échec de sa famille en tant que « homesteaders », ou famille autosuffisante en français, et aux rêves brisés des colons lorsqu'ils découvrent les dures réalités de l'Ouest : « une fois découverte, l'histoire ne risque pas de se perdre. Mais la première génération d'enfants qui grandit dans un pays nouvellement colonisé ne découvre généralement pas son histoire, et ce sont donc eux qui souffrent le plus de cette discontinuité » (1962, 111). Les textures frontalières de Stegner restituent non seulement ses souvenirs personnels mais aussi l'histoire locale, contrant ainsi le processus d'oubli.

La métaphore de la carte est le fil conducteur du projet de Stegner ; son livre commence donc naturellement par une carte : « une carte routière ordinaire des États-Unis, qui, par courtoisie, inclut les cent premiers miles du côté canadien de la ligne de démarcation, montrera deux routes, nivelées mais non pavées, s'étendant jusqu'à l'ouest de la Saskatchewan pour relier l'U.S. 2 à la Canada 1, la Transcanadienne » (1962, 3). Il devient immédiatement clair que Stegner écrit d'un point de vue américain. Généralement considéré comme un écrivain étasunien, le séjour de Stegner à la frontière canado-américaine n'a constitué qu'un bref épisode de sa vie, même si, comme le montre le livre, il fut pour lui le plus marquant. En retournant à Cypress Hills à travers l'écriture de ce livre, le narrateur adulte peut enfin dire « Je ne sais peut-être pas qui je suis, mais je sais d'où je viens » (1962, 23). Comme l'écrit son fils dans l'introduction du livre, « il est clair que ce mémoire historique est, avant tout, une tentative consciente de définir un *qui* à partir de l'excavation d'une enfance *où* » (1962, xiv, souligné dans l'original).

La frontière internationale est un facteur important dans cette (re)construction narrative de son identité. Pour reprendre ses dires, « le 49e parallèle traversait directement mon enfance, me divisant en deux » (1962, 81). La frontière a marqué l'enfance du jeune garçon : les manuels scolaires utilisés à l'école étaient canadiens, publiés à Toronto, mais durant l'été, il célébrait la fête nationale américaine le 4 juillet et la fête du travail (1962, 81–83). Or la frontière, comme il est possible de constater, divisait les gens, exerçant « des pressions incompréhensibles sur l'affiliation et la croyance, la coutume et le costume » (1962, 84). Comme il le résume : « Le 49e parallèle était un accord, une règle, une limitation, une fiction peut-être, mais légale, reconnue par les deux parties ; et l'arrivée de la loi, même d'une loi aussi limitée que celle-ci, a été le début de la civilisation dans ce qui avait

été une nature sauvage sans loi » (1962, 85). La frontière était « moins une limite qu'une zone » (1962, 85), déclare-t-il, et bien qu'il « était impossible de dire où se trouvait la délimitation précise » (1962, 85), la frontière avait un effet de division. Stegner fait également ressortir la division d'un point de vue de la surveillance de la ligne. La frontière se dessinait très clairement de par les manteaux contrastés de l'armée américaine et de la police montée : la frontière internationale possédait une caractéristique des plus visibles, avec une véritable ligne de couleur : bleu en bas, rouge en haut, bleu pour la trahison et les promesses non tenues, rouge pour la protection et la langue bien pendue. Ce n'est pas tout à fait ainsi qu'un historien scrupuleux le rapporterait, car si le Canada avait été colonisé en premier et que l'Ouest américain était resté vierge, la situation aurait pu être inversée (1962, 101–102). Essentialisme et préjugés mis à part, le récit de Stegner reflète le caractère diviseur de la frontière internationale qui, si l'on considère l'orientation nationale des histoires et Histoires écrites sur les Grandes prairies au nord et au sud de la frontière, a également marqué une frontière intellectuelle que peu de chercheurs et d'écrivains ont franchie.

Stegner reconnaît que l'achèvement du tracé de la frontière au sein du *Whoop-up Country* en 1874 a eu l'effet le plus immédiat sur les autochtones qui, comme il l'explique, « peuvent assister aux dernières années de la frontière des Plaines avec le recul de l'histoire et les émotions des pertes et défaites personnelles. » (1962, 112). Écrivant sur le pouvoir de la *Medicine Line* – le nom donné par les indigènes à ce tronçon de la frontière, il explique :

> Il s'est avéré que la ligne, qui ne *devait* pas être franchie par les Indiens [ndt : d'Amérique] qui organisaient des raids, ne *pouvait* littéralement pas être franchie par leurs persécuteurs en uniforme, et n'était généralement pas franchie même par les persécuteurs sans uniforme. La médecine sur la ligne de Cairns était très forte. [...] Les manteaux rouges de la Police montée [...] ne sont arrivés qu'à la Medicine Line, comme des étoiles qui ne s'élèvent qu'à une certaine distance dans le ciel (1962, 97–98, souligné dans l'original).

Nous savons cependant que cette ligne qui traversait le *Whoop-up Country* et qui bifurquait les territoires autochtones n'a pas seulement servi de sanctuaire, mais a aussi infligé de profondes blessures. Nous savons également que Cypress Hills a été témoin d'une cruauté et d'une violence massives. C'est ici qu'une bande de chasseurs américains, les « Wolfers » de Fort Benton, dans le Montana, a tué vingt-quatre autochtones en 1873. Le massacre

de Cypress Hills et l'arrivée du chef de tribu Sitting Bull, qui s'est enfui au Canada après avoir vaincu le lieutenant-colonel George Custer en 1876, ont focalisé l'attention internationale sur ce tronçon particulier de la frontière des années durant.

Les histoires et Histoires dominantes ont souvent présenté l'expérience indigène comme une victimisation permanente, et *Whoop-Up Country* de Sharp et *Wolf Willow* de Stegner ne font pas exception. En abordant l'histoire du *Whoop-Up Country* sous l'angle de la « nécropolitique », pour reprendre le terme d'Achille Mbembe (2003), Sharp et Stegner reconstituent tous deux ces actes d'extinction, perpétuant ainsi le silence des voix indigènes. Mon essai sur les textures frontalières du *Whoop-Up Country*, cependant, veut aussi montrer comment le savoir autochtone a prévalu et comment les écrivains ont contribué à la fabrication d'une toile à multiples couches et ficelles des textures frontalières en exposant les failles et fissures des mythes dominants. Les œuvres de Thomas King, par exemple, fonctionnent comme des récits alternatifs, qui renvoient à des histoires cachées dans les archives des récits du *Whoop-Up Country*. C'est ici, dans ces régions frontalières de ce qu'on appelait autrefois le *Whoop-up Country*, que Thomas King a placé sa nouvelle au titre à la fois simple et pertinent de *« Borders »*.

4. Traversées de frontières : « Borders » de Thomas King

En critiquant le colonialisme et le racisme dans le cadre des luttes décoloniales et en se concentrant sur les vies durables, les écrivains indigènes ont créé des histoires qui se concentrent sur ce que Gerald Vizenor (1999) a qualifié de stratégies de « survivance », c'est-à-dire des pratiques qui favorisent un sentiment de présence sur l'absence historique. Thomas King est certainement l'un des écrivains les plus connus de la frontière canado-américaine qui a exposé le 49e parallèle comme « une invention de l'imagination de quelqu'un d'autre » (Davidson et al. 2003, 13) même s'il porte les réalités des conséquences socio-politiques, culturelles et psychiques. Sa vie, tout comme ses écrits, ont représenté des formes de transgression des frontières. Comme je l'ai ailleurs soutenu, son « œuvre entière peut être lue au-delà de la frontière américano-canadienne, car en tant qu'écrivain des Premières Nations, il critique les frontières nationales imposées par les nations impériales et les qualifie d'artificielles et imaginaires » (Fellner 2017, 60). M. King est d'ascendance grecque, allemande et cherokee. Il est

né aux États-Unis, mais a déménagé au Canada et possède désormais la citoyenneté canadienne. Son affiliation culturelle le qualifie d'écrivain frontalier, car « en tant que Cherokee 'américain' ayant déménagé au Canada, il peut être un écrivain canadien et un écrivain autochtone, mais il ne peut pas être un écrivain autochtone canadien parce que les Cherokees ne sont pas considérés comme 'autochtones' au Canada » (Andrews/Walton 2006, 605). Détournant l'attention des formes traditionnelles de narration, ses récits sont des formes incarnées de production de connaissances, comprenant un pastiche postmoderne de contre-récits culturels. Les contes oraux, sur lesquels ses récits insistent, ont effectivement le pouvoir de transformer « l'histoire d'une frontière imaginaire » (Miner 2013, 176). Ses histoires démontrent que le 49e parallèle peut être redessiné, réinventé et déconstruit par les écrivains. La *Medicine Line* « *peut* avoir une bonne médecine, surtout lorsqu'elle est désarticulée de ses contextes socio-politiques euro-occidentaux » (2013, 177, souligné dans l'original).

Dans sa nouvelle « *Borders* », une femme de la tribu des Pieds-Noirs refuse de s'identifier comme Canadienne ou Américaine et insiste pour obtenir sa citoyenneté Pieds-Noirs. Elle se retrouve ainsi coincée entre les postes de contrôle frontaliers avec son fils durant quelques jours, jusqu'à ce qu'ils soient finalement tous les deux autorisés à entrer aux États-Unis après qu'une équipe de télévision diffuse leur histoire. L'histoire est racontée du point de vue du fils, qui a grandi dans la réserve des Pieds-Noirs de l'Alberta, située directement à la frontière.[4] Cette frontière ne divise seulement le territoire, mais aussi directement la famille. Le père du garçon est né du côté américain du 49e parallèle. Le garçon explique : « Papa est américain, [...] donc je peux aller et venir comme je veux » (King 1993, 131). Mais sa mère, quant à elle, est née du côté canadien. La sœur du garçon a déménagé dans l'Utah, et l'histoire commence lorsque la mère et son fils veulent se rendre dans l'Utah pour lui rendre visite.

La nouvelle de Thomas King est « un paradigme pour les manières complexes dont il aborde les problématiques que le quarante-neuvième parallèle engendre pour les peuples autochtones » (Sarkovsky 2012, 218). Le dénouement de l'histoire est le moment où ils attendent dans la zone entre les deux différents postes frontières. Interrogée sur sa citoyenneté, la mère répond « Pieds-Noirs » (King 1993, 135). La mère insiste sur son identité

4 Les Pieds-Noirs du Montana se sont vus octroyer une réserve officielle en 1874, qui fut toutefois réduite au cours des vingt années suivantes. Les Pieds-Noirs de l'Alberta ont signé le Traité numéro 7 en 1877 (McManus 2005, 111).

de Pieds-Noirs, sur sa citoyenneté Pieds-Noirs, simplement, en mettant en œuvre un « passage de frontière décolonisant » (Andrews/Walton 2006, 609), ce qui attire l'attention sur les droits des autochtones qui traversent la frontière, garantis par le traité Jay.[5] « Pour y voir plus clair, insiste le douanier, de quel côté venez-vous ? » (King 1993, 135), ce à quoi la mère répond naturellement « côté Pieds-Noirs » (1993, 136). Comme le tracé du 49e parallèle coupe à travers le territoire des Pieds-Noirs, la mère a raison : il s'agit de la terre de ses ancêtres et la demande du garde-frontière selon laquelle le garçon et sa mère « doivent retourner là d'où ils viennent » (1993, 137) passe complètement à côté du problème. La situation est d'autant plus douloureuse que la division du territoire des Pieds-Noirs était une décision délibérée prise à la fin du XIXe siècle pour assurer un meilleur contrôle de la population. Le commissaire Steele de la Police à cheval du Nord-Ouest, par exemple, considérait que « les Pieds-Noirs canadiens [...] seraient plus faciles à gérer s'ils ne pouvaient pas se mêler librement à leurs confédérés américains, et c'est ainsi qu'une bande de terre du côté sud de la réserve promise [...] a été confisquée et rendue disponible pour l'établissement de peuples non-autochtones » (Davidson et al. 2003, 124).

Ce dilemme à la frontière est alors résolu par l'arrivée du rusé Coyote, qui semble avoir fait fonctionner sa magie. Coincés dans cet entre-deux postes frontières, mère et fils regardent les étoiles. La mère conte alors l'histoire de l'animal futé. « Regarde toutes ces étoiles », dit-elle. « Quand j'étais petite, ma grand-mère nous emmenait, mes sœurs et moi, dans les prairies et nous racontait des histoires sur toutes ces étoiles. [...] Coyote s'en est allé pêcher, un jour. C'est ainsi que tout a commencé » (King 1993, 142). Le lendemain matin, les médias arrivent. La citoyenneté de la mère Pieds-Noirs est reconnue, et la mère et le fils sont autorisés à passer la frontière.

Bien que le lien entre l'animal et l'influence de la pression médiatique sur les agents de la patrouille frontalière ne soit que supposé, Coyote a clairement interféré dans l'affaire. Traditionnellement, « les récits sur l'animal aux abords des frontières racontent son retour, et son potentiel à rétablir l'ordre des choses après le chaos que la frontière engendre pour

5 Après que les États-Unis nouvellement fondés aient établi une frontière avec l'Empire britannique dans le traité de Paris de 1783, le traité Jay de 1794 (ou Traité de Londres de 1794) devait régler les différents frontaliers, en atténuant les effets de la ligne de démarcation récemment établie sur les peuples autochtones qui ont soudainement vu leurs terres coupées en deux par une frontière internationale. L'article 3 du traité Jay garantit le droit de libre passage aux populations autochtones.

les Amérindiens » (Lape 2000, 15). Pendant un bref instant, la citoyenneté de la mère Pied-Noir est reconnue et « les régions frontalières sont ainsi brièvement reconnues comme le pays des Pieds-Noirs, qui s'étend sur la frontière nationale entre le Canada et les États-Unis et la redessine » (Sarkowsky 2007, 20).

Dans cette histoire, la mère ne parvient pas à se conformer à la logique colonialiste des colons et « s'aligne sur sa propre conception d'une nation » (Roberts 2015, 128). Assurément, du point de vue de l'Occident dominant, cette femme Pied-Noir ne parvient pas à se subordonner à la logique nationale des colonisateurs. Mais son refus de se conformer aux règles des colons et de se situer dans la logique de l'État-nation ne constitue pas seulement un acte de résistance, mais fonctionne aussi comme une insistance sur une forme d'être au monde qu'Audra Simpson (2014) appelle « le dur labeur de s'accrocher au territoire, de définir et de se battre pour ses droits, de négocier et de maintenir des formes de pouvoir gouvernementales et genrées » (2014, 3). Les lignes de faille que l'histoire de M. King expose et rend visibles activent la réflexion sur les frontières, constituant une puissante contre-narration qui offre de nouveaux moyens de survie culturelle.

5. Conclusion : Les complexités frontalières comme contre-formations épistémologiques dans les régions frontalières nord-américaines

En suivant les histoires enchevêtrées du travail, de la violence et de la cruauté, mon analyse des textures frontalières d'un tronçon particulier du 49e parallèle – le *Whoop-up Country* – a mis en évidence les réécritures palimpsestiques des histoires de ces régions frontalières dans des textes dominants et grand public comme *Whoop-Up Country* de Paul F. Sharp et *Wolf Willow* de Wallace Stegner, ainsi que dans des textes subalternes de territorialités et de réalités corporelles comme la nouvelle *« Borders »* de Thomas King. Ces textes montrent que nombreux sont ceux qui ont été poussés vers les terres frontalières des Plaines du Nord, « leur dernier et meilleur espoir – à la fois pour les Indiens, [ndt : d'Amérique] pour s'échapper et se réfugier, que pour les colons, pour profiter des larges terres ouvertes de l'Ouest qui semblaient presque disparues – et ont vécu une histoire commune de difficultés, de déceptions, d'échecs et, dans de plus rares cas, de persévérance » (LaDow 2001, 3). La contestation du territoire et les questions de droits et de souveraineté n'ont pas pris fin à l'ère natio-

nale. Elle s'est justement poursuivie jusqu'à aujourd'hui. Mais le caractère du *Whoop-up Country* a changé si radicalement à la fin du XIX^e^ siècle que le nom est tombé dans l'oubli.

Comme l'a déclaré Beth LaDow (2004), le 49^e^ parallèle « apparaît comme un invité tranquille et inexpliqué de l'histoire de l'Amérique du Nord, avec sa ligne droite apparemment arbitraire, son origine légèrement mystérieuse et sa signification floue, et notamment pour les peuples autochtones d'Amérique du Nord, dont il divisait les territoires » (2004, 65). À mesure que les empires du commerce de la fourrure s'effondrent, que le bison est chassé jusqu'à son extinction et que les empires coloniaux rivaux consolident leurs revendications, les relations entre les peuples autochtones et les colons se détériorent. L'édification de la nation est allée de pair avec les processus d'établissement des frontières, s'articulant autour de la « subversion de la souveraineté des peuples autochtones et de leur incorporation en tant que sujets domestiques dans les nouveaux États-nations » (Hogue 2015, 5). La *Medicine Line*, dans ce qu'on appelait au XIX^e^ siècle le *Whoop-up Country*, ne constitue qu'une petite partie de la frontière canado-américaine. Sa signification culturelle et symbolique ne doit cependant pas être sous-estimée, car elle témoigne également du fait que la compréhension de la frontière par les autochtones était différente et le plus souvent incompatible avec les positions des colons. Les peuples autochtones, comme l'a déclaré Brenden W. Rensink (2018), ont toujours négocié les frontières mais les considéraient plutôt comme des « zones tampons partagées » (2018, 44) que comme des lignes nettement définies sur une carte. Lorsque les autochtones ont reconnu la frontière, c'était dans sa conception de la *Medicine Line*. L'utilisant à leur avantage parce qu'ils savaient que les autorités américaines et canadiennes s'arrêteraient à la frontière, les peuples autochtones estimaient cependant qu'ils devaient pouvoir la traverser librement. « Peu de facteurs », comme l'explique Rensink (2018), « ont transformé la nature des zones frontalières nord-américaines et des frontières internationales plus rapidement que le mépris des autochtones pour 'la ligne'. » (2018, 12). La nouvelle de Thomas King intitulée *« Borders »* montre la ténacité des autochtones à continuer de résister à une idéologie de confinement, en niant l'autorité des frontières qui restreignent leurs mouvements, et en insistant sur leur liberté de se réimaginer dans des zones frontalières muables et fluides. Ses personnages démontrent que l'histoire peut être revisitée et que les fins peuvent être réécrites. Cette analyse des complexités frontalières du *Whoop-up Country* a montré comment, malgré des actes de cruauté massifs, le savoir indigène a prévalu. La nouvelle de Thomas

King puise dans le système de connaissances du *Whoop-Up Country* et a contribué à la fabrication de la toile des multiples couches et chaînes de textures frontalières.

La mise en contexte du 49e parallèle, comme je l'ai démontré, attire l'attention sur les multiples enchevêtrements de la colonisation, des pratiques frontalières et de la construction nationale. Le *Whoop-Up Country* n'est qu'un cas parmi d'autres dans les régions frontalières de l'Amérique du Nord ; il existe de nombreuses autres régions le long de cette latitude entre le Canada et les États-Unis dont les histoires et Histoires complexes doivent encore être racontées. Méthodologie critique et stratégie interprétative, le *bordertexturing* peut contribuer à mettre au jour ces histoires enchevêtrées, en relatant leur engagement dans une cartographie profonde des zones frontalières. Cette lecture peut activer la pensée frontalière, qui peut « ouvrir les portes d'une autre langue, d'une autre pensée, d'une autre logique dépassant la longue histoire du monde moderne/colonial » (Mignolo 2000, 338). Le *bordertexturing* attire non seulement l'attention sur la complexité des frontières nord-américaines, qu'il aide à démêler, mais il montre également comment un changement vers une approche multidimensionnelle de cette complexité peut apporter un éclairage profond sur les rouages du pouvoir et de la formation des connaissances. Cette nouvelle vision peut donner lieu à une contre-formation épistémologique à la cartographie linéaire et fermée de l'Amérique du Nord en méridiens et parallèles, cette dernière représentant un acte puissant d'inconnaissance épistémologique.

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Border complexities à l'exemple du roman *Der falsche Inder* de l'auteur Abbas Khider. Loi, frontières et logiques de « dés-ordre »

Cécile Chamayou-Kuhn

Résumé

L'identité du réfugié-écrivain évoluant dans le roman *Der falsche Inder* (2008) de Abbas Khider est plurielle. L'étude du complexe « loi-frontières », dont il participe, permet d'étudier certaines pratiques d'exclusion et dynamiques de déconstruction au sein de régimes frontaliers. Les logiques de « dés-ordre », qui se dégagent de cette double perspective, font l'objet d'analyses. Il s'agit en outre d'éclairer les phénomènes de déplacement et de glissement des frontières textuelles, lesquels viennent souligner l'étendue des *border complexities* dans le champ de la littérature contemporaine.

Mots-clés : Abbas Khider, réfugié, loi, pouvoir, *bordertexture*s

1. Introduction

> Auch Grenzen können uns vergewaltigen, innerlich vergewaltigen. Es ist eine Art Neugeburt, wenn man diese Linie überquert, und ebenso ist es ein unendlicher Tod, wenn man es nicht schafft. Jede Grenze, die ich überquert habe, war ein neuer Anfang, jede Grenzüberwindung war ein Ziel im Leben. (Khider 2012, 80)

Le romancier d'origine irakienne Abbah Khider livre dans cet entretien intitulé *La langue étrangère est synonyme de liberté* [*Die fremde Sprache bedeutet Freiheit*] une interprétation de ce qui caractérise une frontière selon lui : elle est un élément de transgression qui peut blesser, violenter, violer une partie intime de l'être. Une frontière, qui ne pourrait être franchie, est inexorablement corrélée à la mort. Dans le même temps, cette limite, pour autant qu'elle puisse être dépassée, est tout à la fois une fin en soi et une promesse.

Une telle représentation possède une résonnance particulière quand on sait que cet auteur, né à Bagdag en 1973, a été prisonnier politique dans son pays d'origine avant d'entamer un long périple de réfugié qui le conduisit en 2000 jusqu'en Allemagne. Devenu citoyen allemand, il vit aujourd'hui à Berlin et a reçu de nombreux prix, dont le *Adalbert-von-Chamisso-Förder-*

preis en 2010 pour son premier roman *Der falsche Inder* (2008) puis, en 2017, le *Adalbert-von-Chamisso-Preis* pour l'ensemble de son œuvre.

Dans le texte en prose étudié ici, qui est sous-tendu par une forme d'autofiction que l'on dira spéculaire, les questions du traitement juridique réservé à la figure du réfugié occupent une place centrale[1]. La fable peut en être résumée ainsi : un narrateur anonyme arabophone voyageant dans un train qui le conduit de Berlin à Munich trouve le manuscrit d'un livre. Il s'agit des mémoires d'un certain Rasul Hamid, un écrivain irakien qui narre son périple entre l'Irak et l'Allemagne où on lui accorda l'asile alors qu'il entendait initialement rejoindre la Suède (Khider 2013, 11).

Force est de constater que le personnage du réfugié-écrivain est sans cesse confronté à une loi ou, devrait-on dire, à des lois qui renvoient à tout un arsenal juridique ou à un ensemble de règles déterminant les us et coutumes. De fait, la loi dans sa dimension paradigmatique, constitue l'un des fils rouges de la poétique de Khider, ce dont témoigne par ailleurs également le roman *Ohrfeige*. Il est centré sur le caractère insurmontable des difficultés administratives rencontrées par Karim Mensy, un réfugié irakien (Khider 2017).

L'intérêt que revêt ce motif chez Khider tient, plus généralement, à ce qu'il est lié au concept de frontière. Précisons à ce propos que le schème « loi-frontières » apparaît comme constitutif de la complexité attachée à la représentation littéraire des frontières, c'est-à-dire à leur établissement et à leurs articulations internes. De fait, les frontières se présentent chez ce romancier comme un entrelacs, un complexe, un ensemble pluridimensionnel de pratiques et de dispositifs tendant à asseoir un pouvoir juridique, politique et social qui génère et façonne la figure du réfugié. Or, celle-ci étant non seulement duelle – le réfugié est aussi un écrivain autobiographe –, mais aussi plurielle – le physique de ce réfugié, on le verra, laisse libre cours à diverses interprétations sur ses origines –, on soulèvera la problématique suivante : dans quelle mesure une telle image kaléidoscopique de l'identité entre-t-elle en résonance avec l'ensemble pluridimensionnel précédemment évoqué ?

L'objet de cette contribution sera de sonder les effets produits par les frontières tout en étudiant les processus de subversion à l'œuvre, *i.e.* les

1 L'autofiction spéculaire repose sur « un reflet de l'auteur ou du livre dans le livre », l'auteur, en l'occurrence Abbas Khider, venant en quelque sorte « se placer dans un coin de son œuvre, qui réfléchit alors sa présence comme le ferait un miroir » (Colonna 2004, 119).

processus de déstabilisation de l'ordre établi qui sont engagés à partir de l'espace même qu'occupent, ne fût-ce que de manière métaphorique, les frontières. Ce faisant, on interrogera les fondements de l'univers littéraire déployé par Khider par lequel il donne à voir certaines logiques de « désordre », suggérant ainsi qu'elles traversent toute frontiérité (Amilhat Szary 2020, 22) et en révèlent la complexité.

Ces phénomènes, que nous subsumons sous le paradigme de *border complexities*, seront appréhendés sous trois angles destinés à souligner à la fois la polyvalence des frontières et l'étendue des champs d'action qui s'y entrecroisent en les formant. Cette triple approche constituera en outre les trois temps de notre analyse : après avoir considéré les frontières comme génératrices des processus d'exclusion dont fait l'objet le réfugié, nous nous attacherons aux mouvements de résistance qu'elles appellent. Enfin, nous nous pencherons sur le potentiel qui se dégage d'une « esthétique des frontières », laquelle est bâtie sur la force transgressive du texte littéraire.

2. Les frontières comme principes et procédures d'exclusion

Dans *Der falsche Inder*, l'identité du réfugié naît non seulement d'une situation de profonde vulnérabilité, mais elle se construit également au gré de ses errances et des situations de rejet ou de violence qu'il rencontre. Aussi convient-il tout d'abord d'envisager les principes de constitution de ce personnage en tant qu'il fait l'objet de procédures d'exclusion.

2.1 Indéfinissabilité et réclusion

Notons tout d'abord que la Convention de Genève de 1951, ainsi que le Protocole de 1967 sont, aujourd'hui encore, reconnus comme des textes juridiques majeurs en ce qui concerne la définition du statut réfugié. S'appuyant sur l'Article I A de cette convention, Thomas Giegerich (2020) met en relief à la fois les éléments subjectifs – le réfugié est celui qui craint pour sa vie ou survie – et les éléments objectifs dont ressortit cette définition : ladite crainte doit être générée et légitimée par une situation de persécution résultant d'un danger de mort, d'une privation de liberté ou d'un manque-

ment grave aux droits de l'Homme (2020, 73 et suiv.)[2]. Cette définition attire l'attention sur le besoin de protection du réfugié, ce qui vient du reste nourrir depuis quelques années toute une réflexion sur la terminologie utilisée en langue allemande, les différents vocables auquel il est recouru – *Flüchtende*r*, *Geflüchtete*r*, *Fluchtmigrant*in*, *Schutzsuchende*r*, etc. – ayant des acceptions politiques diverses, notamment parce que certains – tel le terme *Flüchtling* – n'incluent pas *a priori* la forme féminine (Wehling 2016 ; Weiershausen 2020, 218 et suiv.) ou parce qu'ils se réfèrent à une dimension collective (Eppenstein/Ghaderi 2017, 4 et suiv. ; Cyrus 2017, 114)[3].

Thématisant ces lacunes terminologiques au regard de la fragilité caractérisant les réfugiés, Norbert Cyrus (2017) propose par ailleurs, afin de désigner la crise que traversent l'Europe et l'Allemagne depuis les années 2010, non pas le concept, communément répandu, de « crise des réfugiés » [*Flüchtlingskrise*], mais de « crise en matière de protection des réfugiés » [*Flüchtlingsschutzkrise*] (2017, 114). C'est précisément cet aspect que Khider traite comme étant consubstantiel au personnage du réfugié : Rasul Hamid est un homme vulnérable souvent envahi par une profonde crainte. Celle-ci naît, premièrement, de la position marginale qu'il occupe vis-à-vis de la société dans laquelle il évolue en Irak, et qui se traduit de deux manières : bien que d'origine irakienne, il présente tout d'abord le physique d'un Indien. Sa peau qui a la couleur du café (Khider 2013, 13) détonne vis-à-vis de celle de ses compatriotes, ce qui génère une confusion laissant souvent

2 Diverses caractéristiques constituent le socle de cette convention : le terme de réfugié y est défini de manière univoque, le principe de non-refoulement (Art. 33) y apparaît comme fondamental et différentes positions juridiques relatives aux réfugiés y sont établies (Frings 2017, 98). L'UNHCR joue un rôle majeur relativement à la convention de Genève ainsi qu'à son protocole (Giegerich 2020, 78). Pour les textes : Convention de Genève relative au statut des réfugiés (1951, 137) et le Protocole relatif au statut des réfugiés (1967, 267).
Quant aux sciences politiques, elles pointent les problématiques définitionnelles propres au réfugié, (Schulze Wessel 2017, 14 et suiv.). On notera qu'Hannah Arendt a largement imprégné la réflexion sur les réfugiés dans le champ de la philosophie politique. De même que les apatrides et autres personnes privées de leurs droits, les réfugiés acquièrent une fonction épistémologique car ils jettent les bases d'une réflexion sur l'identité des exclus ainsi que sur le rapport entre l'individu, l'État et les limites du droit (Arendt [1986] 2016, 35 ; Wessel 2017, 39 et suiv.). Sur la nécessité d'une recontextualisation de la théorie d'Arendt, cf. Wessel (2017, 20 et suiv.).

3 Sur les différences et liens sémantiques entre les termes « réfugié » [*Flüchtling*] et migrant [*Migrant*], ainsi que sur les implications morales du premier, cf. Wessel (2017, 21 et suiv.).

conclure à une usurpation d'identité. Le titre du roman, *Der falsche Inder*, à l'instar du premier chapitre du manuscrit, annoncent cette thématique. Le narrateur homodiégétique, soit le narrateur présent comme personnage dans l'histoire qu'il raconte (Genette 1972, 252), *i.e.* l'auteur des mémoires, y émet plusieurs hypothèses, parfois divergentes, tentant d'expliquer cette singularité : sa peau porterait les traces du soleil, mais aussi du feu dont il fait l'emblème historique de Bagdad. Cette différence physique le place par ailleurs souvent en situation de porte-à-faux avant et après son arrivée en Europe. Sur ce territoire, il pourrait en effet prétendre à l'asile politique en raison du régime politique instauré dans son pays natal (Khider 2013, 21). Toutefois, personne ne croit à l'authenticité de son identité. Ceci contribue à ébranler toute fixité identitaire, laissant apparaître que la pluralité ou complexité qui s'en dégage est, de ce point de vue-ci, synonyme de mal-être : « Die Araber nannten mich den 'irakischen Inder', die Europäer nur 'Inder'. Es ist sicherlich erträglich, Zigeuner, Iraker, Inder oder gar ein Außeridischer zu sein, wieso auch nicht! Aber es ist unerträglich, dass ich bis heute nicht genau weiß, wer ich wirklich bin! » (2013, 22)

Deuxièmement, l'activité d'écrivain qu'il mène en Irak l'exclut de la sphère sociale. Le régime politique de ce pays prohibe la lecture de certains ouvrages (2013, 29) et censure la production littéraire quand elle ne s'effectue pas à la gloire du pouvoir établi. Lorsqu'il s'adonne à son art, Rasul Hamid commet ainsi des « actes criminels » [*kriminelle Handlungen*] (2013, 29). Aussi son existence même contrevient-elle à l'ordre juridique en place : il est coupable vis-à-vis de la loi. Ceci lui vaut une longue peine de prison aux côtés d'opposants politiques (2013, 29, 71) et le rend vulnérable car il est confiné dans l'invisibilité propre à la réclusion.

2.2 Violence et immobilisme

Rasul Hamid fait par ailleurs l'expérience de la brutalité que recèlent les frontières à divers égards. Dans ce contexte, la limite, *i.e.* la frontiérité, qui désigne non seulement l'individualisation du rapport à la frontière, mais aussi l'inégalité de traitement des personnes qui la traversent (Amilhat Szary 2020, 22), s'appréhende à travers la corporéité. Le pouvoir, dont la frontière représente l'un des rouages, atteint le corps, car il existe, ainsi que le met en lumière Michel Foucault, un « réseau de bio-pouvoir, de somato-pouvoir » (Foucault 1994, 231).

À ce titre, deux modalités de surveillance des corps sont mises en lumière dans le roman dont le narrateur homodiégétique suggère qu'elles sont intrinsèquement liées au sein de l'espace Schengen : incarcéré après être arrivé sur le sol grec, il est roué de coups par un policier qui le prend pour un dealer pakistanais assidûment recherché. La violence dont il est victime peut être interprétée de la manière suivante : la frontière qu'il a violée en pénétrant en Europe continue d'être performée, et ce de manière essentiellement déterritoralisée (Schulze Wessel 2017, 112), n'étant en effet plus réduite aux limites extérieures de ce territoire. En ce sens, cette frontière est dématérialisée, ainsi que l'indiquent diverses allusions aux procédures de contrôle biométrique qui peuvent être replacées dans le contexte d'une biopolitique, soit d'une pratique gouvernementale consistant à rationnaliser « les phénomènes propres à un ensemble de vivants constitué en population » (Foucault 1994, 818). En outre, on notera que le système de Dublin portant sur la détermination de l'État européen responsable de l'examen d'une demande d'asile (Frings 2017, 108 ; Pendl 2020, 330 ; Giegerich 2020, 90 et suiv.) n'est certes pas nommé explicitement. Toutefois, l'enfermement et l'inertie imposés aux réfugiés sont perçus par le narrateur comme les corollaires d'un ordre juridique jugé punitif :

> Die deutsche Polizei hatte meine Fingerabdrücke genommen und erklärte mir, diese würde nun an alle Asylländer weitergeleitet. Deshalb könne ich nun nirgendwo anders Asyl beantragen. Nur in Deutschland. Jeder Versuch, Deutschland zu verlassen, sei eine Straftat. Seitdem hocke ich also hier. (Khider 2013, 21)

Les dispositifs d'assujettissement, dont cette liminalité corporalisée participe, témoignent *in fine* de la mise en corrélation, du point de vue du réfugié, de deux formes d'application du pouvoir juridique : d'une part, il subit une oppression manifeste car il est traité à l'instar d'un criminel et, d'autre part, il est contraint à un immobilisme qui paraît illimité dans le temps. Aussi la figure du réfugié advient-elle au sein d'un « espace frontalier » [*Grenzraum*] (Schulze Wessel 2017, 104) ou encore au sein d'un « *World-Border* » (Balibar 2004, 2), c'est-à-dire au sein d'un espace politique européen dans lequel prévaut l'ubiquité des frontières. Les mesures de contrôle étant en outre permanentes, la construction de cet espace frontalier ressortit d'une processualité (Schulze Wessel 2017, 130, 111), *i.e.* de dispositifs de surveillance saisis relativement à leur dimension active, et l'on qualifie habituellement de *bordering* (Brambilla 2021, 12). De fait, l'espace dans lequel se meut le réfugié est dessiné au gré de mobilités illé-

gales. Cet espace ne saurait être pensé à la manière d'une zone clairement délimitée, mais bien plutôt comme un territoire aux confins étendus, diffus et fluctuants : il émerge à travers la dynamique que produisent à la fois les mouvements des migrants clandestins et des modalités de contrôle par définition non fixes (Schulze Wessel 2017, 105).

Un tel modèle constitue la trame dans laquelle évolue le réfugié-écrivain selon Khider. L'auteur le dote d'une fonction critique évidence. Hasul Ramid dénonce en effet les discriminations teintées de racisme dont il fait l'objet et dont l'origine seraient les bouleversements sociétaux intervenus après le 11 septembre 2001 (Khider 2013, 22) :

> Als ich mit der Bahn von München nach Hamburg wollte und von dort über Dänemark nach Schweden, hielt der Zug im Bahnhof einer kleinen Stadt namens Ansbach, wo zwei bayerische Polizisten einstiegen. Sie fragten keinen der vielen blonden Reisenden nach ihrem Ausweis, sondern kamen direkt zu mir. Lag es an meiner indischen Erscheinung? (2013, 21)

Ce traitement fait ironiquement écho à l'exclusion à laquelle il était exposé dans les pays arabes en raison de son physique singulier.

2.3 Le vide ou la déréliction

Le thème de la fuite, véritable fil conducteur de l'œuvre, apparaît comme un état de nécessité dont l'ampleur et l'intensité se manifestent si l'on considère la succession des pays parcourus par Rasul Hamid : la Jordanie, la Lybie, la Tunisie, la Lybie (après avoir été refoulé à la frontière), la Turquie, la Grèce et l'Italie. Cet état est synonyme de malaise provoqué par l'impression de vide abyssal, d'« immense néant » [*ein großes Nichts*] ou encore d'« état de rien » [*ein « Kein*[ ]*-Zustand »*] (2013, 71) qui le domine et s'accentue sur la voie de l'exil :

> Der Eintritt ins Exil war eine lange Straße in der Leere, die ich das ganze Leben bekämpfen musste. […] Je tiefer man im gegenwärtigen Leben in die Leere des Exils eindringt, desto mehr verblasst die geschönte Vergangenheit. Die Leere aber ist das Einzige, was einem als ewiger Begleiter bleibt. (2013, 73)

Ceci suscite un profond sentiment de déréliction, traduit par l'injonction : « Gott, rette mich aus der Leere! » (2013, 72), qui est répétée tel un *leitmo-*

tiv. Force est de constater que cette expérience du vide s'insinue dans le quotidien du narrateur, et ce même après l'obtention d'un titre de séjour en Bavière. Elle innerve son existence, témoignant de la léthargie à laquelle est condamné le demandeur d'asile dont le dossier demeure en attente de traitement, c'est-à-dire, littéralement, en souffrance. Ce vécu correspond à une expérience esthétique, sensorielle de la frontiérité (Fellner 2021, 437 et suiv.). De fait, le néant infiltre l'espace frontalier qu'habite le réfugié, frappant de son sceau tous les paysages qu'il traverse. Ainsi rend-il ténues les limites entre pays natal et terre d'exil, entre passé et présent pour instaurer une absence absolue de repères qui devient menaçante lorsque le réfugié-écrivain tente de trouver une place au sein de la société allemande. Suffoquant, paradoxalement, face à l'omniprésence d'une telle vacuité, celui-ci plie sous le poids des lois et autres charges administratives :

> Ich versuchte alles Mögliche und Unmögliche, mein Leben in geordnete Bahnen zu lenken, scheiterte aber oft an den zahlreichen Paragrafen und bürokratischen Vorschriften, die dieses Land unter sich begraben. […] Die Leere in den Wäldern und Bergen dieses Landes war genauso groß und gewaltig wie die in der Wüste. Ich gebe zu, ich stellte langsam fest, wie groß und mächtig die Leere ist, die man überall antreffen kann. Sie ist so groß und mächtig, dass sie mir die Luft zum Atmen nimmt. (Khider 2013, 99)

La passivité, en tant qu'elle est produite par divers principes d'exclusion, est sous-jacente à la représentation du migrant selon Abbas Kidher. Pour autant, la dynamique de construction de l'espace frontalier dans lequel il se meut est parallèlement alimentée par une logique de résistance qu'il convient à présent d'analyser plus avant.

3. Résistance à la loi et déconstruction des frontières

La question de la complexité identitaire se pose dans ce contexte avec une acuité particulière. Elle résulte de la concomitance de deux forces antagonistes déployées au sein de l'espace que constitue la route de l'exil. Reposant sur des mécanismes de constructions performatifs, cette complexité émerge au point d'interaction que forment, d'une part, les différents régimes frontaliers et, d'autre part, l'agissement des migrants vis-à-vis de ceux-ci (Schulze Wessel 2017, 136).

3.1 L'espace interstitiel

Le destin des divers réfugiés, avec qui Rasul Hamid se lie d'amitié, permet de mettre en évidence que la frontiérité correspond à un phénomène se manifestant dans leur for intérieur au gré de leurs déplacements. Si la mer Méditerranée symbolise la limite par excellence qui doit être passée pour pouvoir rejoindre l'Europe, l'échec répété de leurs tentatives tend à faire de ce territoire marin un espace létal. Quant à la Lybie, elle devient une zone de réclusion accueillant toutes sortes de criminels (Khider 2013, 79). Pour autant, les mesures punitives appliquées aux postes-frontières ne sont aucunement dissuasives : agissant toujours dans la clandestinité, l'un des compagnons d'infortune du narrateur entend se rendre en Afrique du Sud par voie terrestre, tandis que l'autre prévoit tout d'abord de rejoindre la Tunisie (2013, 79). On peut en conclure qu'ils s'érigent ici eux-mêmes au rang d'acteurs redéfinissant et redessinant d'autres zones frontalières qu'il importe de franchir. Ils initient en ce sens un processus de *rebordering*. Sarah Steidl (2017, 319) souligne à ce titre que la figure du migrant dans ce roman de Khider contribue à configurer les frontières.

Quant au narrateur, il incarne plus que jamais le concept de liminalité. Les divers lieux de passage entre deux ordres dans lesquels il se tient symbolisent les effets performatifs des frontières. Mouvantes, oscillantes et réunissant certains contraires, elles se dressent entre deux époques : « An der Grenze zwischen Lybien und Tunesien, in Ras-Ajdir, trifft man zwei verschiedene Jahrhunderte gleichzeitig. Auf der libyschen Seite blickt man ins 18. oder 19. Jahrhundert, auf der tunesischen ins 20. » (Khider [2008] 2012, 80)

Aussi peut-on soutenir que le réfugié-écrivain s'inscrit au sein de l'espace interstitiel, parce que binaire, que génèrent les frontières. Sous ses yeux se fait en effet jour une structure duelle dont les éléments s'imbriquent les uns dans les autres à travers sa présence même : « Ich ließ mich zwischen den beiden Grenzposten nieder. Schaute nach links und nach rechts, ins 20. und 18. Jahrhundert » (Khider 2013, 82). Cet aspect, qui apparaît dans divers passages, est parfois exploité plus avant par le recours à une métaphore ornithologique, le motif de la colombe étant synonyme de liberté et d'utopie (Steidl, 2017, 319).

De même, l'Evros, « le fleuve de la damnation » [*Fluss der Verdammung*] (Khider 2013, 63) délimitant la Turquie et la Grèce marque le périmètre d'un cimetière aquatique international [*der internationale Wasserfriedhof*] (2013, 63) parce que de nombreuses personnes tentent de le passer au

péril de leur vie. Mais ce lieu n'en demeure pas moins, ainsi que Rasul Hamid le grave sur l'écorce d'un arbre, un point de rencontre entre les cultures [*Treffpunkt der Kulturen*] (2013, 63). Il s'agit, pourrait-on ajouter, d'un espace hybride, d'un « tiers-espace » (Bhabha 2011, 56 et suiv.), *i.e.* du siège d'une antithèse qui permet de repenser et de renégocier les processus de signifiance culturelle. Accompagné d'un passeur, Rasul Hamid découvre par exemple dans ce décor une inscription en langue arabe figurant, là aussi, sur le tronc d'un arbre : « 'Hier ist der Platz, an dem die Sonne im Osten untergeht und im Westen aufgeht.' » (Khider 2013, 64).

Dans l'entretien *La langue étrangère est synonyme de liberté* [*Die fremde Sprache bedeutet Freiheit*] déjà cité en introduction, l'auteur revient sur la dualité inhérente à ce lieu qu'il associe à un pont entre l'obscurité et la lumière, soulignant en outre que ce point cristallise toutes les peurs (Khider 2012, 82). Le réfugié, en tant qu'il met au jour les dichotomies traversant l'espace frontalier et qu'il suggère la réunion des contraires, incorpore, de plus, un tel sentiment de terreur ; une terreur dont Marc Boeckler (2012, 47) rappelle qu'elle est étymologiquement coextensive aux concepts de terre et de territoire (transfrontalier). Or, ceci ne fait-il pas écho à la crainte dont il a déjà été établi qu'elle est largement prise en considération dans la définition du réfugié ? Il apparaît ainsi que la peur continue certes d'assaillir le réfugié lorsqu'il initie cet acte transgressif que représente le franchissement de zones liminales. Néanmoins, il ne cède pas son pouvoir d'action lorsqu'il se trouve dans de tels domaines.

3.2 La textu(r)alité des frontières

Faisant écho au brouillage catégoriel introduit dans les territoires où s'insinuent, nous venons de le suggérer, des paroles écrites, le thème de la venue à l'écriture du réfugié-écrivain est d'une importance capitale pour saisir la logique de résistance dans laquelle il s'engage.

Ce thème est décliné de différentes manières, dont les aphorismes manuscrits disséminés dans de nombreux lieux et qui, à eux seuls, condensent la complexité attachée la frontiérité : si elle peut être conçue, cela a été démontré, comme l'appareil d'un régime hégémonique qui brime la subjectivité et étouffe les espoirs des migrants, la texture qu'elle présente se fait textuelle. Aussi peut-on à présent soutenir que la structure de la frontière chez Khider doit être appréhendée à travers la « textu(r)alité » dont elle ressortit et par laquelle son potentiel subversif se dévoile.

Jeté en prison à l'âge de 19 ans pour avoir bravé l'autorité étatique, le narrateur lit en effet sur les murs de sa cellule des vers teintés de révolte qui tendent à inverser le discours répressif, le menant *ad absurdum* : « 'Das Gefängnis ist für mich eine Ehre, die Fessel ein Fußband und der Galgen die Schaukel der Helden.' » (Khider 2013, 60)

Il fera du reste siennes ces paroles en les réinscrivant sur les parois d'autres pénitenciers à l'aide de petits cailloux (2013, 29). Par ailleurs, Rasul Hamid s'appuie sur la verve de l'écrivain satiriste et polémiste Heinrich Heine dont il cite explicitement un vers extrait du poème *Balthasar* [*Belsazar*] (1827) (Heine [1827] 1975, 50 et suiv.). Heine s'y inspire de l'Ancien Testament – du Livre du prophète Daniel – et, plus particulièrement, de la sanction dont est frappé le roi éponyme pour avoir dérobé des vases du temple de Jérusalem. Le poète romantique exploite par conséquent le thème de la loi divine et du régicide survenu dans la cité de Babylone. Dans le passage repris par Khider, il est question d'un mauvais présage qui s'inscrit en lettres de feu sur un mur, l'auteur – une main – en demeurant anonyme. Le sujet disparaît en effet à mesure que le message se dévoile (Khider 2013, 59). Dans ce contexte, le réfugié-écrivain de Khider introduit une réflexion poétologique, réinterprétant le poème de Heine. Ce dernier place l'accent sur la présence-absence des signes matérialisés par les flammes vacillantes dont la fonction est d'ébranler la fixité de toute signification ontologique et métaphysique pour faire advenir l'altérité en lieu et place du sujet écrivant, *i.e.* du sujet du Verbe (Müller 2020, 442, 444, 447). Or, cet aspect se voit, dans *Der falsche Inder*, directement mis en corrélation avec la structure de la frontière et, plus précisément, de la textualité dont procède le motif mural, lequel est synonyme d'enfermement. Le romancier contemporain souligne ici la dynamique antithétique dont participe la frontiérité : si ses effets sont anéantissants – rappelons que le « je » est évanescent dans les vers de Heine –, ils appellent, dans le même temps, un contre-discours. Celui-ci repose sur une provocation affirmée qui se réalise par et dans le passage à l'écriture. Il en ressort que le narrateur de Khider mine de l'intérieur l'idée même de frontière en tant qu'instrument de pouvoir (Pöhls, 2013/14, 11 et suiv.). Mais on retiendra principalement qu'il le fait par l'intermédiaire d'une structure textuelle, c'est-à-dire par ce que l'on pourrait appeler une « mise en texte » de la frontière. En d'autres termes : recourant à la textualité, il déploie une structure qui résiste à un dispositif hégémonique. De manière générale, la poésie larvée de protestation, qui s'étend, dans le roman, sur diverses surfaces dont les murs des prisons, fait corps avec le support liberticide sur lequel elle figure. Il s'en dégage

une conception complexe de la frontiérité. Le concept de *bordertextures* désignant la structure acentrique et rhizomatique d'une frontière, c'est-à-dire la structure en réseau nourrie par diverses dynamiques discursives (Weier et al. 2018, 76) permet ici d'en éclairer les principes de fonctionnement : cultivant la textualité de la frontière, le réfugié-écrivain lève *in fine* le voile sur la texture ou, plus précisément, la textu(r)alité des frontières dans lesquelles soumission et insoumission, autorité étatique et paroles séditieuses s'enchevêtrent et se déterminent les unes les autres.

3.3 L'écriture – un acte subversif

Force est de constater que réfugié-écrivain s'immisce lui-même au sein d'une telle textu(r)alité parce qu'il coexiste, interfère avec elle et s'y imbrique. De fait, Rasul Hamid met au jour cette complexification lorsqu'il se décrit comme un écrivain compulsif dont le passage à l'acte (d'écriture) point à la vue des muses – et notamment de Fatima (Khider 2013, 36) – qui croisent son chemin. D'indomptables pulsions le contraignent, tant en Irak qu'en Allemagne, à commettre des actes illicites. Ce faisant, il s'oppose à la législation en vigueur : dans le seul but d'écrire, il dérobe toute sorte de papier, qu'il s'agisse de documents émanant de l'État ou de papier alimentaire (2013, 36). La venue à l'écriture lyrique se présente ainsi comme une expérience mobilisant la corporéité de l'écrivain qui répond à une conduite addictive. Il est parcouru de tremblements (2013, 41) lorsqu'il ressent le besoin irrépressible d'écrire, tandis que son corps est ramené à ses fonctions organiques. Les phases de création littéraire sont en effet associées, non sans une certaine trivialité, à divers troubles du métabolisme (2013, 52). Dans ce contexte, il convient de souligner que l'avènement du corps participe de la dynamique créée par les interférences précédemment abordées entre, d'un côté, les pratiques d'exclusion générées par les frontières et, de l'autre, les pratiques de résistance développées par le réfugié-écrivain.

Celui-ci invente en outre un alphabet fait de hiéroglyphes mêlant lettres latines et arabes afin de nommer les atrocités commises durant les années dictature en Irak tout en déjouant soit le contrôle étatique soit celui des gardes-frontières durant ses années de fuite (2013, 27). Néanmoins, sa mémoire étant en proie à des processus de refoulement, il craint que ce système de signes clandestin ne sombre dans l'oubli. Aussi peut-on en inférer que le thème de la perte est intrinsèquement lié à celui de l'écriture,

laquelle peut *ipso facto* être qualifiée de nomade, tant elle est mouvante. Tout comme sa propre personne, elle menace de devenir invisible : « [...] meine Schreibereignisse ähneln Zigeunerstämmen. Jedesmal verlieren sie sich in einem Loch dieser Erde. » (2013, 27)

Pour autant, Rasul Hamid conserve son journal intime, tel un dernier rempart devant la dissipation totale de sa personne. De plus, il se remet toujours à écrire, recommence sans relâche si bien que l'écriture correspond à un ajournement qui est aussi une « différance » selon l'acception que Derrida (1994, 20 et suiv.) réserve à ce concept, c'est-à-dire une force différée-différante. Cette écriture lui permet, en somme, de repousser les limites imposées au sujet écrivain. De fait, la création littéraire s'inscrit, au même titre que la figure du réfugié-écrivain, dans l'ordre de construction de la liminalité : quelque part entre deux continents, Rasul Hamid égare ses carnets contenant des vers composés durant trois années. Il s'agit de textes versifiés dont il doit toujours réactualiser la portée : « [...] drei Jahre Lyrik zwischen Asien und Afrika. Welch ein Verlust! Manchmal glaube ich, dass alles, was ich heute schreibe, nichts anderes als das ist, was ich damals bereits geschrieben habe. So als schriebe ich all das Verlorene wieder neu. » (Khider 2013, 32)

Il met ainsi en scène et performe sans cesse le principe de la venue à l'écriture, résistant à l'auto-effacement qui pourrait l'affecter au sein de l'espace frontalier. Par là même, il trace sur ce territoire une fissure, comme pour mieux y faire raisonner son propre pouvoir d'action.

Sur la base des éléments mis en lumière, nous voudrions à présent suggérer que la dualité ou, plus largement, la complexité identitaire inhérente au réfugié-écrivain, et qui résulte des phénomènes précédemment décrits ayant trait à la dynamique de « dés-ordre » et « de-construction » des frontières trouve une expression au niveau de l'esthétique développée par l'auteur.

4. Loi et esthétique des frontières

Il s'agira ici d'analyser les ressorts du texte littéraire sous l'angle des effets qu'il produit relativement à la déstabilisation des frontières. De fait, nous soutenons ici que ce texte crée une forme de désordre visant à déjouer la force coercitive des frontières. La structure et l'ordonnancement de ce roman, qui oscille entre différents textes, entre différentes strates narratives, invite à redéfinir, de manière critique, toute forme de limite textuelle.

4.1 Frontières intertextuelles

Outre les liens intertextuels que le romancier et, plus précisément, le narrateur homodiégétique établissent avec Heinrich Heine, cette œuvre est cousue d'autres références à des auteurs canoniques ou à des courants littéraires. Ces renvois sont au demeurant différemment cryptés : Khider convoque à la fois Homère, le culte du génie tel qu'il a forgé par les romantiques (Barthold 2020, 80), les poètes – on l'a souligné – Heine ou encore Rainer Maria Rilke (Khider 2013, 37) qui sont expressément nommés et cités. À titre d'exemple, on mentionnera que Khider introduit une prosopopée, réécrivant à la première personne et au style direct un passage extrait de la nouvelle *La mélodie de l'amour et de la mort du Cornette Christoph Rilke* [*Die Weise von Liebe und Tod des Cornets Christoph Rilke*] écrite en 1899. « [...] und ich fühlte genau das, was wohl auch der altwürdige Rilke gefühlt haben muss: 'Ich will ein blondes Mädchen, mit dem ich spiele. Wilde Spiele.' » (Khider 2013, 37). Dans le texte rilkéen, le sujet se trouve à la troisième personne du singulier : « Und der von Langenau wird traurig. Er denkt an ein blondes Mädchen, mit dem er spielte. Wilde Spiele. » (Rilke 1926, 14). Khider complexifie, autour du thème de l'érotisme, les strates fictionnelles, mêlant subtilement divers personnages et diverses figures d'auteurs.

Mais il est un autre écrivain de langue allemande particulièrement significatif dans le contexte du travail littéraire sur le pouvoir juridique et administratif qu'établit Khider, et ce d'autant que les liens intertextuels sont, en l'espèce, dissimulés. Il s'agit de Franz Kafka. De fait, la figure du réfugié qu'il met en scène adopte les contours de celle du hors-la-loi imaginé par l'auteur pragois. On en appréhendera la singularité selon son acception première, à savoir en tant que personne évoluant à l'extérieur de la loi : dans le très bref texte, une parabole, intitulé *Devant la loi* [*Vor dem Gesetz*] (1915), un homme de petite condition fait face à un gardien de la loi qui en contrôle l'accès. Cet homme aspire, en vain, à pénétrer dans la loi : « [...] das Gesetz soll doch jedem und immer zugänglich sein [...] » (Kafka 1981, 81). La froideur des interrogatoires qu'il subit est placée au premier plan : « Der Türhüter stellt öfters kleine Verhöre mit ihm an, fragt ihn über seine Heimat aus und nach vielem andern, es sind aber teilnahmslose Fragen, wie sie sie große Herren stellen, und zum Schlusse sagt er ihm immer wieder, daß er ihn noch nicht einlassen könne. » (Kafka 1981, 81)

Cette scène fait écho aux interrogatoires, répétés, auxquels est soumis Rasul Hamid. Au cours de ceux-ci, il doit faire la preuve de son identité, de sa vie passée en Irak ainsi que des persécutions dont il a été victime, le but étant de légitimer son statut de réfugié au regard de la législation en vigueur :

> […] die Richter und mein Übersetzer hatten sich meine ganze Geschichte angehört. Sie meinten, sie könnten mir die Asylberechtigung nur dann erteilen, wenn ich einen Nachweis für meine Inhaftierung aus politischen Gründen im Irak bringen könnte. Schon wieder ein Nachweis. Wie stellen sie sich das nur vor? Welcher irakische Folterer wäre so liebenswürdig, mir schriftlich zu bestätigen, er habe mich fast zu Tode verprügelt oder wer weiß was sonst noch alles mir mit angestellt. (Khider 2013, 121 et suiv.)

Une telle mise en regard permet d'en conclure à la réécriture d'un classique, fût-elle réduite à un motif. Le texte kafkaïen est en effet recontextualisté pour être teinté de sarcasme. Khider recourt ainsi à l'intertextualité dont il fait un moyen de mise en pratique matérielle et esthétique de la structure textuelle des frontières. À cet effet, il déplace les lignes de démarcation entre prétexte et texte. Conformément à la définition que livre Julia Kristeva (1969) de l'intertextualité, nous voudrions suggérer que le travail de Khider illustre le principe suivant : « [...] tout texte se construit comme mosaïque de citations, tout texte est absorption et transformation d'un autre texte. » (1969, 146) Plus précisément, ce procédé intertextuel correspond à un processus de délimitation [*Grenzung*] (Schimanski 2020, 31) car les traces du prétexte sont disséminées dans le nouveau texte. En d'autres termes : Khider ouvre la voie au récit kafkaïen, qui thématise l'exclusion de la légalité à laquelle est confronté le « non-sujet », tout en l'appliquant à la figure du réfugié, initiant ainsi une logique de dédoublement, de ramification et de déplacement des frontières textuelles qui se veut critique et déconstructive. Par là même, le roman de Khider, que nous lisons, rappelons-le, à travers le prisme thématique « loi et frontière » se voit conférer une dimension éminemment productive qu'il convient de déceler, cette fois-ci, au niveau de l'économie interne de l'œuvre. Les liens intertextuels dont il est tissé, dévoilent *in fine* une texture complexifiée, laquelle invite à repenser, cela a été démontré, non seulement les frontières en tant que représentations au niveau de la fable, mais également les frontières et jointures textuelles, et ce dans le sens d'une *bordertexture* ou, plus précisément, d'une textu(r)alité.

4.2 Répétition sur le même thème

On notera que l'incertitude propre au statut juridique du réfugié, dont il a déjà été question, est pointée à travers la structure répétitive du récit. Les mémoires de Rasul Hamid constituent une narration enchâssée au sein d'un récit cadre dont le point de focalisation est celui du narrateur anonyme qui trouve le manuscrit déposé dans un train : la première partie, située avant le manuscrit proprement dit, est consacrée à cette découverte. Dans la seconde, le narrateur arrive à Munich d'où il envoie le manuscrit.

Au sein de ces mémoires, l'histoire de Rasul Hamid est répétée huit fois, chaque occurrence donnant lieu à un chapitre ayant trait à ce destin de réfugié à partir d'une perspective différente. Celle-ci est déterminée par les mises en relief, toujours variées, de plusieurs événements centraux. Les chapitres 6 [*Die Wunder*] et 7 [*Auf den Flügeln des Raben*] illustrent ce procédé, leurs seuls titres présentant par ailleurs un contraste thématique manifeste. En outre, les accents picaresques ou sarcastiques conférés à certaines scènes dont celle, déjà mentionnée, concernant l'établissement d'un certificat d'authenticité par les tortionnaires irakiens, s'oppose à la gravité qui innerve, ailleurs, l'évocation des conditions d'incarcération dans lesquelles une série de droits fondamentaux sont bafoués en Irak. Si ceci contribue à une dédramatisation de l'horreur (Hilmes 2017, 141), la structure cyclique des mémoires a avant tout pour effet d'instaurer, sur un plan esthétique, le principe d'itérabilité, tel que forgé par Derrida (2010). Nous en retiendrons ici deux caractéristiques. Dans le séminaire intitulé *La bête et le souverain*, le philosophe se réfère tout d'abord à l'image de la roue lorsqu'il aborde le thème de l'autonomie du sujet :

> [...] dès lors donc que la roue décrit le retour sur soi circulaire autour d'un axe immobile, elle devient une sorte de possible figural incorporé, une *metaphora* (*metaphora* veut dire en grec « véhicule », voire autobus, automobile) pour tous les mouvements du corps comme mouvements physiques de retour à soi, d'auto-déictique, d'auto-référence autonome mais physiques et corporels, et donc plus que le miroir et la spécularité en général [...]. (2010, 119)

La structure répétitive du récit enchâssé dans *Der Falsche Inder* figure très précisément cette rotabilité. Elle représente, si on l'interprète à travers le prisme de la conception du réfugié-écrivain dans cette fiction :

> [...] le rêve d'être soi-même, en déplacement, de se déplacer tout en restant soi-même, d'être sa propre rotation sur soi, d'entraîner le corps et

> le rapport à soi incorporé, dans le monde, vers le retour à soi autour d'un axe d'identité relativement immobile, non absolument immobile, puisque l'axe, l'essieu, le moyeu, se déplace aussi, mais immobile au regard du cercle de la roue même qui tourne autour de lui. (2010, 119 et suiv.)

Derrida (2010) place ensuite l'accent sur le principe de répétition, indiquant que ce qui se répète est certes toujours reproduit, mais ne peut l'être que de manière décalée. Par conséquent, une répétition ne peut signifier qu'altération ; elle ne peut aucunement correspondre à une reproduction à l'identique. En ce sens, elle génère la transgression d'une loi car « il y a dans cette logique d'itérabilité de quoi remettre en cause les oppositions [...] » et « commencer à analyser [...] toutes les fantasmatiques, toutes les idéologies ou les métaphysiques [...] » (2010, 120). Partant, nous avançons l'argument selon lequel la structure interne du manuscrit de Rasul Hamid tend à déconstruire la force coercitive de la frontiérité tout en pointant la possibilité, pour le réfugié-écrivain, de s'ériger en tant que sujet autonome au-delà de tous les binarismes ; binarismes qui le traversent et qu'il incarne dans le même temps.

4.3 Les acteurs « de » la frontière

La critique s'est saisie des questions relatives à l'autorité de l'auteur ainsi que de celle, voisine, de la fonction de l'écriture. Elles s'inscrivent dans le contexte des fondements autofictionnels de cette œuvre qu'il convient d'appréhender à l'horizon des changements de paradigmes esthétiques intervenus après la postmodernité et qui concernent, notamment, le brouillage des frontières entre autobiographie et fiction (Krumrey 2015, 13 et suiv.). Le narrateur anonyme de Khider met par exemple en doute l'authenticité de son récit lorsqu'il insiste sur la similarité de son propre destin avec celui de Rasul Hamid (Hilmes 2017, 136 et suiv.). Rappelons en outre que ce parcours offre de nombreuses lignes de partage avec celui, plus personnel, de l'auteur Khider, ce qui créé une ambiguïté constitutive du roman (Jensen/Müller-Tamm 2013, 322)[4]. Ces procédés participant d'une complexité identitaire évidente ont été à juste titre interprétés dans le double sens d'une auto-construction et d'une auto-dissimulation : se dire soi-même nécessite toujours une prise de distance vis-à-vis de sa propre subjectivité dont les

4 Khider établit des liens intratextuels avec son recueil de poèmes *Chronik der verlorenen Zeit* publié en langue arabe et cité dans le roman (Jensen/Müller-Tamm 2013, 322).

ressorts, rendus ostensibles par Khider, se nichent dans le ton ironique et, plus particulièrement, dans le « réalisme ironique » qui caractérise le roman (Schramm 2015, 91 et suiv. ; Schramm 2016, 83, 84). Par ailleurs, l'un des objectifs assignés à cette œuvre à travers le thème de la place réservée à la figure de l'écrivain est, très précisément, de rendre visible le discours des réfugiés dans la sphère publique (Barthold, 2020, 71). À cet effet, Khider fait voler en éclats, d'une part, certains traits stéréotypés prêtés aux réfugiés venus du monde arabe et, d'autre part, une série de traditions occidentales. Par là même, il se positionne lui-même en tant qu'auteur critique et subversif au sein de la tradition littéraire des pays germanophones, visant, dans le même temps, une forme de légitimation. Celle-ci concerne non seulement son activité d'écriture en tant qu'auteur dont l'allemand n'est pas la langue maternelle, mais également les perspectives interculturelles et transculturelles qu'il ouvre dans son texte (Jensen/Müller-Tamm 2013, 327 ; Fouad 2016, 84 ; Barthold, 2020, 72, 80).

Mais il convient à présent, sur la base de ces résultats et conformément aux principes relatifs à une poétique des frontières développée par Johan Schimanski (2020), de souligner que Khider érige d'autres frontières qui sont ensuite *de facto* transgressées. Le motif des mémoires le démontre très largement : étant circonscrits par une série d'indices paratextuels – le nom de l'auteur, le titre éponyme et une citation de Gottfried Benn placée en exergue –, ils sont performés au sein de l'œuvre. Les mémoires de Rasul Hamid sont en effet littéralement rendus présents, et ce même s'ils résultent, cela a préalablement été mis en lumière, de stratégies autofictionnelles faisant intervenir différentes strates narratives. Il n'en demeure pas moins que leur présence se manifeste parce qu'elle marque une limite avec la première et dernière partie de l'œuvre, chacune étant indiquée par les chiffres romains I et II. Cet aspect est en outre accentué parce que sont créées des limites temporelles : le narrateur anonyme ouvre l'enveloppe contenant le manuscrit à 14h45. Ce geste clôt le chapitre I. À 18h14 très exactement, son train arrive ensuite en gare de Munich, ce qui est relaté au tout début du chapitre II, soit, relativement à l'économie du livre, après le manuscrit. Ainsi que cela est explicitement signalé dans le texte, le narrateur anonyme a procédé durant ce laps de temps à la lecture des mémoires de Rasul Hamid. Ce double procédé relève d'un balisage textuel dont la fonction nous paraît comparable à celle d'une préface vis-à-vis du texte qu'elle précède ou à l'utilisation d'images indiquant la fin d'un texte : « [...] Anfang und Ende oder Außen und Innen eines Textes können [...] als die

äußeren Kanten eines Textes als Grenzbereich gesehen werden. » (2020, 90 et suiv.)

Or, le passage de cette zone liminale s'effectue sur différentes strates. Premièrement, au niveau de la fable *stricto sensu* lorsque les histoires du narrateur anonyme et de Rasul Hamid se confondent : « Wie kann es sein, dass einer einfach meine Geschichte aufgeschrieben und in einem Umschlag ausgerechnet neben mir gelegt hat? Wenn einer meine Geschichte gestohlen hat, wieso hat er sie dann ausgerechnet mir zukommen lassen? » (Khider 2013, 153)

Cette lecture narrée s'effectue dans un train, qui est un lieu de transit hautement significatif dans ce contexte (Hofmann 2017, 108 et suiv.). Elle constitue, deuxièmement, une mise en abyme de celle à laquelle se livrent les lecteurs/-trices. Nous décelons dans cet acte, qui se situe au niveau de la réception de l'œuvre, une dimension phénoménologique. Celle-ci résulte de la mise en relation des lecteurs-/trices avec ce que Schimanski (2020, 90) appelle les limites extérieures du texte : par ce glissement d'un espace textuel – le récit cadre – vers un autre – le récit enchassé, *i.e.* les mémoires – et vice versa, le lectorat de Khider fait l'expérience d'un franchissement de frontières qui a une visée heuristique. En d'autres termes : la frontière traverse celui ou celle qui la traverse (2020, 68 et suiv.), faisant écho, de manière performative, à la situation même du réfugié-écrivain sur la route de l'exil. Ainsi Khider fait-il de l'exil, dont on indiquera qu'il s'agit à l'origine d'un terme emprunté au domaine juridique (Courrent 2010), une esthétique littéraire des frontières incluant et réunissant divers acteurs. Les fondements à la fois éthiques et politiques sur lesquels celle-ci repose s'en trouvent ainsi toujours réaffirmés.

5. Conclusion

L'étude du roman *Der falsche Inder* à la lumière du complexe « loi-frontières », qui a été entreprise sur les plans thématique, narratologique et esthétique, a permis de souligner que l'identité du réfugié-écrivain est en soi hétérogène et est mise en scène de manière kaléidoscopique. Par ailleurs, elle s'inscrit au sein du complexe que représentent les frontières. Celles-ci sont élaborées au gré de pratiques et de procédures juridiques s'appliquant aux réfugiés, et dont l'auteur indique, à l'exemple du personnage de Rasul Hamid, qu'ils sont vulnérables, car ils sont exposés à des situations de violence ou de grande précarité. De telles situations enferment paradoxale-

ment ce jeune homme dans un néant paraissant abyssal. Or, cette réclusion traduit la passivité à laquelle est soumis le demandeur d'asile au sein de l'Union Européenne et, plus particulièrement, en Allemagne. De fait, si la définition juridique du réfugié prend en considération son besoin impérieux de protection, celui-ci demeure confronté, dans l'univers imaginé par Khider, à la puissance du cadre légal, c'est-à-dire à une « force de loi » ou, en d'autres termes, à un performatif fondateur du droit (Derrida 1994, 34).

Pour autant, la figure du réfugié-écrivain recèle un potentiel subversif par lequel elle parvient à mettre en branle l'ordre établi, créant un certain désordre et déconstruisant la fixité des frontières. Ce personnage s'immisce effectivement au sein des interstices que fait émerger tout espace frontalier en tant qu'il repose sur un principe binaire, c'est-à-dire sur une opposition entre deux ordres. Ce faisant, le réfugié-écrivain esquisse un territoire hybride à partir duquel les processus de signifiance culturelle peuvent être repensés et renégociés. Cet aspect se matérialise concrètement dans le roman à travers la « textu(r)alité », *i.e.* la textualité des frontières en tant que *bordertextures,* ou, en d'autres termes, à travers la texture de frontières dont la structure est textuelle : les murs des cellules dans lesquelles Rasul Hamid se tapit sont autant de recueils métaphoriques sur lesquels figurent des aphorismes et autres vers séditieux. Sous cet angle, il a été établi que le thème de la venue à l'écriture acquiert une dimension particulière. Dans un tel motif se condensent *de facto* la force d'un discours hégémonique et son contre-discours ; celui par lequel s'articule une résistance et se déploie un geste de rébellion. L'écriture étant saisie comme un acte d'insoumission, elle permet au réfugié de ne pas céder face à l'auto-effacement qui le menace dans l'espace frontalier. Aussi peut-on en conclure que la double dynamique de « dés-ordre » sous-jacente à l'ensemble du roman *Der falsche Inder* est coextensive à la représentation des frontières et, par écho, à celle du réfugié-écrivain.

Mais la dynamique inscrite dans cette œuvre s'étend au-delà de ce seul jeu d'antithèses. Khider développe en effet une esthétique qui se nourrit d'un franchissement permanent des frontières assignées au texte même. Pour ce faire, il file les liens intertextuels, introduit une polyphonie narrative porté par les deux narrateurs – le voyageur anonyme et Rasul Hamid –, dédouble les perspectives fictionnelles et autofictionnelles en en soulignant la spécularité et enchâsse les récits. C'est parce qu'elle constitue le point d'articulation de frontières textuelles et structurelles, que cette œuvre se donne *in fine* à lire comme le lieu d'une rencontre entre divers acteurs dont elle garantit, symboliquement, la coprésence.

Une telle coprésence, qui inclut également les lecteurs/-trices, doit aussi être décelée au niveau des effets que produit la frontière. En ce sens, l'œuvre littéraire, telle que conçue par Abbas Khider, invite à envisager la frontière comme un outil heuristique servant à en appréhender la multiperspectivité. Celle-ci permet, en retour, de saisir les ressorts émancipatoires de la frontière quand elle est abordée à travers le prisme de la complexité qui lui est inhérente. Ainsi voudrions-nous suggérer que ce roman se révèle être une exhortation ; il est un appel pointant en creux la possibilité d'une prise d'autonomie de la part du réfugié au sein de la société civile. Khider met très précisément en exergue cet enjeu de nature politique lorsqu'il cite une injonction relevée, il y a de nombreuses années, sur les murs d'une prison grecque : « Grenzen der Welt, vereinigt euch. » (Khider 2012, 81)

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The Borders of Banishment. Liminality and Penal Practice in the Early Modern Holy Roman Empire[1]

Falk Bretschneider

Abstract

In the early modern period, the Holy Roman Empire consisted of several hundred territories. The boundaries of these polities marked political claims to power but posed few obstacles to the everyday life of the population. Using the example of penal expulsion, this article aims to show this ambivalent role of territorial borders in the Empire. It attempts in particular to illuminate the possibilities of social reintegration that were available to exiles due to the considerable trans-territorial interconnectedness of society in the Empire.

Keywords: Banishment, Liminality, Trans-territoriality

1. Introduction

What borders are, and how they relate to the social orders that have produced them at different times, is a question that seems simpler than it actually is. For decades, historians have dealt with this issue primarily from the perspective of the nation-state. Attention has been paid mainly to the emergence of modern forms of domination in space and the associated appearance of materially tangible and unambiguous linear borders, which gradually replaced older feudal dependencies that had been distributed in space in a rather diffuse and discontinuous manner. Paradigmatic for this view is Theodor Mayer's dictum of a shift from the medieval "state of associated persons" (*Personenverbandsstaat*) to the modern "institutionalized territorial state" (*institutionalisierter Flächenstaat*) (Mayer 1935, 466). This corresponded to the idea of a historical development of the border from a "seam" to a "line" (as summarized by Medick 1995). Both views on a linear and entangled development of state formations and the qualities of their borders (referred to as "borderness" by Green 2010, *passim*) are still encountered in research, even though more recent work has since made it clear that there can be no question of such epochal unambiguity. Spaces were already partly thought of as areas in the Middle Ages, and

1 I thank Luca Scholz (Manchester) for his help with the English version of this text.

person-based forms of rule persisted in many regions throughout the Early Modern Period. This also means that linear and non-linear, continuous and discontinuous forms of borders coexisted until the rise of the nation-state in the 19th century (Rutz 2018, 58–104).

This coexistence of different types of borders and the complex logics that were associated with them for social actors have come into view anew from a more contemporary perspective in recent years. The European Union (EU) and other structures of trans- and supranational cooperation mark the end of a traditional conception of the nation-state and the spatial order associated with it, which could be referred to as 'sovereign territoriality.' In many regions, political rule over a clearly delineated territory is now replaced by various forms of shared or overlapping sovereignties, which are accompanied by multiple affiliations of inhabitants and produce 'differential' borders that exist for some and not for others depending on their political, legal or social status. The considerable contrast between extensive free movement of persons within the EU and the numerous barriers that exist for refugees and other people with unclear, temporary, or otherwise precarious affiliations is the most obvious current example of this. Such a 'post-sovereign' territoriality (Jureit/Tietze 2015) in the post-modern era can be compared with a 'pre-sovereign' territoriality in the pre-modern era (Landwehr 2015), i.e., between the 16th and 18th century, which was associated with a similar diversity and contradiction of spatial constellations as well as the resulting logics of action of social actors. A look at spatial and border configurations in history, and at the social orders they represented, can help us better understand current situations and lend historical depth to contemporary diagnoses.

This is also true for the Holy Roman Empire, i.e., the multi-ethnic complex in the heart of Europe that existed from its foundation under Charlemagne in the year 800 until its dissolution during the Napoleonic Wars in 1806 (Whaley 2012; Wilson 2017). The Empire was a large political-social federation which included territories that today belong to Germany, Poland, the Czech Republic, Austria, Italy, France, Belgium, Denmark, and other countries (Illustration 1). It was not a centralized monarchy like France or England, but a complex hierarchical order consisting of many different constituent parts—principalities, counties, imperial cities, etc.—that both claimed autonomy over their own territory and participated in the government of the overall federation through their participation in the imperial institutions (Stollberg-Rilinger 2018). That this situation was accompanied by the existence of a multiplicity of borders and boundaries is obvious. At

the same time, these limits have been neglected by historical research so far. In a study published in 2018, Andreas Rutz focused more intensively on the techniques and procedures of border demarcation in the Empire (Rutz 2018). However, the role they played in the everyday life of its inhabitants is still largely unknown.

Illustration 1: The Holy Roman Empire on the eve of the French Revolution (1789), © Wikimedia Commons.

This is the point of departure for my chapter, which focuses on a specific sanction of penal justice—banishment, i.e., penal expulsion of convicts in the cities and other territories of the Holy Roman Empire. I am interested in how territorial borders structured the space of the Empire and what significance they had for the life of the exiles after the execution of their sentence. Empirically, the text focuses on the eastern parts of the Empire (Saxony, Brandenburg, Bohemia and many other, smaller territories). I will proceed in three steps: First, I will discuss some basic characteristics of territorial borders in the Holy Roman Empire. Next, I will briefly describe

the main features of banishment. Finally, I will use the concept of 'liminal space' to address the question of what effects the omnipresence of territorial borders had on social interaction in the Empire and on the fate of those sentenced to banishment.

2. Territorial Borders in the Holy Roman Empire

A case study may illustrate the specific characteristics of territorial borders within the Holy Roman Empire. In the spring of 1759, in Ottenhausen, a village in the district (*Amt*) Weißensee of the Electorate of Saxony (Illustration 2), the pregnant but unmarried Barbara Elisabeth Kieserin was accused of premarital sexual intercourse, which was strictly forbidden. The young woman was arrested and interrogated, but after a few weeks she was released from prison because of her condition. She then went to live with her parents in Gangloffsömmern, a village in the immediate vicinity. After another few weeks, the Ottenhausen court received a judgement that sentenced the young woman to leave the territory for several years. For this reason, the court servant was sent to look for her. However, he could not find her, neither in Ottenhausen nor in Gangloffsömmern. A short time later, an Ottenhausen resident had been shopping in neighboring Greußen, which belonged to the principality of Schwarzburg-Sondershausen. There he learned that the young woman had taken refuge there with her advocate, who lived in the town. The Ottenhausen authorities then applied for extradition, which was granted. The young woman was brought back to her home village, where she received her sentence in the courtroom. Thereupon, she was finally taken to the border by the court servant and two assessors—in the direction of "Greußen in the land of Schwarzburg where the border stone stands and next to it a large pebble stone lies," as the protocol noted.[2]

2 Landeshauptarchiv Sachsen-Anhalt, Abteilung Magdeburg, Außenstelle Wernigerode: D 52, D V, II K, no. 23, fol. 66 recto.

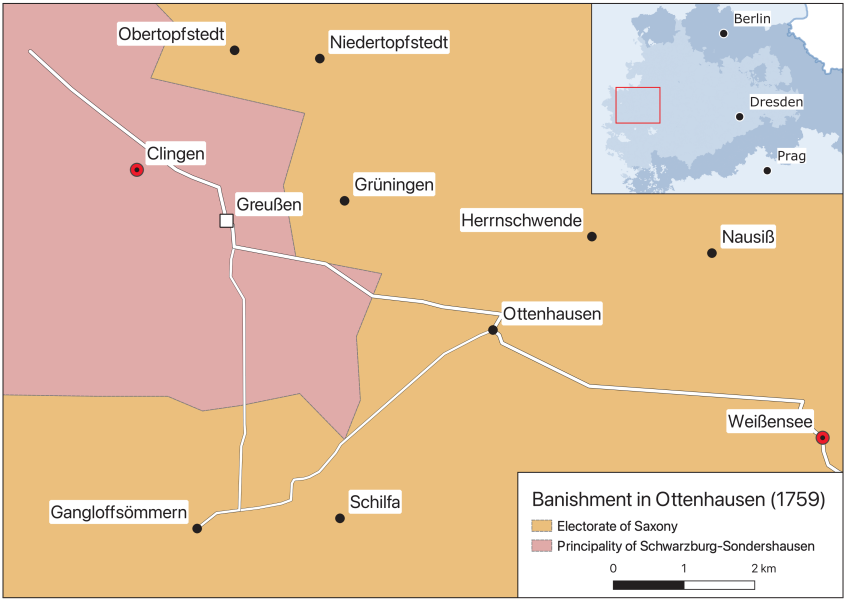

Illustration 2: Banishment in Ottenhausen (1759), © Falk Bretschneider.

From today's point of view, it seems quite absurd to banish a convict back to where she had fled. This procedure not only illustrates the authoritarian claim to punishment, but it also makes visible three features of territorial borders in the Holy Roman Empire. It shows how important these borders were for asserting dominance. The young woman had taken refuge in a neighboring territory. Therefore, the Ottenhausen authorities could not simply pick her up there but had to apply to the neighboring Schwarzburg authorities for extradition, a complicated and costly procedure. The extradition also followed a ritual with strict rules: Greußen officials took the wanted person to the border, where Ottenhausen officials received her. Thus, on the level of political coexistence in the Empire, the borders served mainly as spatial demarcation of political power and consequently produced a considerable fragmentation of space. However, the story of Barbara Elisabeth Kieserin also shows how natural it was for the residents of this region to cross these borders in everyday life. She herself had sought the help of an advocate living in the principality next door, while other Ottenhausen residents went shopping in Greußen, thereby learning where the convict had fled to. This border crossing did not seem problematic to anyone. On

the level of social coexistence and exchange between residents of different territories, the borders seem to have played only a limited role. Third, and finally, the case shows how close to a territorial border many people lived and how this border was a natural part of their everyday lives.

The Ottenhausen case was not an exception. Such omnipresence and proximity of borders within the Empire is also confirmed by other sources. The jurist and statesman Justus Möser wrote in 1770 that the Empire consisted of "nothing but borders" (Möser 1775, 364). This referred to the area around Munster and Osnabruck, where several medium-sized and smaller imperial territories collided. Elsewhere, the territorial situation was not as complex. Nevertheless, the role of the territorial border was comparable everywhere in the Holy Roman Empire. There were several reasons for this. First, the territories of many imperial estates were "composite monarchies" (Koenigsberger 1991; Elliott 1992) That is, they consisted of different parts, all of which were under the jurisdiction of one territorial sovereign who exercised different rights in each of them.[3] Second, these spaces were interspersed with a substantial number of exclaves and enclaves—i.e., individual portions of space, usually quite small, that were surrounded by the territory of another potentate (Duhamelle 2010). Lastly, there were manifold forms of a shared exercise of power, the best known of which is the condominium, in which several princes, counts, lords or cities shared the rule over a place or territory (Jendorff 2010). Even in the eastern part of the Empire, dominated by large principalities such as Electoral Saxony or Electoral Brandenburg, the territorial border was rarely far away. This is made clear by a map that shows the distance to the nearest territorial border for each point in this region (Illustration 3). In many places, the border was less than five kilometers away, or about an hour's walk—the radius of mobility for people carrying out their everyday lives, i.e., shopping at the market, going to the inn, or going to church and court (Ströhmer 2013, 121–127; Daschner 2017, 217). This, too, had to do with the special function of the border in the constitutional structure of the Empire: The territorial borders of the Holy Roman Empire were not state borders. They did not form the

3 It is difficult to correctly render the meaning of *Hoheit* and especially *Landeshoheit* in English, because every translation inevitably refers to Jean Bodin's concept of sovereignty, i.e. a power that does not have to justify itself to anything or anyone. This was not the case in the Empire, however, because here all potentates, from the electors to small lords, depended on the emperor as supreme liege lord. *Landeshoheit* here therefore means the power they exercised over the lands granted to them under the imperial constitution (see Quaritsch 1986).

outer shell of spaces of sovereign power but followed a logic of patrimonial exercise of power that tended to impose barriers on political action across space (Aretin 1993–1997, vol. 1, 58; Scholz 2020, 108).

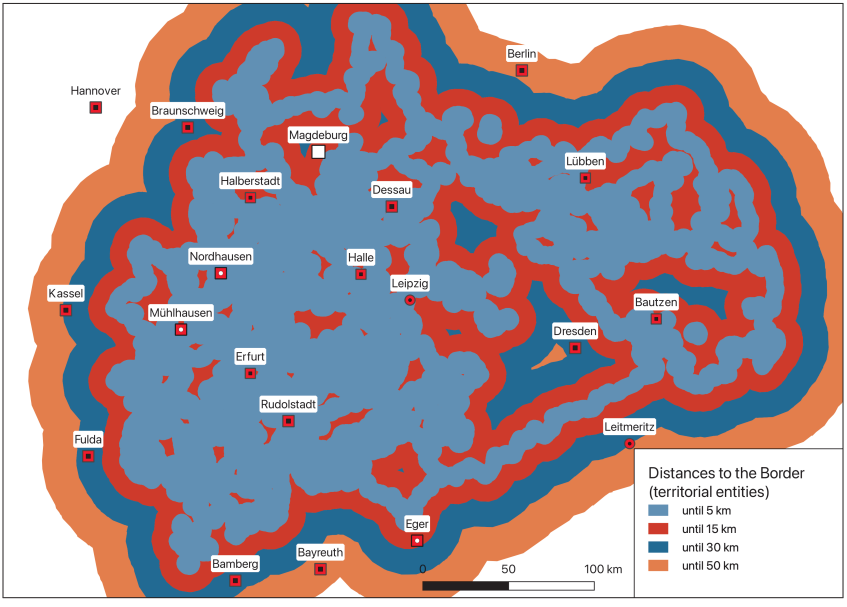

Illustration 3: Distances to the Border[4]*, © Falk Bretschneider.*

That is, the territorial borders did not act as total borders that combined all forms of political, social, economic, or confessional demarcation (Lehnert 2017). Rather, they were only one type of demarcation alongside others, indicating first and foremost the distribution of certain rights of domination that could well be at cross-purposes with the spatial organization of other dimensions of life such as language and dialect boundaries, economic linkages, confessional affiliations, kinship relations, or forms of sociability such as festive culture. These different forms of borders and boundaries intersected and overlapped in the most diverse ways. In Lenkersdorf, for example, a village near Zwönitz, which was divided between the Electorate of Saxony and the Schönburg dominion of Hartenstein, all main elements of

4 In order to take into account the composite character of many imperial territories, the borders presented here are not those of the entire principalities or counties, but those of their respective parts.

political power (high and low jurisdiction, taxation, administration) were divided between the two village lords. This did not prevent the inhabitants from cultivating the fields together, marrying each other, meeting in the tavern, celebrating church consecration together or acquiring property in the other part of the village. The common land was also administered jointly (Wetzel 2004). In other words, territorial borders were of only limited importance for the "customary back and forth of the peasant economy" (Schindler 1997, 350).

In addition, the concrete forms of the border differed from region to region, from territory to territory, and sometimes even from place to place. There is no universally valid morphology of the territorial border in the Holy Roman Empire; rather, it was as different as the spaces it separated. For example, in Franconia or Swabia, the border occasionally ran on the level of individual estates or houses because several territorial lords or members of the Free Imperial knighthood often shared the rule over a village (Schuh 1995). Elsewhere, it coincided with the borders of the village parish or formed along the limits of individual lordships. Their material form also varied. Recent research repeatedly emphasizes how little visible territorial borders were in the landscape (Gotthard 2007, 101–110). In fact, these were regularly oriented to elements in space that were unstable over time: Streams whose course changed in severe weather, dirt roads overgrown by grass, trees that fell in a storm. Pits, mounds, ditches, or walls could also serve as foundations. However, since the 16th century it had become customary to mark them in one way or another, usually by so-called boundary stones (*Marksteine*) which described them as a sequence of individual points (Rutz 2018, 122–134). The same approach was used to demarcate the fields of a village or to indicate different ownerships within the community (Schildt 1995, 163–165).

In this respect, then, there was no fundamental difference between the various forms of border: the territorial border was tied to the local border (of houses, fields, or villages) and benefited from the great importance that the local demarcations had for people's everyday lives (Windler 2002). This also puts into perspective the observation that travelers or other people on the move hardly noticed territorial borders in the Holy Roman Empire, if at all. This is not surprising, since more elaborate border fortifications that could have been perceived from a traveler's carriage hardly existed at all. Customs and escort stations were also located in the interior of the country, i.e., in towns and villages or in inns along the country roads. For mobility, therefore, the territorial borders of the Empire posed no obstacle

(Scholz 2020, 119–120). The impression that quickly arises when reading travelogues—that borders between the political spaces of the Empire did not play a role for travelers or that their course was diffuse must therefore not tempt us to generalize such perceptions. Even though many borders were only faintly marked, the local people knew quite precisely where they ran, which house was under the lordship of which authority, and to whom which field, forest or pond belonged. The border was not vague or indeterminate, it was complex (also Nordmann 2007, 119).

The problem, then, was not whether it was perceptible, but by whom and in what concrete context. That is, its reality did not grow out of a materiality that was the same for everyone, but out of a cognitive presence it held for some and not for others. Those who travelled through the region in the stagecoach might notice little of it. On the other hand, those who tilled their fields along it every day, drove their cattle to pasture, or undertook processions and pilgrimages knew exactly where the border ran and how to recognize it (Kaiser 1998, 67; Duhamelle 2010, 137–198). The same applied to their political significance: while the inhabitants of the Empire crossed the territorial borders largely unhindered in everyday life, their course was one of the most important markers of the rule for the individual territorial Lords and therefore also repeatedly provided cause for legal and political conflict and dispute (Staudenmaier 2011).

3. Banishment

In short, the territorial border in the Holy Roman Empire did not have an effect of its own accord, but rather acquired meaning in concrete situations and through the significance that actors ascribed to it in each case. This is also evident when looking at its role in banishment. The sanction of banishment had originally emerged in the cities of the late Middle Ages as a form of corporative exclusion from associations of persons that had made the physical presence of their members the basis of social participation (Arlinghaus 2018, 306–325). Anyone who wanted to be part of society in the late Middle Ages had to belong to corporations such as houses, guilds, or towns, because access to social life could only be achieved through these institutions. Being excluded from such associations of people was therefore an effective means of punishment. This remained the case throughout the following centuries because the basic forms of socialization that linked participation to presence did not change (Schlögl 2014). And yet, the punishment

did not remain the same. Territorial authorities—i.e., princes, counts, bishops, or the councils of imperial cities—appropriated them and made them an instrument of their territorial policy. In other words, they charged the sanction with new functions it had originally lacked. In concrete terms, the territorial authorities now related the scope of punishment to the borders of the territories they dominated in order to lend emphasis to their claim to territorial rule. The late medieval city banishment (*Stadtverweis*) thus became the early modern territorial banishment (*Landesverweis*), which from the 16th century onward became a frequently and readily imposed punishment throughout the Holy Roman Empire (Schwerhoff 2006).

In addition to being used as punishment for crimes, banishment also became an important tool for the creation of territorial spaces in the Empire. It thus inscribed itself in the process of territorialization of domination, as can be observed everywhere in late medieval and early modern Europe (in France, e.g., Dauphant 2012). In France, Spain or England, this process took place at the level of a future nation-state. In the Empire, it remained tied to the various principalities, counties or imperial cities that formed it (Gerlich 1986, 279–297). Criminal justice played a particularly important role in this. For example, gallows and other execution sites were placed near borders, where they served as symbols of sovereignty (Bellabarba 2002; Härter 2020). This also produced recurring conflicts. The imperial city of Nordhausen, for example, had two execution sites, both located outside its gates but still on municipal territory. A third, a gibbet, was located within sight of a gate but belonged to the dominion of Lohra, which in turn was part of the county of Hohnstein. In 1609, the council complained about the local bailiff to the bishop of Halberstadt, who had occupied the county since the count's family died out in 1593, and let it be known that the gallows were too close to the border. Specifically, the requirement stated that at least 24 cubits of space must lay between the gallows and the border so that the gallows' shadow would not fall on the territory of the imperial city and interfere with its jurisdiction rights (Oßwald 1891, 159). Johann Oettinger's *Tractatus de jure et controversiis limitum*, first published in 1670, shows that such a rule indeed existed (Oettinger 1690, 368–369).

Banishment played a similar role in the process of constructing territorial spaces. This was done primarily through the design of the punishment ritual. The condemned thus had to swear a special oath stating that they would abide by their punishment, respect the now forbidden zone, and not return secretly. In these oaths, called *Urfehden*, as well as in the judgments

of the courts that preceded them, these forbidden territories were explicitly mentioned. It was precisely this approach that contributed to the creation of territorial spaces. By being identified in the various documents, they were given a name and thus a cognitive reality of their own. Also, in this way, the different parts of a country were gradually joined together through acts of language and merged into a whole. If the expelled were brought to the border, then the territorial space was physically stepped out and marked as belonging to a territorial dominion, so to speak. Branding—which was particularly common in the south of the Empire and in the lands of the Habsburg Empire, where the condemned were labeled with gallows marks or letters on their backs or foreheads representing the territories they were forbidden to enter—also drew cognitive maps of these spaces.[5]

Banishment thus reveals a process that is commonly thought of from its end: the territorial space that is homogeneous and outwardly enclosed by unambiguous borders. However, the territory and its boundaries emerged from a long historical evolution (Rutz 2015) during which punitive practices such as banishment occurred simultaneously. An example of this can be seen in the named spaces mentioned in the oaths of the banished convicts. In 18th century Electoral Saxony, which consisted of 13 separate territories with varied constitutions, the individual territory names were only gradually integrated into the *Urfehden* oath sworn by those who were banished (Illustration 4). While the hereditary lands of the elector were among the forbidden zones from the beginning, other parts of Saxony's conglomerate of territories were only added later. One example among others is that of Upper and Lower Lusatia, which had become property of the Elector after the Peace of Prague in 1635 but remained Bohemian fiefs and were therefore administered independently of the electoral government in Dresden. The Elector merely governed them in personal union. Until 1740, therefore, offenders convicted to banishment in either of the two Lusatian territories were expelled only from their part of the territory. It was not until that year that the electoral government managed to have all parts of Saxony equally marked as forbidden in the *Urfehden*. This also applied to other regions such as the Schönburg dominions—subject to the Elector until 1740 by treaty— and the Electoral Saxon shares of the counties of Mansfeld, Barby, and Henneberg . In short, the territory eventually considered Electoral Saxony came into being after a long process,

5 See for example on the Kingdom of Bohemia Národní archiv Praha, Apelační soud v Praze: no. 83, fol. 273 recto.

which was reflected not only in the persistent differences in constitutional and administrative structures but also in the gradual approximation of the ranges of the banishment in the Electorate.

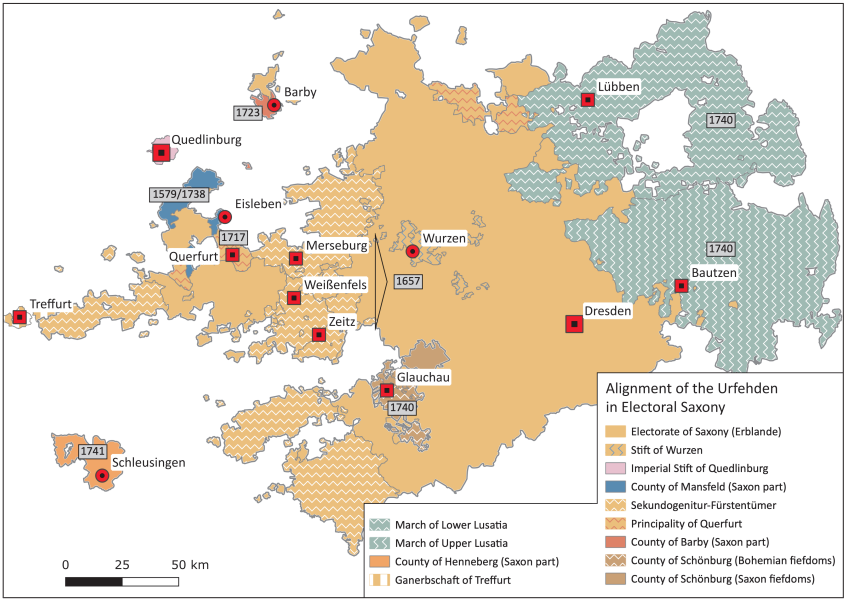

Illustration 4: Alignment of the Urfehden oaths in Electoral Saxon, © Falk Bretschneider.

This slow development of territorial space is also reflected in the fact that, even though this polity had specified the scope of punishment since the 16th century, the convicts were not systematically brought to the territorial border until the 18th century. Instead, they were often left to their fate on the periphery of towns or villages. Carrying out sentences was costly, and financial responsibility was expected to fall to the municipal communities because the convicts were too poor. Additionally, each territory was internally crossed by numerous administrative and jurisdictional boundaries, which made such transfers difficult. For example, city councils and district administrations of territorial rulers each claimed their own jurisdictional rights, which they scrupulously enforced, including a restriction that barred officials of one authority from entering the territory of another. In the Saxon trade fair city of Leipzig, two jurisdictional areas overlapped: that of

the city council and that of the district of the Electorate (*Amt*). Not only did this lead to the development of a gallows with two arms on which wrongdoers condemned by the city or the district administration were hanged, but if the electoral *Amt* expelled a criminal from the country, it also had to obtain permission from the council to have him led through the streets of the city—in which case the county servant was accompanied by a city servant. Even this process was only permitted by the bailiff with the verbally stated stipulation that no disadvantage was to arise to the elector, his regalia and rights.[6]

There were two main reasons for the reluctance to bring convicts to the territorial border. First, until the 18th century, banishment remained primarily a sanction that barred convicts from accessing their local communities, which was synonymous with participation in society at large. In this respect, it did not matter to those involved whether a convict actually crossed territorial borders as long as he did not return to the place from which they had been sent away. This is demonstrated by the fact that illegal returnees were almost never discovered and apprehended at the border, but were instead found within the towns and villages from which they had been expelled. Secondly, the lack of integration of territorial borders into the ritual of banishment punishment shows that the territory first emerged as an idea and a claim, not as a material reality. In the 16th and 17th centuries, even the rulers themselves often did not know exactly where their borders lay. Only gradually did they form a picture of their own country through descriptions of the land, statistical surveys, or the production of maps. Even for the condemned, without maps or GPS, it was very difficult to find their way around in a space whose borders were often only faintly marked. As a result, in many cases, the social exclusion intended by the punishment was not carried out spatially. Although a territory was named in the sentence, preventing convicts from interacting with its borders was impossible. In this respect, banishment primarily meant a symbolic exclusion from a local order of interaction to which the convicts had previously belonged.[7]

6 Stadtarchiv Leipzig, Ratsstube, Titelakten: no. VII E 76 (without pagination).

7 Of course, this only applied to people who had been part of society before their condemnation. For marginalised people such as beggars and vagrants, who largely fell outside the structures of the social, the punishment only reinforced an already valid social exclusion (Coy 2008).

4. The Empire as a Liminal Space

In this respect, the hesitant transport of the convicts to the border is also an indication that the territorial demarcations were only one form of structuring space and society in the Holy Roman Empire. In other words, society in the Empire cannot be reduced to the juxtaposition of territorial spaces (Bretschneider/Duhamelle 2016). This is also shown by the fate of the expelled. By looking at how the delinquents dealt with the consequences of their condemnation, it quickly becomes clear that territory was of limited importance to them. While the thoughts and actions of the authorities of principalities and Imperial cities were undoubtedly determined by territorial claims and ideas, the desires and aspirations of the condemned remained primarily focused on the concrete place from which they had been expelled and the social relations that were connected to it. It was primarily this place that organized their social belonging by assigning property, social status, and forms of recognition (Cerutti 2012). This is where the families of the convicts lived, where their immovable property was located (a little house, a piece of garden, a small field), where they had a job that fed them and their relatives, and where they had a support network of family and friends.

Above all, it was the place through which their position in society was defined. Conversely, the territory to which they were banished had not yet become a point of reference for an exclusive relationship of belonging (Grawert 1973) or a resource of social security, as was to be the case in the late 19th century (Ayaß et al. 2021). This had a specific effect on the decisions that the expelled had to make after receiving their sentences: a territory's size and morphology determined what access they could continue to have to the place that had hitherto been the center of their lives. Specifically, the smaller and the more fragmented a territory was, the shorter the distance of that place from the territorial border, which afforded a greater chance of settling near their former home and thus in a space that was familiar to them through everyday mobility and cross-border exchanges, and offered the possibility of staying in touch with relatives who had stayed behind.

One example may illustrate this: In 1714, Hans Christoph Schicht was banished from the territory of the monastery of Sankt Marienthal in Upper Lusatia, Saxony, for stealing grain (Illustration 5). Although the monastery was under the rule of the Elector, one of the abbess's special privileges

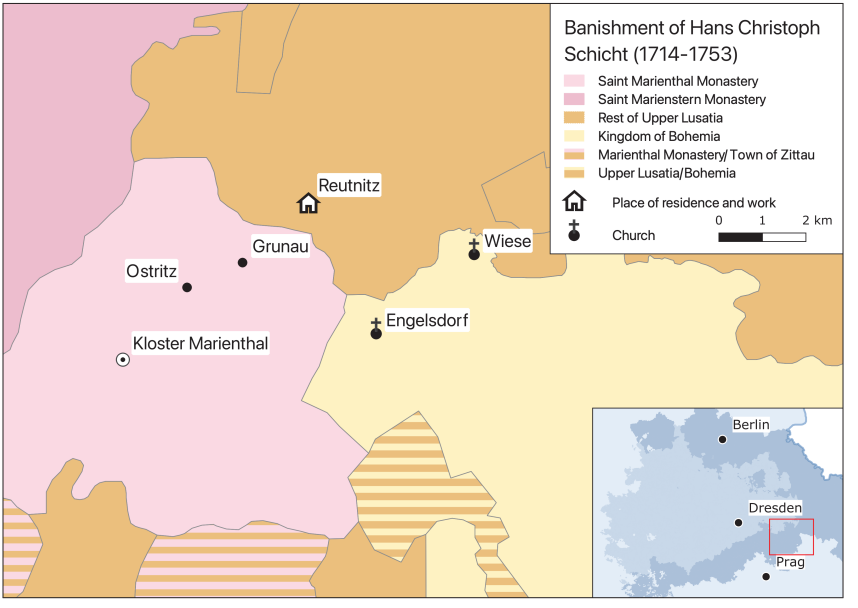

Illustration 5: Banishment of Hans Christoph Schicht, © Falk Bretschneider.

was that she could only expel convicts from her own territory. Almost four decades later, in 1753, Schicht asked for the right to return to his former home. It was discovered that after his expulsion in 1714, he had settled in the nearby village of Reutnitz (today Ręczyn) and found work as a gardener for the local landowner. Reutnitz belonged to a neighboring Upper Lusatian manor. However, his new lordship was Protestant, and Schicht, as a former subject of the abbess, was Catholic; thus, he attended Catholic church services in the villages of Wiese (Ves) and Engelsdorf (Andělka), which were on the soil of the Kingdom of Bohemia.[8] Here it becomes quite clear what significance and effect the various borders had for the expelled man. First, they allowed Schlicht to start a new life only a few kilometers away from his previous place of residence, with everything indicating that he had acquaintances in Reutnitz, which made the new beginning easier. Second, the proximity of Bohemia, a Catholic territory, made it possible for him to fulfill his religious duties—for early modern subjects who saw themselves first and foremost as part of a community with God, this was almost more impor-

8 Sächsisches Hauptstaatsarchiv Dresden, 10025 (Geheimes Konsilium): loc. 5828, vol. 1, fol. 72 recto.

tant being part of an earthly community. Finally, his desire to return to his old homeland, expressed decades after his expulsion, shows that he maintained a connection to his home territory during his long absence.

In sum, territorial spaces and their borders ultimately played little part in the exclusionary consequences of punishment. More often, the complex territorial structure that characterized the constitutional fabric of the Holy Roman Empire proved to be a resource that enabled the expelled to escape the worst consequences of the sanction. It allowed them to settle nearby and thus maintain contact with their relatives, which facilitated a later return—it was precisely these relatives who repeatedly asked for mercy or delivered supplications from the convicts to the authorities. The fact that this was possible was directly related to the Empire. Not only did it guarantee a great variety of Imperial Estates and thus a multiplicity of borders; it also enabled social networks that spanned the Empire without being constrained by territorial borders. These included cross-border personal relationships such as kinship, acquaintances, and friendships, but also the organization of the labor market, which was not bound to the guilds (for servants or domestic staff, for example) who changed positions frequently and repeatedly moved back and forth between territories. Many expellees found employment as farmhands, maidservants or unskilled laborers with a farmer in a neighboring territory and hibernated in these jobs, so to speak, until they obtained the right to return by way of mercy.

This shows that even if, according to the wording of the sentences, the punishment of banishment excluded people from a certain territorial area, it first cut them off from access to the local orders of interaction of which they had previously been a part of. At the same time, however, it was impossible to exclude the condemned from the social network of relationships across the Empire itself. This was summed up in a legal dissertation defended at the University of Wittenberg in 1744, which argued that an expulsion "only cuts off the privileges to which the inhabitants of such province are peculiarly entitled," but not the rights based on the "general laws of the Empire" or in common law (*ius commune*) (Leyser/Francke 1744, 9). This also meant that the convicted person had to leave a certain territory but arrived on the other side of the border in another, which was also part of the imperial union. Accordingly, the concrete consequences of a sentence of expulsion for the individual were not measured only by the exclusionary effect of the territorial border, but rather by the possibility of tapping into the resources of those social networks whose reality these borders could not prevent due to their porosity.

In this respect, the Empire can also be understood as a liminal space, i.e., as a third space (Schiffauer et al. 2018) that existed alongside the binary logic of territorial space, which was characterized by an opposition of the inside and outside and was decisively defined by the territorial border. The space of the Empire overarched and transcended this binary space of territories and allowed its different parts to merge into a whole (Bretschneider 2018). However, this did not apply equally to all actors. Thus, the territorial space was primarily a space of competition between the different rulers in the Empire. Its relevance for society at large, however, was limited—if only because of the often-small size of the imperial territories. From the point of view of the authorities, therefore, it can be understood as a container space that served the goal of coming closer to the ideal of autonomous rule within the framework of the sovereignty of a territory (*superioritas territorialis*). The Empire as a whole, however, established not only a common political space of action for the several authorities based on cooperation, but also an overall context that can be called society because it structured social relations and organized mobility across the various territorial borders (Scholz 2020). Imperial law played a central role in this, regulating various forms of migration between territories such as emigration for confessional reasons (Duhamelle 2015) and departure for economic or other reasons (Möhlenbruch 1977). Due to a lack of research, it is still disputed how freely the inhabitants of the Holy Roman Empire were able to move within its inner borders and what concrete conditions governed their mobility (Härter 2015). What is certain, however, is that the social relational space of the Empire offered numerous opportunities that also made it possible for expellees to survive the period of banishment or to start a new life by finding temporary accommodation with relatives or working in the neighboring territory.

This insight should not lead to misunderstanding the punishment merely as an invitation to move to another territory and thus as a mild sanction. Support from the social environment—which was a central resource for survival in a society based primarily on family ties—was not easily transferred to or established in another place. As a form of forced migration, banishment also exhibits another dimension of liminality. For the convicted, the Empire not only acted as a third space, but their sentence also placed them in a status of transition regarding their social affiliation. They no longer belonged to the association of persons from which they had been expelled, and they could not easily become part of another group because the right to settle permanently and acquire subject status in another terri-

tory was conditional (i.e., based on the payment of an admission fee or the production of character references). It is true that imperial law protected banished persons from being completely excluded after their sentence was handed down, by preventing them from losing their property or falling prey to "civil death," for example, as was the case in France with banishments from the kingdom (Garnot 2009, 475–477). However, it largely deprived them of the possibility of having access to such resources by cutting them off from the residency required for claiming certain rights in the early modern period. For example, they could only take care of their property through representatives (such as family members or friends who had stayed behind) who acted in their stead. Therefore, the limited legal protection offered by the Empire did not mean that the consequences of punishment were nullified. Instead, it transferred the convicts into a state of limbo in which social belonging was not completely abolished but suspended.

How long this state of affairs lasted depended primarily on what opportunities convicts had to become part of a group that assigned them a position in society in another territory. Many of them succeeded in doing so. Andreas Schenk, who had been banished from Leipzig in 1612, is one example. A short time after his expulsion, he submitted a request to the council to be allowed to re-enter the land to trade. He announced that he had built a new life in the neighboring archdiocese of Halle, had married and bought a house "only 3 miles from here in the *Stift* of Halle".[9] Another example is the story of Magdalena Catharina Cumerow and her husband, expelled from Berlin in 1725, who found accommodation first in the town of Königsberg (now Chojna) in the Brandenburg Neumark and later in Haldensleben in the Duchy of Magdeburg, where they traded in gallantry goods as grocers and became recognized members of the town community.[10] However, not all of those convicted were granted such an amicable outcome to their punishment. Although cases of successful settlement elsewhere in the Empire are clearly underrepresented in the sources (precisely because they were successful, i.e., they did not produce any conflicts and thus no files in the archives), the fact that a considerable number

9 Stadtarchiv Leipzig, Richterstube, Akten Teil 1: no. 853, fol. 32 recto-verso. The term *Stift* (also *Hochstift* or *Erzstift*) is used to designate the terrestrial area of authority of a bishop or archbishop of the Holy Roman Empire who, in addition to being a dignitary of the Catholic Church, was always also a vassal of the emperor and thus a prince at the head of an ecclesiastical principality.

10 Geheimes Staatsarchiv Preußischer Kulturbesitz Berlin, I. Hauptabteilung Geheimer Rat: Rep. 49, F, no. 4 (without pagination).

of expellees slipped into the marginalized class of beggars and vagrants who permanently dropped out of the social order cannot be overlooked. Their condition was no longer characterized by liminality, but by total exclusion. Therefore, in their case, territorial borders no longer mattered, because they were chased away wherever they went (Ammerer 2003, 245–248). The internal borders of the Holy Roman Empire were no longer of existential importance to them—only the impenetrable boundaries of their external social lives.

5. Conclusion

This closes the circle to the reality of the present: For many migrants today, state and domestic borders in Europe and elsewhere act as obstacles and bulwarks that other people overcome without much difficulty because their political or social status allows them to do so. Even if the territorial line has been successfully crossed, they find themselves in a liminal phase to which a separate time-space corresponds. Especially for asylum seekers, a phase of waiting and uncertainty about their own fate begins (Leutloff-Grandits 2020). How long this liminal phase lasts and whether it is possible to start a new life at its end, or whether permanent exclusion awaits them, depends in turn on numerous factors that are difficult to reduce to a common denominator. In this respect, the situation of migrants today is only slightly different from that of expellees in the Holy Roman Empire. Although they could not count on friendly supporters and a welcoming culture, their integration or non-integration was in many cases as difficult as that of refugees in the present, because in many cases they were able to draw on cross-border family relationships or other networks of support. Many of them could thus count on being members of a society that transcended the space from which they had been expelled. It is true that various territorial authorities in the Empire endeavored to fix the people living in the territories they ruled to a relationship of belonging that was oriented solely to them and their respective sovereignty. Until the end of the Empire, however, this succeeded only partially at best. The exclusion from a territorial area as a result of banishment had only limited effects. Rather, the consequences remained primarily tied to the fact that the convicts were now denied access to those places that had hitherto constituted their life and participation in society. Whether they were able to acquire such access elsewhere was in many cases a question of the individual situation. The Empire, however, which acted

as a large social relational space for its inhabitants, arching over territorial spaces, did not preclude such reintegration—and in many cases even made it possible.

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Shifting B/Orders: Europeanization and Cross-Border Practices Between North Macedonia and Greece

Guillaume Javourez

Abstract

Since the 2000s, the border between Greece and North Macedonia has undergone a progressive Europeanisation as an external border of the European Union. By looking at the regulations governing border control and the evolution of individual cross-border practices in regard of the local context in borderlands that long shared a common path, this paper questions the way in which the implementation of a new normative order reshuffles the configuration between social orders inherited from distinct historical periods and impact contemporary b/ordering processes.

Keywords: Borders, Europeanisation, Minority, Macedonia, Balkans

1. Introduction

Since the 1990s and the progressive implementation of the Schengen agreements by EU member states, the European Union has become the main actor involved in the management of their borders, both through its normative role and its concrete involvement in numerous actions on the ground. In Greece, the radical changes faced by the country in the 1990s and 2000s, coupled with the rise of intra-Balkan migration and the implementation of the Schengen agreements starting from 2001, led to a radical transformation of its border control. EU regulations now governed Greek border crossings through procedures established at the Union level but implemented at the nation's discretion. Implementing the Schengen acquis, Greece set up a visa regime for short-term stays for the citizens of neighbouring states, establishing at its border a mobility regime regulated at the European level. At the same time, the Union's expansion policy and the integration of the Schengen agreements into the acquis in 1997 extended the impact of European migration policies to the candidate countries, including the so-called Western Balkans in the 2000s. Almost ten years later, the progressive adoption of the Schengen regulations by these countries led to the removal of the visa regime for short stays for citizens from Serbia, Montenegro and

North Macedonia[1] (2009) as well as Albania and Bosnia and Herzegovina (2010).

Disrupting the national orders regarding border control by imposing new regulations to the State through the progressive Europeanization[2] of border management, the EU has become the key actor directly influencing the cross-border practices of the local populations through its normative power of inclusion/exclusion (Brambilla 2015). By doing so, it contributed to the multiplication of the actors influencing the functioning of border regions (Amilhat Szary/Fourny 2006) and to what Ansi Paasi called "the increasing complexity of the contexts" (Johnson et al. 2011, 63). The Europeanization at the border between Greece–North Macedonia interacts with these elements, which are connected to the national orders and local configurations, contributing to the modelling of composite and contextual borderscapes (Brambilla 2015) at the intersection of multidimensional processes in these borderlands (Givre et al. 2018). As an example, in the context of migrations or EU cross-border cooperation programs, authors have shown in the Balkans and elsewhere how cross-border dynamics can develop over the use of pre-existing local connections or heritage (Sintès 2003; Malloy 2010; Javourez et al. 2018). The implementation of the EU normative order at the border acts as a new framework for the expression of older cross-border relations or national policies and provides them with a new tool (Blondel et al. 2013; Javourez et al. 2017).

The controlling aspects of this porosity between orders at the border has also been analyzed. In Greece, the continental dynamic that led to the implementation of the EU regulative framework regarding borders in the 1990s has been concomitant to other local ones, influenced over the long

1 The use of the terms *Macedonia/Macedonian* has long been an issue when writing about the region, as their interpretations may vary greatly and carry a strong potential for conflict. However, the Treaty of Prespa signed in 2018 between Greece and what then became North Macedonia settles the name issue and acknowledges the different understanding of *Macedonia* and *Macedonian,* thus providing the author with a guideline and a legal frame. In its article 7, the parties indeed acknowledge that their respective understanding of these terms refers to a different historical context and cultural heritage. This chapter therefore relies on this in its use of *Macedonia* and *Macedonian*. *Macedonia* is used here to qualify a region (mainly) delimited in 1878 to define the last Ottoman territories in the Balkans and encompassing parts of contemporary Bulgaria, Albania, Greece and North Macedonia. Referring to the article 7(2), the term *Macedonian* is used to qualify the territory of North Macedonia, its language, people and their attributes.

2 By *Europeanization* I refer to the process of alignment of the national regulations regarding this border with the European Acquis.

term by representations related to the processes of national construction in the region. In the case of Albanian citizens, Greece established a legal differentiation as early as 1998, granting preferential status to those it considers 'Greeks from Albania'. By doing so, the Greek state echoed such representations in the administrative treatment of migrants from Albania, leading to the *de jure* distinction between supposed Greek-speaking Albanians and other Albanian migrants (Sintès 2008; Javourez/Sintès 2019). Considering the implementation of EU regulations over border management, the region therefore needs to be analyzed in relation to the configurations and dynamics—past and present—of spaces that are presently borderlands between Greece and North Macedonia.

In this context, the European b/order implemented during the 2000s must be considered as a recent evolution in the history of this border regime—a new layer that interacts with local configurations and social orders and contributes to the evolution of both cross-border practices and the border itself. Transposing the critics of the so-called transition to borders studies here, the issue is thus to consider the fluidity between historical periods, the ways in which they may overlap within the same social interactions (Doyon/Brotherton 2008; Gilbert et al. 2008), and how they might be mobilized by actors across the national boundaries. Borders being historically contingent constructions (Del Sarto 2010, 151) connected to a large scope of contexts—be it institutional, historical, cultural, and/or linguistic—contextualization into time and space is therefore necessary to grasp their complexity and to understand local practices. Referring to Sarah Green's (2010) grey zones and to the assertion that different border regimes coexist over a single borderline, this chapter questions the way in which local actors cope with these different layers across the border. In borderlands that have long been included in the same administrative units during the Ottoman rule before being included into different states and targeted by different and sometimes mutually exclusive national constructions, how does the implementation of a new normative order through EU regulations potentially reshuffle the configuration between orders inherited from distinct historical periods? To answer this question, this work is based on extensive fieldwork conducted between 2009 and 2017. During this period, I was living in the city of Bitola (North Macedonia) for approximately five years, investigating the area in the context of my PhD research, both on

my own and together with colleagues, geographers and anthropologists[3]. The material presented thereafter was gathered through many interviews as well as participant observation and focuses on borderlands located between Greece and North Macedonia, in the Prespa area as well as around the cities of Florina (Greece), and Bitola (North Macedonia). This area offers concrete examples of the social and territorial dynamics these spaces have been through from the Ottoman imperial order to the national orders and the regional integration processes. This chapter will therefore first address the emergence of a European order at this border to expose its concrete effects on cross-border mobilities between the two countries. Because these regulations impact an individual's external EU border crossing potential this work will present their direct consequences in terms of cross-border mobility flows, in/exclusion dynamics, and inequalities at the border. Progressively moving away from a technical approach of bordering based on the positioning of individuals toward EU regulations, this contextual research will attempt to grasp the complexification of bordering processes at European external border through the analysis of local cross-border practices and their recompositions. It will therefore question the multiple, fluid, and shifting dimensions of borders by examining at-risk bordering processes present in the daily lives of citizens and within institutions such as language, culture, and heritage, thus investigating the interactions between multiple senses of border (Green 2012). By questioning how the functioning of the border as a regulator for mobility and crossing influences its dimensions as a place (Donnan/Wilson 2010), this research follows the critical border studies' agenda to "problematize the border not as a taken-for-granted entity, but as a site of investigation" (Brambilla 2015, 17). Finally, by paying attention to the shared familial, cultural, and linguistic heritage mobilized by local actors in the context of renewed cross-border activities, this research will explore how these elements contribute to the formation of particular (trans)border orders.

3 Such as the Balkabas (Balkans from Below) program funded by the French *Agence nationale de la recherche* (ANR) on the period 2009–2012 or the Integrated Territorial Analysis of the Neighbourhoods (ITAN), in the frame of the European Observation Network for Territorial Development and Cohesion (ESPON) in 2013.

2. A (Western) European B/Order

After the signing of the Schengen agreements in 1985 and in anticipation of their implementation in 1995, the creation of an area in which human mobility would be totally free and not subject to border controls within the EU meant, for the signatory states[4], the development of common rules for access from outside the EU countries. The common policy on short-term visas for so-called third-country nationals from outside the EU was agreed upon in 1990 and introduced in 1993, and was thought of as an initial border control device dedicated to the struggle against illegal immigration. Visa refusal is an effective tool to keep "undesirables" at a distance—those who are considered by national authorities as threats to public order and security, or potential fake tourists who may extend their stay beyond their allotted 90 days (Weber 2007). By the time they came into force in 1995, the Schengen agreements were still intergovernmental and, as such, they had not yet been integrated into the European institutions. However, the community dimension of the agreements is explicit, with the preamble to the convention stating that they will serve as a laboratory for Europe. As a result of this ambition, the Schengen acquis was integrated into the Treaty on European Union through the treaty of Amsterdam in 1997. This integration of the Schengen protocol in the *acquis Communautaire* obligated candidate countries to align with the regulations derived from these agreements. Consequently, any state wishing to join the EU was meant to join the Schengen area and must therefore adopt its regulations, including North Macedonia, which started its Stabilization and Association process with the EU in 2001. However, the migration issue linked to the expansion process illustrates the permanent tensions between the growing Europeanization of migration issues and the importance that national governments retain in these matters. Facing the entry of countries with lower income level than those of Western Europe into the EU, the Union has—under pressure from member states—imposed transitional regimes before their entry into the Schengen Area so that they can implement better control of their external borders. But such measures also appear to be directed against the populations of these states, or certain groups of populations, widely perceived in the Western EU as candidates for mass emigration. Although the EU lifted these restrictions between 2007 and 2008 for most of the Member States that joined the EU in 2004, those affecting Romania and Bulgaria ended on 1 January 2014;

4 Originally Belgium, Germany, France, Luxembourg, and the Netherlands.

however, without leading to their full integration into the Schengen area, seven years after their accession to the Union. Such a transitional regime has also been applied by the EU to Croatia, the latest entrant to the EU, before its integration in the Schengen area on January 2023. The question of the evolution of border regimes at Europe's borders therefore raises the issue of bringing the candidate countries' regulations up to EU standards. Even though it became part of the acquis, this legislation nevertheless emerged in the West, through the disorganized construction of a European response meant to control migratory flows (Wihtol de Wenden 2008, 6). It is the expansion of the EU to the East that led to the unequal export of this policy—to countries whose borders were subject to other realities and issues than those of the fifteen Western European countries who established and implemented the policy. In Eastern Europe, the regulatory changes on migration issues imposed on the candidate countries by the Union disrupted regional cross-border dynamics that had emerged at the beginning of the 1990s (Michalon 2007; Weber 2007). Launched within the framework of a European integration process that made its control a priority, the accelerated securitization of the external border undermined these spatial dynamics through the introduction of a visa regime for nationals of Eastern European and Balkan countries that had not joined the EU by 2004. As an example, the building of the EU's external border in Romania has been a major brake to cross-border relations and mobilities that were the main source of income for a considerable number of Moldovans in the border region (Michalon 2007).

Regarding North Macedonia, the history of the management of its border with Greece is a classic example of the evolution of the external border's control in the context of European expansion. The evolution of its status started in 2001 with the signing of the Stabilization and Association Agreement between the country and the European Union, after which the Macedonian army—in charge of border control up to that point—was replaced by the police. It is this transfer of competence between ministries that paves the way for what European terminology refers to as 'integrated management of external borders', in which the control of irregular crossings is a fundamental element. This issue has been subject to a special protocol, various points of which commit the state to struggle with irregular border crossings by encouraging regional cooperation in border control while, at the same time, strengthening it by allocating more resources. Thus, a *Granična Policija* (border police) appeared and has since occupied a central position along the border. National legislation on the reception

of foreigners, asylum, and the fight against organized crime were also reformed to follow European regulations.

The issue of control also involved the adoption of legal instruments for managing cross-border flows and targeted more than just candidates for entry into North Macedonia. Indeed, a second component regarding border regulations intended to prevent the illegal stay of Macedonian citizens within the Union and the Schengen area: the EU placed North Macedonia on its negative visa list[5]. At the time, the EU expressed its suspicion toward North Macedonian citizens who were either perceived as candidates for illegal migration or as vectors of organized crime and potential trafficking. According to the EU, it was therefore appropriate that the North Macedonian State contribute to this surveillance by adopting measures to control its citizens' cross-border mobility by accurately identifying them in the framework of European control databases such as the Schengen Information System (SIS). By 2008, the set-up of infrastructure and control equipment at border crossings and the implementation of databases analysing migration trends and monitoring organized crime were the last obstacles to short-stay visa regime liberalization mentioned by the European Commission (unknown author 2008). Finally, in December 2009[6], this visa regime was lifted, but only for North Macedonian citizens who held a biometric passport, which were not implemented in the country until 2007. As a result, North Macedonian citizens have been able to travel freely to the Schengen area for a maximum of 90 days within a 180-day period.

3. Shifting Mobility Regimes

At the beginning of the 2000s, the EU had become one of the main actors regulating the border between Greece and North Macedonia. The implementation of the Schengen agreements in Greece in 2001 meant the introduction of a visa regime based on EU directives[7] for Macedonian

5 Countries whose citizens need a visa to enter Schengen.

6 The liberalization of the visa regime applied to citizens from North Macedonia, Serbia, and Montenegro in 2009, and to citizens from Albania and Bosnia in 2010.

7 Greece has refused to follow EU policy in its entirety by excluding North Macedonia from the application of the Schengen agreements. However, the visa application procedure for Macedonian citizens was almost identical to that of the classical Schengen visas. The main difference was that this exclusion allowed Greece to pursue a strictly

citizens. Even though cross-border mobilities rose again after a dramatical fall during the 1990s within a context of strong diplomatic tensions, the newly implemented procedure had a direct effect on cross-border mobilities which never reached their pre-1990s level of significance (Vereni 1998; Mikula 2010, 216).

The path followed by the European Union since the 1980s has led to the formation of four distinct categories of citizens, according to the conditions of their access to EU territory. The first category consists of citizens of the EU Member States, who can move freely within the Union[8]. The same applies to the second category, which includes citizens of states associated to the EU: members of the European Economic Area (EEA). Third are the citizens of states the Union placed on its positive list whom do not require a visa to enter the Schengen area for short stays, unlike the citizens of states on the negative list whose entry is conditional on the acquisition of this sesame (Bigot/Guild 2005, 3–4). Within the Greek–North Macedonia borderlands, the gradual closure of the EU border has reduced the possibilities of mobility for Macedonian citizens during the 2000s as they found themselves included in the fourth category presented above.

Looking at the figures, it appears that annual cross-border mobilities were low between 2000 and 2007, with around 20,000 entries of Macedonian citizens into Greece per year. However, entries into Greece rose in July and August, which illustrates the importance of tourism and the seasonality of mobility flows during the summer months, particularly on the Aegean seaside. Proximity cross-border mobilities within the borderland were thus quite rare, except for the few who got the chance to acquire a long-term visa, often in connection with their professional activity. The visa-regime and its application procedure created a symbolic distance between North Macedonia and Greece, a distance directly perceived by inhabitants of borderlands who could no longer go to previously familiar places only a few kilometres away from their homes without going through the Greek embassy in Skopje or the Greek consulate in Bitola (opened in 2006). This created a strong feeling of enclosure. In Bitola, 15 km away from the border, those who had benefited from the circulation regime of the 1980s now ex-

bilateral policy regarding the granting of these visas, which it widely used through a policy very favourable to the entry of Macedonian citizens on its territory (Kondonis 2005).

8 Even though transitory measure still applies to Bulgaria, Croatia and Romania, these countries' citizens have the possibility to travel to EU territory without any visa-regime been applied for short stays.

perienced the near-impossibility of crossing and entering the neighbouring city of Florina, in Greece—a confinement and downgrade from Yugoslav times.

During fieldwork in the city in spring 2009, a few months before the lifting of the visa regime and prior to its announcement, the mention of this obstacle almost automatically led citizens I interviewed to reference the past, when the border was not perceived as an insurmountable obstacle. The blame was often set on the Macedonian passport, which no longer allowed travel beyond Serbia, Albania, or Kosovo. This document, issued to an individual by the state of which he or she is a citizen, was the designated target of a joke often told to me during interviews: when I asked participants where they could go without a visa, they frequently answered "to the supermarket". This joke, popular in Bitola at the time, perfectly illustrated the state of mind of Macedonian citizens regarding this document and its perception as a boundary object (Häkli 2015). In the context of EU mobility regime, the passport identifies an individual as *de jure* member of the community of citizens of a state, while at the same time defining these citizens of countries outside the Schengen area in their interaction with the circulation regime imposed on them. It thus breaks the individual link between the citizen and the state by reducing the individual to a community whose possibilities for cross-border mobility are reduced (Jansen 2009).

The Macedonian passport suffered in comparison with its Yugoslav predecessor, presented as allowing its holders to travel freely to most countries. Illustrating its strength, this narrative of free movement also transpired in the discourse of the youngest generation who had not directly experienced it but heard their parents and relatives reminisce about a time when they could travel without embarking on visa procedures that were as expensive as they were risky and stigmatizing. These allusions underlined the degrading aspect of a visa procedure which was pointed out to me: although Yugoslav citizens could circulate without great difficulty, it was now necessary for Macedonian citizens to prove that their travel would not be a pretext for illegal immigration into the visited country or the Schengen area. As stated before, access to international migration toward the EU is a matter of recognition and belonging to a group of 'trustworthy' citizens. For the citizens of the former Yugoslav republics whose European integration seemed the furthest away, independence has thus, from their point of view, marked a major setback that goes beyond the sole question of mobility. As Stef Jansen (2015) describes in the Bosnian and Serbian contexts, it is a

feeling of downgrading that lies at the bottom of that geographical confinement, and an impression of injustice, of an abnormal situation regarding a reference to a normal life drawn from the Yugoslav past. In border regions such as the Bitola area, that feeling was even stronger as the impossibility of regular border-crossings toward Greece overlapped with the mobilities of Greek citizens coming daily to North Macedonia to engage in commerce. Except for a slight increase in August, no peaks in border crossings were observed during summer. The structures of Greek and Macedonian mobilities were therefore completely different and reflected particular practices. This trend is particularly accurate in the case of the border crossing known as Niki/Medžitlija, next to the city of Bitola: while mobilities from North Macedonia follow a seasonal pattern, the intensity of Greek border crossings is higher and more stable over the year, highlighting their commonality in everyday life. A survey conducted in 2010 by the State Statistical institute of North Macedonia at the border also testifies to the local dimension of these cross-border mobilities from Greece. The border cities of Bitola and Gevgelija were their main (and almost exclusive) destinations for travels dedicated to leisure and health: 91.52% of the people asked mentioned these two cities as their final destination in North Macedonia. On the other side as well, individuals travelling from Greece to North Macedonia came from the border areas on a regular basis. In the villages visited in the Florina region, the proximity of the border to the city of Bitola was often presented as the main reason for the frequent mobilities in this direction, while most of the informants stated they were going to the Macedonian city to do their daily shopping or fill their car's gas tank, activities whose price difference in the Greek market justified the economic interest of this trip. But from the Macedonian perspective, that dynamic was simultaneously viewed as an economic opportunity and a symbolic decline since, during the 1980s, the situation was almost exactly the opposite: after the fall of the dictatorship, intense cross-border mobilities developed between the regions of Bitola and Florina (Vereni 1998). Many Yugoslav citizens were going to Florina to buy products that were difficult to obtain on the Yugoslav market in exchange for a 600-drachma visa. Branded clothing, fruit, chocolate, margarine and roasted coffee were all products that were rare or unavailable in the then Yugoslav city.

The liberalization of the visa regime in December 2009 put an end to this inequality and clearly shows the connection between European regulations and cross-border mobilities at the external border, since mobilities of

Macedonian residents have been directly impacted by their states' position toward the Schengen acquis. Indeed, a general increase in border crossings of Macedonian residents into Greece was first noticed in 2010 and was followed by an intensification of cross-border mobilities that reached three million entries into Greek territory in 2015[9]. These massive figures highlight the proximity established between the two neighbours since the end of the visa regime, as well as the attraction exerted by northern Greece on Macedonian residents, the city of Thessaloniki emerging as a major centrality in the region. The liberalization of the short-stay visa regime has been the starting point for the construction of new cross-border relations after almost 20 years of low Macedonian mobilities towards Greece. Macedonian citizens increasingly reconnected with neighbouring places from the border region and engaged in cross-border shopping. Whether it is German supermarket, fish merchants in the market, music stores, stationery store or motorcycle equipment stores, Florina businesses that specialize in a sector not well represented in Bitola are once again attracting a large cross-border clientele.

These practices, emerging again after having almost disappeared in the early 1990s, look like a rebalancing when compared to the previous period. The process is indeed similar: in part, it was a matter of consuming goods and services that are also available in the country of origin but at a lower price, as in the case of purchases made in hard-discount supermarkets. But these cross-border movements also follow another logic, one which is rooted in the continuity of movements dating from the Yugoslav era and which reflects the persistence of imbalances in the integration of the two states into the global economy. It is thus a question of obtaining goods and services from across the border that the local or even national market does not offer, illustrating the complexity of scales at work in these cross-border economies (Amilhat Szary 2015). This new balance of cross-border mobilities brings a new dimension to a region straddling this national border which previously existed only for holders of Greek citizenship, those belonging to the right category of citizens, or the lucky holders of a Greek visa.

Nevertheless, that period of intensification of local cross-border relations offered a terrible contrast with the developments happening at this external border of the EU by that time. Indeed, during 2015, the worsening of the so-

9 To compare, North Macedonia had an estimated population of 2,071,278 inhabitants in 2016.

cioeconomic situation and the intensification of fighting in the Middle East led to significant population flows, primarily from Syria. While the majority found refuge in the border countries (Turkey, Jordan, and Lebanon in particular), hundreds of thousands sought to reach western and northern European countries within the Schengen area. Facing the strengthening of controls in the central and western Mediterranean, this wave has gradually been redirected towards the Balkan peninsula, highlighting a Balkan route used increasingly since the beginning of the 2010s. From 2015 to 2016, thousands of people gathered in Idomeni, a refugee camp in Greece located a few kilometres away from the border with North Macedonia, hoping to cross into Serbia toward Hungary, Croatia, or Slovenia. In summer 2015, a corridor was established between North Macedonia and Austria in order to secure and control the migrant groups. However, between September and November 2015, this regional cooperation progressively ended. Hungary initiated this process by closing its borders with Serbia and Croatia and installing fences to prevent irregular border crossing attempts. Fences then appeared at the border between Austria and Slovenia, Slovenia and Croatia, and finally between North Macedonia and Greece. As a result, the Balkan corridor permanently closed in March 2016, prior to the evacuation of the Idomeni camp in May 2016. It is however important to state that the so-called Balkan Road did not fully disappear and that migratory flows in the region continue. As migration studies have long demonstrated, the strengthening of the controls does not make the migratory flows disappear but redirects migrants on new, often more dangerous routes (Bathaïe 2009, Dujmovic/Sintès 2017).

Whereas the Balkan countries outside the EU were previously perceived as emigration countries, they became so-called transit countries[10] during the 2010s. The migration crisis of 2015–2016 then highlights a form of novelty, as the Balkan countries found themselves caught between the injunctions of a European Union calling for border control and the feeling that they were, in the end, only marginally concerned by mobilities in which their territories did not seem to be the final destination. These injunctions to control borders have made the position now occupied by the Balkans in the European migratory control system explicitly visible. Moreover, they are intimately linked to the mobility regime of the citizens

10 "Transit country" is a category that emerged in the 1990s and refers to countries that constitute stages along a migratory route whose final destination is in Western or Northern Europe (Bacon et al. 2019).

of the Balkan countries: their alignment with the Schengen acquis and the strengthening of the filtering dimension of borders, with the aim of fighting 'irregular migration', have notably enabled Serbia, Montenegro, and Northern Macedonia (2009), and then Albania and Bosnia-Herzegovina (2010), to see their citizens exempted from short-stay visas for travelling to the Schengen area and thus enabling the return of local cross-border mobilities. While EU regulations at the border were mainly dedicated to fighting illegal migration to EU territory, the evolution of that order in a European semi periphery (Boatca 2006) such as North Macedonia—neither in nor out—allowed the expression of local developments of cross-border mobilities that must be analyzed in light of the many shared features and common heritage of these borderlands.

4. Local Social Orders: Cross-border Linguistic Dynamics at the Border

Up until 1913, the wider Macedonian region was under Ottoman rule and most of the areas now crossed by borders then belonged to the same administrative units, the *Vilayet* of Monastir (Bitola) in the case of Bitola and Florina. After the Balkan wars, most of the area was divided between Greece and Serbia in the Treaty of Bucharest (Lory 2011). This first event, which formally initiated the territorial fragmentation of Macedonia, led to significant cross-border migrations with the departure of many residents of Bitola to Florina and Thessaloniki, the United States, or in the case of the Jewish Sephardic community, toward Israel. Between 1946 and 1949, waves of refugees from the Greek civil war leaving Greece for Yugoslavia and other socialist countries from the Eastern bloc, the majority of whom were Slavic-speakers[11] from the region stretching from the shores of Lake Prespa to the city of Edessa, reinforced these movements (Monova 2001). Moreover, it is within these peripheral spaces in Greece and North Macedonia that one can still find the largest number of speakers of a language used in the neighbouring country. The regions located around the prefectures of Florina and Edessa in present-day Greece are still populated by

11 Like Anastasia Karakasidou in 1997, I consider the term Slavic-speaker to be a lesser evil than other denominations to name these individuals speaking Slavic vernacular dialects close (sometimes very) to Macedonian language, even though it is not a neutral term. However, by qualifying a linguistic practice, it cannot be qualified as ethnonym and do not project national affiliation, leaving the possibility to the interlocutor to specify his/her own position.

many Slavic-speakers (Boeschoten 2001; Voss 2003; Javourez 2017). In the city of Bitola and some of the surrounding villages that used to be partly populated by Greek-speaking Aromanian populations, cross-border family ties and language skills have been reactivated since the 1980s among families that did not move to Greece, or further after the Balkan wars (Javourez et al. 2018). Today, we can see how the cross-border distributions of ethnic, linguistic, or family groups over the past century both exacerbated the former diplomatic tension as well as bridged both sides of the border.

Beyond these local configurations, the current border separates two nation-states that often project mutually exclusive border narratives on borderlands, narratives that have long been at the core of the diplomatic conflict opposing these countries through the so-called *Name Issue*. Appearing on the international stage[12] after the proclamation of independence of the Republic of Macedonia (1991), the conflict resulted from Greece refusing to recognize the country under its constitutional name, arguing that it would inevitably lead to irredentism over the provinces in northern Greece bearing the name of Macedonia (Thrace, Central and Western Macedonia). But the threat on territorial integrity was not the only element advanced by Athens to explain this refusal or the Greek embargo[13] on North Macedonia in 1994–1995, since the defence of Hellenism and Hellenic heritage has also been presented as another key dimension of this conflict[14]. The agreement reached in 2018 and implemented in 2019 officially solve this bilateral issue through a name change—from Republic of Macedonia to Republic of North Macedonia—as well as through the establishment of rules regarding the use of historical symbols and figures such as Alexander the Great. However, behind these official considerations was the question of cultural diversity in Northern Greece and the presence of Slavic-speaking populations which long fed the fear of irredentism (Skoulariki 2003). The

12 Tensions regarding that issue are in fact older and already opposed Greece and the then Socialist Republic of Macedonia in the beginning of the 1960s. However, they were diluted in the context of the Greek–Yugoslav relationship up to the end the federation.

13 After the proclamation of independence of the Republic of Macedonia, Greece refused to recognize the country under that name. The refusal led to long period of tensions and negotiations and led to the imposition by Greece of an embargo at its border with what is nowadays North Macedonia (February 1994–October 1995).

14 The term *Macedonia* inevitably refers to ancient Macedonia, to the kingdom of Philip II and to the empire of Alexander. The fact that a state takes the name of Macedonia was then seen by the Greek government and a significant part of public opinion in the country as an attack on what they consider their historical and cultural heritage.

Slavic-speakers, whose integration into the Greek state is historically a source of uncertainty, were feared to be a relay in Greece for Macedonian expansionist discourse, and whose presence exposed a long-neglected and denied cultural diversity in the Greek national territory.

However, the sharing of the language is one of the most salient features of the Bitola/Florina borderlands; the sharing of Macedonian language and local Slavic vernacular dialects promotes mutual understanding. There are no precise figures on the number of Slavic-speakers in Greece since there is no official recognition of any minority in Greek Macedonia. Most of the studies on this issue have been concentrated in the region of Florina, and to a lesser extent in Aridaia (Vereni 1998; Boeschoten 2000, 2001; Karakasidou 1993, 2002; Voss 2003a). But Slavic-speakers are present in a wider area: they are also prevalent around the towns of Kozani, Ptolemaida, and Kastoria in Western Macedonia, or even Kilkis, in the eastern part of the border regions. In his 2003 study of Slavophony in the region, Christian Voss specifies that between 50 and 60% of Slavic speakers in Greece—approximately 200,000 people—are concentrated in the prefectures of Florina and Pella (2003a). Although an estimate, this figure reflects the potential importance of this population and responds to the Greek census of 1951, in which only 41,017 Slavic-speakers were counted. Anastasia Karakasidou states that in the prefecture of Florina, by the beginning of the 2000s, 50% of the villages inhabited by this population knew of the local Slavic dialect, as well as in 23% of the villages in which several languages were spoken including Slavic vernacular (Karakasidou 2002, 131). Similarly, in the villages of Florina and Aridaia prefectures, a study conducted in 1993 by Riki van Boeschoten for the European Commission gives us a precise idea of what the distribution of Slavic-speakers in these areas was at the time. They appeared to be most common in the Florina region, a combined 15,228 of the inhabitants (42% of the total population). In the Aridaia region, the mixed villages were more common, comprising 50% of the total population, as opposed to 22% for the Slavic-speaking villages (Boeschoten 2001).

This study also introduces a novel facet in the evaluation with the consideration of the level of language practice according to age: it appears that the level of practice of the Slavic vernacular decreases with the age of the speaker, with a few exceptions where the language was still commonly used by all age groups. However, slavophony was presented as irretrievably declining in these regions at that time, with the youngest people often having

only a passive knowledge of it. Despite this, the author highlights preservation factors, such as the relative isolation of villages, the sparse number of intermarriages, and the low levels of urbanization and industrialization limiting the melting pot effects. The vitality of popular traditions, which have been on the rise since the late 1990s, also appears to be a key factor in preservation and revitalization. With the return of singing during village holyday festivals, the inhabitants of these areas once again come in contact with a vernacular heritage, which often constitutes a first step towards a broader learning of the language. In 2005, Ioannis Manos described a peculiar event he observed in July 1999 regarding this issue, on the occasion of the celebrations of St. Elijah village festival (*Panagir*) in Meliti (*Ovčarani*, according to its Slavic name). The village organized two separate festivals. The main festival took place in a large schoolyard in the presence of the media and regional officials. Organized by the Elpida association, the event was identified as Greek. The music played was exclusively in that language, as were the official announcements. But an alternative event was also held in one of the main village parks, organized by an association claiming its Macedonian identity (Manos 2005). During the 2010s, while I was conducting fieldwork in the region, I attended this event on several occasions. Things had changed since 1999: it was now the association presenting itself as *Macedonian*, referring to the claim for a local Macedonian minority that organized its celebration in the schoolyard, while the Greek one took place in the park. Slavic vernacular, presented as Macedonian language, was the main language of this event, which saw the participation of artists from the neighbouring Republic such as the turbofolk singer Suzana Spasovska, whose songs are wildly successful in Greek Macedonia despite being highly sensitive in the bilateral diplomatic context[15]. The two parallel festivals still occurred, but their hierarchy had evolved at the same time the minority question had become less conflictual in the 2000s. The festival presented as local by Manos, and Macedonian by its organizers, had attained a central position in the village, both symbolically and spatially. Initially organized separate from the main traditional festival, it gradually imposed itself on the locality until the inversion of the locations of the two events, revealing both

15 Her most famous hit in the Greek context being *Aleksandar Car Makedonski* (Alexander Macedonian King), which chorus is quite equivoque: The Greeks were mistaken—On a foreign grave they cried—For a foreign king they rejoiced—Mother Macedonia—To the whole world will show—Alexander Macedonian king.

the revival of a local linguistic heritage and the power relations between communities in the village.

This change took a particular dimension in 2010 when a member of the EFA-Rainbow party—a party presenting itself as the party representing the Macedonian minority in Northern Greece—was elected as president of the village. Meliti has long been a special place to the Macedonian minority in the region. While it is sometimes criticized for promoting a vision close to the nationalism then promoted by the North Macedonia right wing party VMRO-DMPNE (Manos 2010), its struggle for linguistic practice has nonetheless been pioneering in the region and has contributed to the return of songs in the local language. This terminology, *local*, presented as locally used by Ioannis Manos, is increasingly omitted for the denomination *Macedonian* in the district of Florina, but also further away from the city, in villages that have also emerged as outposts for the promotion of this linguistic heritage and cultural cross-border connection. From 2011 to 2017, I visited several of these festivals in villages surrounding Florina, locally identified as inhabited by Slavic-speakers. The Macedonian songs were present in most of these villages, a local configuration that was already evident in 2003 (Voss 2003b) and continued to develop in the following decade. Upon hearing the first notes of these pieces—a repertoire of songs imported from neighbouring North Macedonia or from the Macedonian communities overseas—festival participants rushed to the dance floor. But if singing songs in Macedonian language is now common in northern Greece, especially in the Florina district, the repertoire and the organization of these festivals can vary strongly according to the local configurations of each village. In reaction to this repertoire and some of the irredentist songs played there, a more neutral heritage—presented as being local and not imported from across the border—has been promoted and developed, distancing itself from the claims of a Macedonian identity in the region.

Music and folklore therefore play a leading role in the revitalization of this local cultural and linguistic heritage, the music and the language of the songs being a criterion when deciding to attend one of these events. Receiving a large audience from North Macedonia, the Meliti event now has a cross-border dimension, attracting both artists and audience from the other side of the border. However, other, smaller, festivals are also an opportunity for people to reconnect with places linked to their family stories, especially since the end of the visa regime made it easier for them to enter Greek territory. Moreover, the European b/order and the removal of the visa regime also eased the participation of artists from North Mace-

donia: the aforementioned Macedonian singer, Suzana Spasoska performed in Meliti for the first time in July 2010, a few months after the lifting of this visa regime for Macedonian citizens. Since then, other artists or bands from North Macedonia performed there as well as in other places throughout northern Greece. However, the sensitivity of the Macedonian question in the region has sometimes disrupted this new mobility regime; some of these artists such as Suzana Spasosvska or Jordan Mitev have been refused entrance into Greek territory by the Greek authorities, illustrating the interactions between European and national orders at the border as well as local dynamics influenced by former territorial configurations.

5. Dealing with Orders, Switching the Border

Regardless of their local dimension, these cultural and artistic exchanges indicate how this Slavic vernacular revival must be looked at in relation to the cross-border dynamics in the region. According to Christian Voss (2003b), the maintaining and even revitalization of these linguistic practices in the Florina district in the 2000s was connected to the persistence of important cross-border connections between the city of Bitola and its former hinterland. Indeed, the informal commercial relations across the border are strongly influenced by this linguistic dimension, as the widespread practice of a language contribute strongly to the orientation of these flows towards specific places and people, differentiating them from some of their competitors. This is the case of a merchant in the Florina market, who receive frequent visit from people from Bitola specifically coming to his shop in regard to its fluent Macedonian. Coming from a linguistically mixed village in the Florina plain located between the border and the city, he learned the basics of the language at home from his parents and grandparents. He has taken advantage of this in his daily work and developed an informal activity, supplying several restaurants on the other side of the border.

He is only one example of many shops with Slavic-speaking owners or sellers frequented by both people in Bitola and in the wider region. The same process also happens for non-Slavic speaking people coming from Greece to North Macedonia. Shopkeepers of the Bitola *Čaršija,* who reported welcoming the highest number of customers coming from Greece, also declared having good knowledge of the Greek language, often learned through seasonal work experiences in Greece. However, the limited number of these examples and the relatively low knowledge of Greek language in

Bitola region prevents any comparison regarding the impact of the cross-border sharing of slavophony, the real common denominator between the two border spaces. In both cases though, language is one of the major elements orienting cross-border flows between the Florina and Bitola districts, in which the practice and understanding of Macedonian and Slavic vernacular remains widespread. In that context, the return of local, short-range, cross-border flows connecting the border regions in both directions after 2010 had a direct effect on local linguistic dynamics. Twenty years after the end of Yugoslavia, inhabitants from Bitola region were back in the Florina district and once again became valued customers to local shop owners, especially in a context of deep economic crisis in Greece. Following these trends, Slavic vernacular thus re-emerged as a positive skill and an asset to ease communication with these customers coming from neighbouring North Macedonia. Menus written in Macedonian language became a common feature of local restaurants, as did the employment of Slavic speaking waiters. Therefore, the evolving European regulations made the expression of old proximities inherited from the Ottoman territorial configuration possible again. The importance of language illustrates how elements belonging to different historical periods and social orders can coexist and be mobilized by actors within one shared social interaction. Here, EU regulations make it easier for Greek or Macedonian citizens to cross the border for consumption purpose while using the cross-border repartition of languages inherited from Ottoman time and post Ottoman territorial fragmentation.

Taking place in a space characterized by an important common history, the analysis of these events allows us to observe the way in which border and social orders can interact to bring out the emergence of new territorialities[16] at the border. In 2013, during an evening in Greece, I sat with three colleagues in a small café in a village located in the immediate vicinity of the border between Greece and North Macedonia. While we were asking the owner questions about the village and the border, the man considered us with curiosity and a touch of mistrust, progressively asking us about our origins and the purpose of our stay in the region. It was only after several exchanges that I spoke to him in Macedonian, explaining that I was living and working in a town nearby in North Macedonia. Suddenly, the atmosphere completely changed. His initial suspicion was replaced by

16 All the relations that a society cultivates with otherness (Raffestin 2012).

a warm attitude. Our host offered us glasses of Tsipouro and pulled up a chair to sit with us. Along with the language, the environment also seemed to change dramatically. The references were now common: the bicycle, on which a young man was riding back and forth in the street, was purchased in Bitola, a town this man knew well because he had cousins there[17]. He then went through memories of trips to Skopje and Tetovo in the company of these same cousins, about his frequent trips to the city of Bitola in North Macedonia, which he hoped would soon be connected to his village after the long-expected opening of the border checkpoint situated at the exit of his village. It was now my Greek-speaking colleagues who were dependent on my translations. The space of the street had not changed in any way, but its tone and atmosphere were completely different from those we had found when we moved in. We were speaking *our* language (*Naše*) and were among *ourselves* (*Naši sme*).

6. Conclusion

My encounter with the man in the café is the strongest of many examples that directly highlights the sociolinguistic effect of switching from Greek to Macedonian language. It echoes many other situations that illustrated the way language plays a significant role in the production of space. Places referred to by local inhabitants coming from Slavic-speaking families do not exist on most 20th and 21st century maps since they refer to old Slavic names of local villages, changed after 1920 by the Greek state, making it difficult for a non-local to initially identify the places referred to by interlocutors. Together with the language, individuals internalize values, norms, ideals, and historical myths specific to the society they belong to (Di Méo/Buléon 2005), and which reflect on the social orders and spatial representations. Space thus looks different in relation to the language in which it is thought of and expressed and emerges in its multidimensional nature. In the examples presented above, the common linguistic practice allows the expression of close cultural and historical references, from the proximity connected to the sharing of an eminently local linguistic

17 Originally from the same village, these cousins were moved to Poland as refugees during the Greek civil war before settling in Yugoslav Macedonia, in Bitola.

heritage to references to the Greek civil war[18]. The switch I experienced that evening summarizes the multiple dimensions of the relationship to place, and the fluidity and contextuality of bordering and othering (van Houtum/van Naerssen 2002). While the state border between Greece and North Macedonia has long been targeted by Greek narratives which aim to comfort and to legitimize its sovereignty on these northern territories by distancing the inside from the outside, the 2009 evolution of EU regulations made the reconnection between both sides of the border possible through increased mobilities, and thus enhanced the expression of cultural proximity—the sharing of the language being one of its features. Through these practices, the EU regulations contributed to the building of a cross-border *linguascape* (Ivkovic 2019) binding together places, language, narratives, and locutors of the Macedonian language or Slavic vernacular. As they speak Macedonian spontaneously, the Macedonians who cross the border evolve in a space strongly dominated by this dimension, invisible to the eye and ear of the visitor who does not share this cultural trait, illustrating the selectivity and the opportunistic dimension of border spatialities (van Houtum 2010). This set of elements partially attenuates the border crossed throughout this mobility by displacing the symbolic boundary superposed to it and blurring the otherness of the places and their inhabitants. In the context of difficult Macedonian–Greek relations, then dominated by the expression of competing nationalisms, these "small local arrangements/approaches that make everyday life more liveable" (Blondel 2016, 435) represent a mediation, a tactic (de Certeau 1990) developed to escape the control of national division at the border by mobilizing alternative social orders.

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18 The Greek civil war represents the last major event in the socio-territorial fragmentation of the region. Indeed, more than 100,000 of these refuges were living in countries from the Eastern bloc in the 1950s (Danforth/Van Boeaschotten 2012, 68) This massive wave therefore reinforced the cross-border distribution of individuals originating from the same region and families.

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EUrope's Border Dis/Order: The Autoimmunity of a Deadly B/Ordering Regime[1]

Henk van Houtum and Rodrigo Bueno Lacy

Abstract

In this chapter, we contend that the EU suffers from a self-harming border disorder. The discriminatory border regime, which we dissect in a *pre-border* visa regime, the *in-situ* land and sea borders, and the *post-border* camps, has led to a recurrent demarcation of increasingly inhumane, unlawful, and deadlier borders, which is strongly at odds with the own humanist values and rule of law that the EU is supposed to uphold. So, the core of the border complexity that we expose lies in this irony: in the attempt to protect, via its border regime, what it considers its essence, the EU has triggered an autoimmune disorder that has turned that same border regime into the Union's most formidable threat.

Keywords: Autoimmunity, B/Ordering, Othering, Border Disorder, Necropolitics

1. Introduction

Although estimates differ, there is some agreement regarding that by now, roughly 55,000 human beings have died trying to reach the EU since the early 90's—when Schengen was progressively incorporated into EU law (https://unitedagainstrefugeedeaths.eu). This has made the EU's external border into the deadliest on the planet, and by far (van Houtum 2015; van Houtum/Bueno Lacy 2020a, b). The listed number of deaths is even an underestimate, for it is impossible to tell how many more anonymous migrants have drowned in the Mediterranean Sea or succumbed along the perilous North African routes—or further afield. A crucial development that has heightened these fatalities is the EU-wide trend to criminalize humanitarianism. NGOs attempting to save lives at sea have been increasingly harassed and even charged with human smuggling and trafficking: a cynically hypocritical policy that will probably only lead to higher casualties in the Mediterranean—turning it, as the UNHCR has put it, into a 'sea of blood' (Bueno Lacy/van Houtum 2020). At the same time, the violence and death that characterize the experience of undocumented migrants trying to

1 This chapter is a reworked and updated version of a previously published journal article (van Houtum/Bueno Lacy 2020b).

make their way to the EU has become such a normal part of the current EU border policies that news about their perilous journey or their death hardly make headlines anymore (van Houtum/Boedeltje 2009; Kemp 2017; Laurent/O'Grady 2018; AiK 2018; AP 2018; Lucas et al. 2019; Malik 2019).

This overt callousness poses the conundrum that we analyze in this chapter: how did the EU, which only in 2012 was awarded a Nobel Peace Prize for its six-decade long contribution to the advancement of peace, dignity, freedom, equality, the rule of law and human rights in Europe backslide so precipitously (Plenel 2019)? What happened to the 'force for good' that the EU once prided itself on embodying (Pace 2008)? We contend that, far from an unexpected phenomenon, the convergence of violent migration policies along the external borders of the EU—as well as the ethno-exclusionary politics that characterize its public debate—amount to the exacerbation of a longstanding 'b/ordering and othering' trend which has been set by EU policy (van Houtum/van Naerssen 2002; Kriesi/Pappas 2015; Jones 2017; van Houtum 2021).

Although we recognize that the EU is not a homogeneous political entity, but a complex supranational organization composed of diverse political institutions, culturally specific member states, antagonistic political parties of all ideological stripes and, overall, a wide range of interests, for the purpose of this chapter we evaluate the overall effect that the EU's border regime exerts on its political community as a whole. To this end, we analyze the b/ordering and othering regime of the EU through the lens of Jacques Derrida's notion of political autoimmunity, which he defined as the strange behavior by which an organization, "in quasi-suicidal fashion, 'itself' works to destroy its own protection, to immunize itself against its 'own' immunity" (Derrida 2003, 94).

We employ the metaphor of 'autoimmunity' in full antagonism with the white supremacist rhetoric by some far-right politicians, who have distorted it to denounce 'massive immigration' as the cause of the 'West's weakening body'. Instead, we draw on Derrida's (2003) notion of autoimmunity to argue the opposite: that the EU's self-destructiveness is not rooted in its openness to the world but in the counterproductive effects of its increasingly closed and xenophobic border regime. Dating back to its inception, the EU has been inspired by a nativist principle to develop a network of biopolitical filters along its external and internal borders. This architecture has been designed to discriminate against to migrants—not to all but to migrants from specific countries—not least by endangering and criminalizing their mobility. We argue that not only has this *border disorder* (Bueno

Lacy/van Houtum 2013) alienated the EU from its self-professed values (i.e., the rule of law and universal human rights) but it has legitimized and normalized nativist authoritarian populists (Boedeltje/van Houtum 2008; van Houtum/Bueno Lacy 2017; van Houtum 2021; De Jonge/Gaufman 2022). Thus, the autoimmunity that we recognize has its roots inside EUrope and not beyond its borders.

Our analysis breaks down the EU's border regime in three filtering mechanisms: (1) the pre-border of legal entry documents or, as we term it, the 'paper border'; (2) the physical border controls or what we refer to as the 'iron border'; (3) and the post-border articulated by the reception and detention camps that keep migrants ostracized even after they have entered the EU. We analyze how these three cogwheels of the EU's b/ordering and othering machinery have developed over time and we cast light on how they have become self-reinforcing engines propelling a self-destructive border policy. Finally, we suggest three alternative directions that could take the EU out of this suicidal paradox (van Houtum 2010).

We conclude by stressing the ominous political implication of this EUropean 'border disorder' (Bueno Lacy/van Houtum 2013): the harrowing fate of immigrants is inextricably linked to the fate of the EU, for their suffering and deaths are both symptoms and consequences of an autoimmune reaction that might ultimately lead to the EU's demise. Ultimately, the aim of our analysis is to issue a warning: we may be witnessing a dangerous authoritarian turn—or even a s*EU*cide—characterized by the gratuitous self-destruction of the post-war project of European integration, which was originally founded to guarantee the sort of basic human dignity that it increasingly denies to those who need it the most.

2. Derrida's Autoimmunity

Autoimmunity as a tool for the critical analysis of geopolitics is famously associated to the deconstructive method developed by Jacques Derrida. For him, autoimmunity evoked the backfiring mechanism by which a political hegemon flexes its 'techno-socio-political machine' to consolidate its power yet unleashes an unintended reaction that undermines it and eventually threatens the hegemon's survival. Derrida identified a series of symptoms typical to this autoimmune disorder: (1) a *reflex of power* and the *reflection* it produces; (2) a *trauma* that envisions an inauspicious future—barred any action undertaken to prevent its repetition; (3) *invisible* and

anonymous enemy forces that could hardly be pinned down to a particular state, cartographical location or physical entity; (4) *apocalyptic* descriptions of geopolitical events carrying religious undertones and, perhaps more decisively: (5) a *double incomprehension*: a political organization's inability to comprehend the traumatic events to which it responds and to realize that what it deems its reasonable responses to them only aggravate them (Derrida 2003, 90, 97–98). Ultimately, such autoimmunity sets in motion a dauntingly counterproductive machinery of self-fulfilling prophecies that are fueled by what Edward Said (2001) called 'a clash of ignorance'.

In a famous interview with the philosopher Giovanna Borradori, Derrida resorted to a deconstructive analysis of 9/11 to dissect the autoimmune syndrome that he saw affecting the U.S.' global hegemony (Derrida 2003). He called out the asymmetry between the U.S. commemoration of 9/11 as an unparalleled historical tragedy and the far more atrocious violence orchestrated by the U.S. around the globe, which was unleashed many times before 9/11 and has been reoccurring many times afterwards without arousing a comparable amount of either media epitaphs or political lamentations. Whereas 9/11 enjoys the privilege of arousing pathos in both Europe and the United States, comparable massacres and atrocities beyond their territories and perpetrated by their own armies do not cause such an intense upheaval in their media and public opinion (e.g., Vietnam, Chile, Guatemala, Cambodia, Rwanda, Palestine, Iraq, Afghanistan, Yemen, Congo, Guantanamo Bay, and so on) (also Derrida 2003, 92). What is more, after 9/11, in order to protect its 'democracy' and 'freedom', the USA has constructed a massive an enduring global war against terrorists, which has led to the killing of many innocent people in Iraq, Yemen, Syria, and Afghanistan, Islamophobia and hostile migrant policies. And hence has led to the autoimmune weakening of the 'democracy' and 'freedom' that it aimed to protect.

3. The Autoimmune Borders of the EU

In what follows, we deploy Derrida's notion of autoimmunity to analyze the b/ordering and othering policies that the EU has developed as a response to undocumented migration (van Houtum/van Naerssen 2002). To this end, we dissect the EU's b/ordering response into three immunizing borders, each characterized by a different materiality and function: the pre-border

(i.e., the 'paper border'), the in-situ border (i.e., the 'iron border') and the post-border (i.e., the 'camp border').

3.1 The Pre-Border: The EU's Paper Border

Arguably, one of the most significant landmarks in the recent history of EU's b/ordering and othering policy (2002; van Houtum 2021) has been the creation of a common external border—what we call 'the paper border'. The common paper b/ordering of the EU dates back to the Schengen Agreement of 1985, which envisioned the gradual abolition of internal checks in exchange for the establishment of strict border controls along the EU's external borders—a decision that implied merging Member States' border controls under a joint command. This agreement was further refined by the Dublin Convention of 1990, which harmonized the EU's asylum procedures later enshrined in the Maastricht Treaty of 1992 (EC 2018). The Schengen area was effectively established in 1995 (and later incorporated into EU law by the Treaty of Amsterdam that came into effect in 1999). The Schengen Information System (SIS) and Visa Information System (VIS)—implemented in 2006 and 2011, respectively— that derived from these agreements constitute the fundamental architecture of the EU's common external border surveillance system, which is designed to filter out global border crossers lacking the travelling papers required by the Schengen Agreement.

With the demarcation of this paper *bordering* (van Houtum/van Naerssen 2002; van Houtum 2021), the EU, a supranational organization, began to mimic the nation-state's anachronistic political myth: it legalized—and thereby normalized—the apocryphal synonymousness between 'EU citizen's' and 'Europeans' (Slootweg et al. 2019; van Houtum/Bueno Lacy 2019). This territorial caging of EUrope carved up a fracture between the EU and the much broader historical idea of Europe, which includes the whole Mediterranean basin as well as much of the rest of the world (Bueno Lacy/van Houtum 2015). This is unprecedented: Europe has always been geographically undetermined and it has never been either a congruent political organization or a demos (Delanty 1996); nor has the European continent ever been severed from its contiguous Mediterranean geographies by such sharp borders (Braudel 1995, 2002; Bueno Lacy/van Houtum 2015). Yet, since the introduction of the Schengen Agreement, the EU has been fortifying itself by turning the Mediterranean into its moat.

This abduction of Europe by the EU has been progressively reified through a conscious *ordering* (van Houtum/van Naerssen 2002; van Houtum 2021) brought about by the distinct process of *EUropeanization*. This identitary strategy pursues the inculcation of a cultural identification between the EU—a political organization dating back to 1951—and a European heritage that could be traced back as far as to the Kurgan civilization (Gimbutas 1985)—or whenever a historian might decide these origins lie, for such considerations are unavoidably idiosyncratic and thus amount to political decisions (Foucault 1971; Southgate 2011). Europeanization has been characterized by the manufacture of maps, coins, symbols, narratives and geopolitical practices that have attempted to shoehorn European history and culture into the current borders and geopolitical concerns of the EU (Boedeltje/van Houtum 2008; Bueno Lacy/van Houtum 2015). Conversely, as membership to the EU has become equated with a historical belonging to Europe, EUropeanization has cultivated a complementary imagination of neighboring countries as lacking an intrinsic Europeanness—i.e., the *othering* process (van Houtum/van Naerssen 2002; van Houtum 2021).

A prime example of this otherization took place in 1987, when the European Economic Community (EEC)—the immediate predecessor of the EU—received a membership application from Morocco. Almost immediately, the EEC issued a rejection arguing Morocco's lack of Europeanness: by codifying geographical prejudice into law, the EEC prevented a North African country from meeting the basic eligibility criteria to be considered part of a geography of which it has nonetheless always been part. It is worth noticing that the EEC's reasoning amounted to more than an innocent incursion into basic physical geography: its decision implicitly asserted that the EEC claimed to be the institutionalized embodiment of European civilization. As such, the EEC asserted its prerogative to legally define and confer, in a discretionary way, its arbitrary acknowledgement of Europeanness. The anachronistic process continued in 2004, when the EU demarcated the Bosporus as yet another boundary of Europe by indefinitely delaying Turkey's accession to the EU (pending since 1987 and making Turkey the only candidate to which EU membership has been promised yet never granted).

Through these legal, territorial, and discursive reifications, the EU suggested that it regarded the borders of European culture as roughly coinciding with those of a Christian—or, at least, of an essentially non-Muslim—European civilization. Through this anachronistic prestidigitation, the present started to invent the past by b/ordering EUropeanness in a way that

consciously left out large swathes of land whose people, cultures and heritage have played a critical role in the making of Europe: North Africa, Asia Minor, Russia, and the worldwide former colonies with which Europeans share so much transculturation.

We contend that a troubling consequence of carving up this hard external border—on which the EU's invention of Europe is predicated—has been the resurrection of traumatic prejudices about Europe's others: the non-Europeans who have been traditionally imagined as backward and violence-prone intruders (Vitkus 1997). Although this civilizational threat is mostly confined to sensationalized accounts or downright fabrications magnified by murkily manipulated media (Callawadr 2017; Juhász/Szicherle 2017), the invisibility and anonymity inherent to such non-existent boogeymen has made their signifiers—i.e., the flesh-and-bone human beings immigrating to the EU—look like legitimate targets of ever more vicious social demonization and thus of state surveillance and repression (Holmes/Castañeda 2016).

The striking culmination of this paper b/ordering regime was the common Schengen list of visa-required countries introduced in 2001. This significant—yet still remarkably under-researched—'black and white list' (later re-branded as the 'negative and positive list') made a sharp distinction between countries whose citizens require a visa to enter the EU—largely Muslim, African and overall less affluent countries—and those exempted from it—largely OECD members as well as a few countries in South America and Asia (Mau et al. 2012, 2015; Neumayer 2006; Salter 2003, 2006; van Houtum 2010; van Houtum/Lucassen 2016; van Houtum/van Uden 2022; van Houtum 2021; Illustration 1).

This list is based on the principle of nativist discrimination—a principle that is forbidden by law in all Member States of the EU and which runs against the EU's own Copenhagen criteria and Lisbon Treaty. This global apartheid has, in effect, almost entirely closed off all legal migration channels to the EU for the large majority of the world (van Houtum 2010; van Houtum/van Uden 2022). The legalization of such discrimination and prejudice has nurtured a selective dehumanization of refugees, which is a vivid illustration of what has been termed 'borderism': the discriminatory politics of spatial segregation that essentialize—and politicize—the value of human beings on the basis of the bordered (id)entity they are born into and/or are a citizen of (van Houtum 2021). This pre-border thus divides EUropeans from non-EUropeans on the basis of arbitrary geographical discrimination even before the actual fences, border guards and detention camps are even

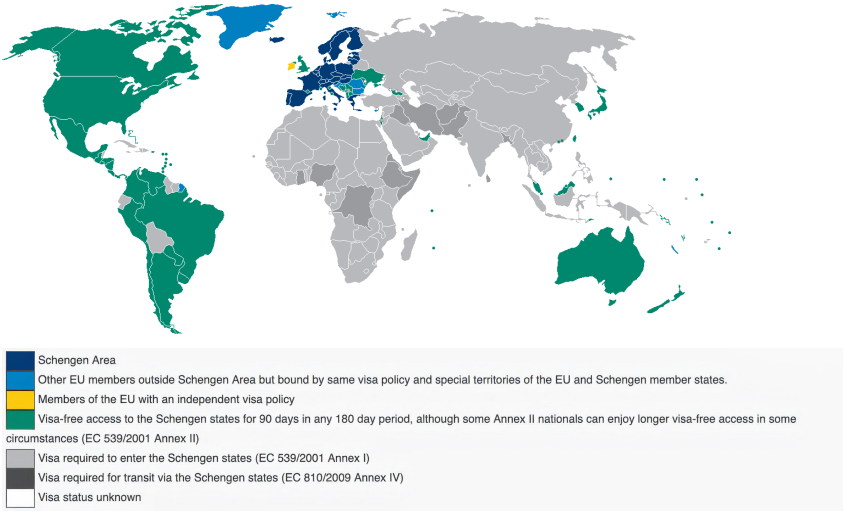

Illustration 1: The paper fortress of the EU. Source: Wikimedia Commons, Creative Commons Attribution-Share Alike 3.0 Unported, https://commons.wikimedia.org/wiki/File:Schengen_visa_requirements.png, author: Alinor.

able to exert their own b/ordering constraints (Bueno Lacy/van Houtum 2022). In so doing, the pre-border policies have outsourced the EU's border control to governmental offices far away from the EU's actual border. Thus, this paper border should not be conceived as a line on a map dividing one country from another but as a global techno-political mechanism meant to b/order the EU at remote control (Zaiotti 2016). Rather than guards with guns, this first border of the EU is staffed by bureaucrats entrenched in faraway embassies and armed to the teeth with impenetrable forms. Through this political technology, which could be termed 'tele-bordering', most people from entire nations are blacklisted—barred few exceptions such as the wealthy who can afford golden passports (Carrera 2014; van Houtum/van Uden 2022), Russian and US oligarchs (Collins 2022), as well as the families of oligarchs and kleptocrats the world round who have made Europe their home (Ragget 2020). This means that, in practice, most of the citizens of these blacklisted countries cannot acquire the visas they require to legally travel to the EU. The implication is that the paper border of the EU keeps people remotely caged in the inequitable lottery of birth (Rawls 1999, 118–123; van Houtum/van Uden 2022).

The result of this tele-bordering has been as counterproductive as it has been grim (Miller 2019), for a first suicidal paradox inherent to the EU's paper fortress is captured by the following all-too-common paradoxical tragedy: even if someone is fleeing life-threatening circumstances or their bad regime in their country, in most cases they cannot get a visa for the EU because they come from a country that is seen as having a bad regime. By refusing potential refugees the possibility to obtain legal entry to its territory, the EU's paper fortress punishes the victims of unenviable fate for being born in the wrong place and for the all-too-human attempt to escape an oppressive regime, generalized violence, economic despair, or natural disaster. This constitutes both a violation of international refugee law as well as a factual rejection of both the humanist ethos and legal custom on which the internationally recognized right to ask for another country's protection has been built. Such custom includes an express exhortation to governments for the "issue and recognition of travel documents", which "is necessary to facilitate the movement of refugees, and in particular their resettlement" (UNHCR 1951).

The repercussion of the EU's willful non-compliance with such international obligations is that—and this is the second paradox of this paper border regime—access to the EU's 'regular' asylum system can only be gained irregularly: through smugglers and other illicit peddlers. The safe alternative of air travel is also unavailable to undocumented migrants because, since 2001, air carriers can be fined for taking on board passengers lacking the required visa (Directive 2001/51/EC). This policy that amounts to the erection of an effective b/ordering dome over the EU's airspace (FitzGerald 2019). Such paradoxical policy, which welcomes refugees yet illegalizes the channels that would allow them to legally and safely travel to the EU, is what FitzGerald (2019) has recently described as 'the Catch-22' of the rich world's asylum policies.

By forcing asylum seekers to undertake a reckless odyssey—which criminalizes a large portion of the world as well as those who assist undocumented migrants in their journeys—the EU has boosted a large-scale smuggling industry that profits from the legal void that the EU itself has made sure to enforce. Rather than the humanitarian philanthropy which the EU so duplicitously pretends characterizes its border regime, its anti-smuggling—and, at its core, anti-refugee—policies have become the legal framework on which a billion-dollar industry of refugee smugglers and border enforcers (e.g., Frontex) has thrived (Lyman/Smale 2015; Spijkerboer 2018).

This border industrial complex embodies the third paradox of the paper border regime: the EU has decided—against its own principles and international obligations—to voluntarily create a border system that guarantees the production of 'illegality', corruption, and human insecurity. Thus, this paper border should be credited with turning the routes to seek asylum in the EU—a supposedly safe destination—into a sordid and perilous survival of the fittest. Since this is precisely the kind of distress that international refugee law is meant to preclude, the so-called migration crisis of 2015 in the EU would be better described as a 'refugee-protection crisis.' Scandalously, by erecting such an insurmountable paper border the EU has advocated a politics of death—a necropolitics (Mbembe 2003).

Seen through the lens of Derrida's (2003) conceptualization of autoimmunity, one could argue that the reflex of power manifested as the EU's territorial strategy to protect itself from unwanted foreigners through Schengen's paper b/ordering has been predicated on an inexistent apocalyptic threat of invisible and anonymous non-EUropeans—whom much of the EUropean press and opportunistic politicians wantonly associate with all sorts of crime and moral decay (Albahari 2018; Burrell/Hörschelmann 2019; Trilling 2019). Moreover, the EU has developed its paper-border regime hand in hand with a facetious 'war against human trafficking' (Frontex 2022a): a real peril faced by refugees which nonetheless is heightened—not diminished—by both the EU's border regime and Frontex, its callous border guard service. This tortured 'humanitarian' narrative is a cunning misrepresentation of the causality between asylum seekers and human smuggling and trafficking (Cuttitta 2018; Dadusc/Mudu 2022): as though smugglers and traffickers were the cause and not the consequence of the own EU's autoimmune border regime (Bueno Lacy/van Houtum 2020). Such conscious mischaracterization and inversion of causality has only further dehumanized and criminalized undocumented migration, strengthening, and legitimizing cultural prejudices against exceptionalized migrants. Simultaneously, it has helped to normalize—and popularize—a stream of EUrosceptic and xenophobic political movements that are trying to pose as the preservers of Europe's imagined native culture, which they define in terms antithetical to the EU's ethos yet reminiscent of the heyday of European imperialism.

Overall, such misrepresentation of this phenomenon of global mobility has led to a politics of death and criminalization of solidarity that is being presented as the regrettable but unavoidable collateral damage that EUrope must accept in order to preserve the 'enlightened' European civilization

which the Union itself has essentialized (Plenel 2019). What Derrida identifies as autoimmunity's 'double incomprehension' lies in the EU's inability to grasp the suicidal paradox in which it has trapped itself: in a short period—since the Schengen Agreement was signed in 1985—the EU's has triggered a border politics of autoimmunization that, in an inexorably self-defeating manner, has been shielding EUrope's humanist heritage with an ever more anti-humanist border regime.

3.2 The In-situ Border: the EU's Iron Border

The second b/ordering—or immunization—strategy of the EU that we wish to address is the construction of all kinds of material deterrences that have been erected over time along the external borders of the EU and which we metonymically classify as the 'in-situ border' or 'iron border'. This border complements the 'gate at a distance' erected by the paper border with all sorts of terrain-related obstacles including towers, walls, and barbed wire.

This inhuman infrastructure is typically guarded by stern-looking men and women in uniform who are equipped with guns, handcuffs, surveillance vehicles and sophisticated military gear. The location of this iron b/ordering regime is arterial (Vogt 2017; Campos-Delgado/Côté-Boucher 2022): it is not confined to either the EU's external borders or its Member States' internal borders but it also encompasses scattered border controls all throughout Schengen. This comprises on-the-spot passport controls at airports, trains and highways, as well as surveillance patrols along the EU's maritime borders, which are tasked with stopping refugees from either reaching the EU or remaining in it (van Houtum 2010; Gualda/Rebollo 2016; Minca/Rijke 2017).

In contrast to the remote-controlled legal procedures characterizing the largely invisible paper border, an important aspect of the iron border around—and within—the EU's territory is its visibility to the public eye (Campos-Delgado 2022). It suffices to google 'fences' and 'EU' (or anything of the sort) to come across thousands of pictures featuring the heterogenous materiality of the iron border, such as the iconic and violently guarded fences separating the African continent from the Spanish enclaves of Ceuta and Melilla. Likewise, the recently built fences along the Hungarian-Serbian border as well as the gruesome human rights abuses perpetrated along the Belarusian, Ukrainian, Croatian, and Greek borders have turned the EU's Balkan and eastern routes into hallways of horror. There is a growing

body of evidence that all along the external borders EU Member States' military and paramilitary forces increasingly have been robbing, beating, torturing, raping and either murdering undocumented migrants or leaving them to die (Tondo 2018b; BVMN 2020; Deeb et al. 2021; Mbayé 2022; Kassam 2022; Guterres 2022; HRW 2022). Sadly, this purposeful terrorization of vulnerable populations represents neither a mistake nor a rarity but instead a systematic EU strategy to deter undocumented migrants from requesting the righteous refugee protection to which they are entitled.

To a large extent, the architecture of the iron borders should be understood as a conscious performative power play: a geopolitical spectacle conceived as a public-relations' strategy. This show is intended to project safety and security for domestic electoral consumption by displaying an intimidating infrastructure which, in turn, is meant to portray the government as being tough on unwanted outsiders. The straightforward message of such political theatre is that the government is protecting its people by keeping a close eye and a clenched fist on threatening foreigners trying to enter the country by irregular means. More than a line of control, the iron border resembles a camera-happy spectacle of a drama pre-scripted by the paper border. This performative *mise en scène* relies on an unwritten but foreseeable plot in which barbed wire—which epitomizes the division between EUrope and a threatening world of incompatible and undesirable strangers—casts unsuspecting migrants into the threatening stereotypes on which xenophobic EUrosceptics feed.

The iron border's attention-grabbing visibility was intensified with the outbreak of the refugee-protection crisis in the summer of 2015. This spectacle included the sensationalized arrivals of undocumented immigrants disembarking from their fragile dinghies, trying to climb fences, cutting their way through barbed wire, or running away from the border police. Although governments and migration scholars estimate that the number of the largely invisible visa-overstayers—who entered regularly—is at least as large as the number of undocumented migrants, the latter's trespassing of the EU's outer borders has received much more media and political attention. Undoubtedly, what has triggered this sense of crisis is that far right politicians have relied on these images to frame undocumented migration as an invasion and a threat to sovereignty. Ultimately, this narrative constitutes the rationale behind the EUropean far-right's core ethno-exclusionary demand: an existential threat as justification for merciless borders.

The political sway of these border aesthetics should not be underestimated: this spectacular theatre of trespassing undocumented migrants has

justified the EU's expansion of its own iron border (DeGenova 2017). It is estimated that the EU has constructed almost 1,000 km of iron borders in the last two decades: more than six times the total length of the Berlin Wall (Ruiz Benedicto/Brunet 2018) and soon to be equipped with digital surveillance systems at sea and on land. Not surprisingly perhaps, though still ironically, the costs of physical border controls have gone up at about the same speed—and in a similar proportion—as the turnover in the smuggling industry (The Migrants' Files 2014). Since its foundation in 2004, Frontex's budget has exponentially increased—from €6.2 million in 2004 to €754 million in 2022 (Frontex 2022b), thus making it one of the best funded agencies in the EU (Grün 2018). Between 2000 and 2014 (one year before the refugee-protection crisis), the EU spent almost €13 billion on border control: a number that bulged to €19.7 billion for the 2014-2020 budget cycle and which has swollen to €43.9 billion for the current period (2021-2027) (Jones et al. 2022). This has conferred the EU the dishonorable distinction of having one of the costliest border regimes on the planet. One thing should be clear: as long as the EU's visa-based paper border keeps working as the main manufacturer of irregular migrants, we should expect the iron border and its costs to keep rising too.

In order to understand the significance of this budget and the geopolitics of the EU's iron fence, one should look at the reach of its arteries beyond the European continent. The EU has struck a growing number of bilateral deals with neighboring and faraway countries in order to outsource its border controls and thus stop undocumented migrants farther away from its boundaries by relying on atrocious violence without exerting it or being blamed for it. Put differently, the EU is coopting contiguous and far-away autocracies into its border regime by hiring them as its immigration enforcers in exchange for large sums of money—thus raising the costs of external border controls and boosting the border security industry even further. This neo-colonial outsourcing of migration control to poorer countries, warlords, and dictators is factually stretching the EU's own iron border far beyond its EU's actual physical border (Lahav 1998; Nye 2004; Lavenex 2006; Rijpma/Cremona 2007; Levy 2010; Zaiotti 2016; Carrera et al. 2018, Ferrer-Gallardo/van Houtum 2018). Such geopolitical machinations betray the same kind of 'dictator-empowering' policy that the EU decried as shameful back in 2010, when Berlusconi and Gaddafi struck a deal that committed Libya to stop migrants in return for money (Bialasiewicz 2012a; Jakob/Schlindwein 2019).

Today, the EU pact with Libya has given rise to a full-fledged slave market run by cold-blooded human traffickers who, incentivized by the EU's crackdown on irregular migration and the resulting business downturn of would-be profitable passengers, are now auctioning economic migrants and refugees as slaves (Asongu/Kodila-Tedika 2018). How times have changed: only one self-manufactured 'refugee crisis' later, the EU is collaborating with neighboring and far-away autocracies—such as Rwanda (Malik 2022)—by means of outright bribes (Verhofstadt 2018; Malik 2019). This means that the EU is outsourcing its border regime to tyrants who have no qualms about violating the legal prohibition of *non-refoulement*—a touchstone of refugee law—to keep undocumented migrants at bay.

The infamous deal between the EU and Erdogan's despotic administration is another case in point: Turkey is cutting short the journeys of asylum seekers travelling to the EU in return for €6 billion and the conditional promise of visa-free access to its citizens (Deutsche Welle 2021). Although the official EU narrative is that such contribution is intended to support the humanitarian reception of asylum seekers in Turkey, it is evident that the same aid could also be provided by EU Member States, a fact that reveals be the policy's true purpose: preventing refugees from making it into EU territory. Moreover, the magnanimous embrace of over 7 million Ukrainian refugees by the EU, the self-constructed 'good' or 'deserving' migrants that ''look like us'' has undeniably belied the insincerity and double standard of such narrative (Bueno Lacy/van Houtum 2022).

The autoimmunization of this iron b/ordering strategy is reflected in the incongruence between the EU's desire to gain more control over its borders in order to safeguard its democracy, human rights, rule of law and diplomatic power of attraction, on the one hand, and its pursuit of such noble objectives through the recruitment of despotic and unsafe neighboring countries on the other. By outsourcing its border policies to smugglers and repressive regimes with the aim of tightening its grip on migration, the EU is, incomprehensibly: (1) losing control over its ever expanding, ever more shadowy and ever more distant physical border, thus undermining its own sovereignty and making itself liable to blackmail while becoming morally complicit in the exploitation of refugees by autocratic regimes elsewhere; (2) widening the global mobility divide by fostering human misery, criminal economic activities and political instability in its neighborhood, which in turn nurtures its population's desire to migrate; (3) hollowing out the EU's core values and contributing to legitimize the discourse on which authoritarian Eurosceptic populists draw their strength (van Hou-

tum/Bueno Lacy 2017). The result is a narrow tunnel vision that keeps the EU obsessed with stopping undocumented migrants at all costs, even though the sensationalized chaos and manufactured 'insecuritization' at its borders is undermining solidarity with refugees while strengthening the hand of Eurosceptics—who exploit the threat inherent to the aesthetics of the iron border to push their demands for even higher walls and an ever more vicious border regime (see Illustration 2).

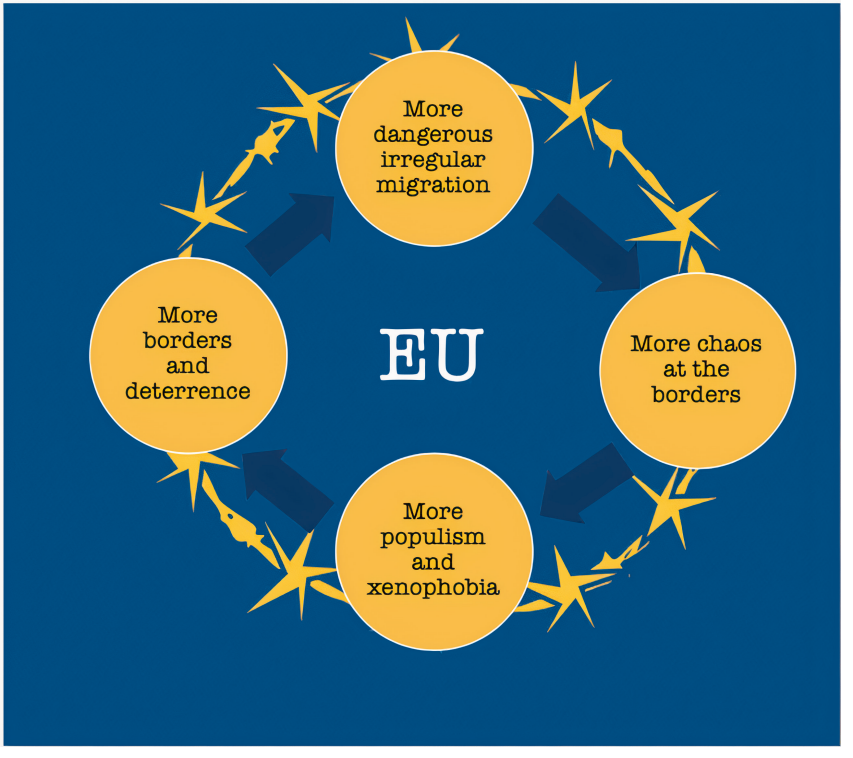

Illustration 2: The vicious cycle of EU's autoimmune b/ordering regime. Source: authors.

3.3 The Post-Border: The Camp

The third immunizing b/ordering pillar of the EU's border architecture that we identify is the post-border, or 'the refugee camp'. Undocumented migrants who have the fortune to make it across the paper and iron borders

must endure yet another procedure of exclusion, which takes the shape of concentrated segregation in reception and detention camps strewn along the EU's external and internal borders (Agamben 1998a; 1998b, 2003). Migrants have to wait in such secluded reception until their case is processed, a hostile policy that coincides with what Derrida (2000) called 'hos*ti*pitality': a *portmanteau* of hostility and hospitality formulated as a critique on the enslaving inclinations inherent to charity—and an appeal to solidarity instead. Like the iron border, the hostile hospitality of EUrope's refugee camps aims to abnormalize and exceptionalize migrants in space, representation and ultimately—not least to discourage them from seeking the EU's protection.

The camps correspond to what Vaughan-Williams (2015) described as 'zoo-like spaces': refugees are caged yet ceaselessly exposed to the inquisitive eye of either cameras or the intimacy-depriving layouts that characterize refugee reception and detention camps. Such unnecessary exposure amounts to a spatial confirmation of their social undesirability as well as to a forced animal-like performance that, we argue, contributes to stoke the already prevalent disdain—or plain fear—for racialized refugees in the EU. Furthermore, the segregation and maltreatment of people who share a bodily resemblance or cultural affinity with already-discriminated ethnic minorities in EUropean societies sends an ominous message to the EU's own citizens: it tells them that the fundamental rights to which the EU allegedly adheres to, do not fully apply to people who look like them. By legitimizing such discrimination, the immunization of the border camp fails to ensure the very rule of law it is designed to safeguard. Instead, such protection tactic ends up emboldening authoritarian leaders and political movements inside the EU who have signaled their preference to employ similarly discriminating practices against easily identifiable minorities with scant political representation (van Houtum/Bueno Lacy 2017).

Although refugee camps have aroused a huge body of critique due to their recurrent human rights violations, of which the dreadful conditions of Camp Moria (Lesbos) arguably have become most emblematic (Minca 2005; McElvaney 2018), the preventable suffering of its inmates has nevertheless become a normalized policy across the EU.

We cannot stress this vicious border cycle enough: by creating a hostile environment for undocumented migrants, the EU is nodding to rapacious ethno-nationalists who see in the Union's lawless border violence a blueprint to employ the state's apparatus and legitimacy to trample upon the fundamental rights of their opponents (i.e., racialized national minori-

ties, traditionally oppressed sexual minorities, liberated women, political opponents of a communitarian or autonomous persuasion, environmental activists, unions, etc.). No wonder the far-right has become the EU's dominating political force (Mudde 2019b): the brutal EU's b/ordering regime has been manufacturing a theatre in which undocumented migrants are forced to play the role of dangerous hordes while vicious border police are cast into the role of civilization's bulwark against 'barbarism'.

Certainly, there are some people willing to rescue refugees from the claws of the sea or help them find their way into EUropean societies. However, their humanitarian deeds are largely offset by border tactics that engineer the failure of undocumented migrants' integration before they even get a chance to find a foothold in the EU. Such tactics involve warehousing migrants of blacklisted countries under horrifying conditions while making them dependent on aid for both their livelihood and freedom. This amounts, in Derrida's terms, to an incomprehensible deterrence politics that is detrimental for undocumented migrants as well as for solidarity across the EU (HRW 2012; Fernández 2014; Kingsley 2018; Leape 2018; Smith 2018).

To make things worse, some states like Hungary, Poland, and Slovakia have shown their true colors by expressly stating their willingness to host only Christian refugees (Bastide 1968; Reuters 2015; Cienski 2017). Compounding this crisis of solidarity, the EU's expectations for a country like Greece to manage a disproportionate number of asylum arrivals smacks of hypocrisy given the devastating austerity-fueled misery that the EU imposed on this Balkan country. These self-defeating processes betray a blind incomprehension that characterizes what the EU's autoimmune disorder looks like to us: as though the EU were pursuing a border strategy bound to nurture resentment against itself and undocumented migrants alike.

Given the cold shoulder that other EU Member States showed Greece when it needed their solidarity the most, the country does not seem very receptive to the EU's calls to improve the inhumane conditions in which it keeps the detained migrants languishing on its Mediterranean islands. Greece has even been accused of misusing EU funds meant for the critically overcrowded and underfunded refugee camps in its Aegean islands (Howden/Fotiadis 2017). Additionally, Greece's far-right government has indulged in the senseless destruction of extraordinary refugee-support networks like Exarcheia and introduced laws to deport thousands of asylum seekers without concern for their rights under international refugee law (Smith 2018, 2019; King/Manoussaki-Adamopoulou 2019). Greece's

animosity towards the EU—and its undocumented migrants—is critical to understand how the EU's excruciating autoimmune cycle is being ceaselessly fueled by the Union's internal austerity policies and its external border regime. By degrading its asylum promises, the EU is simultaneously degrading its larger promise to the EUropean population, which is supposed to guarantee solidarity yet is sowing enmity instead.

It is worthwhile reflecting on a particular question that Derrida posed in his deconstruction of geopolitical autoimmunity: "Can't 'letting die,' 'not wanting to know that one is letting others die'—hundreds of millions of human beings, from hunger, AIDS, lack of medical treatment, and so on—also be part of a 'more or less' conscious and deliberate terrorist strategy?" (Derrida 2003, 108). Derrida's reflection poses a harrowing question for the EU's border regime: is it less cruel because it repels potential refugees at a distance by preventing them from even legally applying to migrate to the EU? Is it less violent because it premeditatedly builds obstacles that preclude asylum seekers from safely entering the EU and purposefully creates ever more inhumane hosting conditions once they have reached what they imagined would be a safe territory? Perhaps, by pushing (involuntary) migrants—many of whom have sought the EU's protection—into a hopelessness so intolerable that an alarming number of children in refugee camps have chosen to take their own lives (Tondo 2018a), the suicidal autoimmunity of the EU's b/ordering strategy is coming to an abhorrent full circle.

4. Towards a Sustainable Border Policy

"For the first time in 30 years, I really believe that the European project can fail" (Lefranc 2016). This alarming message came from no less than the vice-president of the European Commission, Frans Timmermans. The way he sees it, the 'refugee crisis' of 2015 strained solidarity across the EU to the brink of rupture. The continuation of this crisis, Timmermans frets, poses an existential threat to the project of European integration.

Employing Derrida's (2003) notion of autoimmunity, we have argued that the EU has indeed been cornering itself into a dead end. Not only has the EU been unable to muster support for a comprehensive migration and asylum system across its supranational community but the Union is increasingly taking the self-destructive road towards dirty deals with autoc-

racies, and either imprisoning legitimate asylum seekers or brutally pushing them back to countries where they might die or suffer severe harm.

In particular, the politization of undocumented migration which itself is the result of the EU's inability to assume its role in the longstanding geopolitical inequality that causes it, has been exacerbated by the adoption of extreme policies by establishment parties. Under the pretense of normality, parties of a self-confessed liberal inspiration have copied the far-right's predatory worldview as a strategy to stop its rise—even though one would hope that such a strategy has proven to be self-destructive by now (van Houtum/Bueno Lacy 2017; Mudde 2019a). In the bigger picture, since the structural causes that keep pushing people away from their countries (e.g., inequality and poverty, armed conflict and widespread violence, droughts and agricultural collapse, overfishing and the depletion of ancestral fisheries, and overall livelihood-destroying global ecocide, etc.) are unlikely to be addressed anytime soon and the worsening effects of climate change are surely going to keep magnifying them (Nordås/Gleditsch 2007; Franzen 2019), the question the EU should be asking itself is not whether the next existential crisis will come, but when.

To break this self-defeating political path, the EU urgently needs a drastic revision of both its violent b/ordering regime and the essentialist EUropean discourse that support it (Jones 2017). To this end—and as a conclusion—we offer three different paths that the EU could take: normalization, legalization, and equalization (van Houtum 2015; van Houtum/Lucassen 2016).

Normalization would require accepting migration as a non-negotiable reality of today's globalizing world, which would represent a first step towards the design of a border policy informed by scientific assessments instead of prejudice. The dominant pattern of world migration shows that global mobility is still very much the exception rather than the rule: 97% of the world's population are not migrants. Refugees represent less than 1% of the world's population and more than 85% of all refugees on the planet are hosted outside the EU—mostly in less affluent countries (de Haas 2008; UNHCR 2022). Moreover, the EU's neighboring countries are hosting a higher number of refugees than the EU—in absolute and relative terms. Although this does not mean that hosting an increasing number of refugees does not represent a difficult task for EUropean societies, it shows that such a challenge does not warrant transferring responsibility to dictatorships.

The numbers also make clear that the panic-stricken depiction of an 'invasion' of migrants coming to the EU is not only scientifically unfounded, but also dehumanizing and thus contemptible. It is a worrying sign of our

times to realize that all kinds of phobic metaphors used to refer to undocumented migrants have become normalized in the EU over the last decade. Think of the threatening descriptions and (cartographic) imaginaries of undocumented migrants conjured up by hydrophobic metaphors evoking flows, streams, floods, waves, and tsunamis; zoophobic metaphors suggesting swarms, flocks, rats, cockroaches, and insects, as well as bellicose and criminalizing metaphors that bring to mind invasions, armies, illegal and criminal activities, hordes and violent conflict (van Houtum/Bueno Lacy 2020a, b, 2024). When dehumanization is normalized and unchallenged, untamed extremism goes rampant and physical violence becomes ever more likely.

Meaningful reform would also require *legalization*: the creation of legal channels for migrants to safely travel to the EU would require its laws to allow for migration's natural circularity (Clemens et al. 2019). This specific policy path would also require the EU to crack down on the boogeyman represented by the economic migrant. The fear of economic migrants reveals perhaps one of the biggest flaws of Schengen: the criminalization of people whose biggest threat to the prosperity of the EU polity seems to be their ambition to work in order to earn the kind of living standards that their countries of origin cannot offer them. It is a testament to the extreme nature of our times that such unremarkably liberal ideas as respect for those who seek fairness of opportunities as well as the right to work are today seen as extreme proposals for a project like the EU, which prides itself on its universal rights, rule of law and market economies (Holmes 1993, 3–4).

Moreover, opening more legal migration channels is not only morally right, but it would also be in the interest of everyone: migrants themselves, their countries of origin—where they send much of the money they earn—and, finally, the EU's economy, particularly regarding the preservation of its welfare states.

Furthermore, the legalization of migratory movements could not only protect refugees and drastically disrupt the illicit chaos and high death rates at the gates of the EU, but it might also protect and strengthen the EU's rule of law by disrupting the supply-and-demand chains on which smugglers, slave traders and even violent extremists depend. Such legalization would also taper off the informal economy by giving undocumented migrants a chance to stand again on their own feet— by setting clear rules for them to acquire citizenship and social security rights, which could depend on their years of participation. With legalization we also mean that the EU should abide by its own rule of law: although all EU Member States have signed the

Refugee Convention and its protocols—which means that their pledge to aid people escaping their countries is a commitment of their own volition—the increasingly vicious border regime they have put in place is vigorously hollowing out the protections that such international agreements afford asylum seekers. Trampling upon such international obligations stands in direct contradiction with the EU's own rule of law and is weakening its promise to enforce fundamental rights while legitimizing xenophobia as well as the arbitrary abuse of power across EUropean politics.

Finally, a comprehensive reform of the EU's border regime should encompass an *equalization*—i.e., an equal distribution of refugees across the EU and among the neighboring regions based on shared responsibility and eventual resettlement guided by refugees' autonomy. Such a course would involve dismantling the Dublin regulation and implementing provisions akin to those stipulated by the Temporary Protection Directive afforded to Ukrainian refugees (Bueno Lacy/van Houtum 2022). Instead of ad hoc funds such the current Asylum Migration and Integration Fund (2013–2027)—which replaced the European Refugee Fund (2000–2013)—a more reliable funding tool could be sourced from a common fiscal policy. Crucially, such a policy would fund public services such as those typically demanded by both refugees and communitarian EU migrants alike (i.e., social housing, education, healthcare, public transport, and everyday utilities). Such a common fiscal policy would not merely promote the seamless integration of refugees into EUropean societies but it would also bolster the EU's freedom of movement by making it easier for its citizens to relocate in other Member States. Moreover, by decoupling national public services from national taxes, such a common fiscal policy could delegitimize xenophobic rabble-rousers whose electoral success depends on misrepresenting migrants as freeloaders of public services.

Critically, equalization would further require the immediate installment of a EU Rescue Guard that reflects the EU's *raison d'être* (Akkerman 2021) to prevent any more migrant deaths. It would also require an immediate end to the concentrated-segregation politics of the EU's current refugee camps and replace them for dignified housing monitored by the democratic scrutiny of media and society. That this is not an impossibility, but rather a matter of political will, has been demonstrated by the manifest willingness—even enthusiastically—to accommodate millions of Ukrainian refugees, which represent notably seven times the number of Syrian refugees, which by contrast was framed as a refugee-crisis that would threaten the very survival of the EU (Bueno Lacy/van Houtum 2022).

In the longer run, an equalization agenda would imply a wider series of tasks that would bring the EU outside its perceptual isolation by assuming itself as the significant global actor it is. That would first of all require the overall adoption of a European political identity based on a humanist supranational historiography that rejects the racist tropes, imperialist symbolism, and colonial narratives evoked by the EU's current identitary paraphernalia (Bueno Lacy 2020; Bialasiewicz 2012b). And secondly, it would imply the EU's pursuit of fair trade, a global green deal, and the resolute but peaceful resolution of conflicts—at least around its immediate neighborhood or, at the very least, in the regions and countries that are the sources of its largest refugee populations. Hence, it should involve the replacement of savagery-prone border police forces and coopted foreign dictatorships with a veritable EUro-Mediterranean cohesion policy designed to root out the wealth disparities between the EU and its neighborhood. Such disparities underlie the poverty, violence and despair pushing refugee populations to EUrope and they often hark back to a longstanding European colonialism that has not disappeared but merely transformed (Gregory 2004).

Ultimately, such equalization agenda would also need to consider what is perhaps the most important measure: a drastic revision of the discriminatory EU visa regime in order to root out the nativist principle built into the design of the Union's political community. Of the three borders discussed in this chapter, this paper border is arguably the most untreatable root of the EU's refugee-protection crisis: the autoimmune policies devised to address this form of human mobility have not only magnified the challenge posed by an increased number of asylum seekers in the EU but they have also exacerbated other geopolitical problems to the point that this self-made migration crisis has become the most threatening existential threat the EU has ever faced. As we have argued, the visa regime has created a global caste system of elite travelers whose mobility is welcomed, on the one hand, and wretches whose mobility is banned, criminalized, and deterred as consequence of not having enough capital to buy a golden visa or having the wrong place of birth—to the extent that they could die not only trying to flee but even after they have arrived to an allegedly safe port (also Bueno Lacy/van Houtum 2022). The deliberate intention to keep the less affluent, bodily contrasting and religiously different trapped at a distance, or spatially and representationally invisibilized, simply because they were born unlucky is an act of discrimination that is at odds with the equal moral worth of human beings as laid down in the Universal Declaration of Human Rights as well as EU's Treaty of Lisbon—which the EU has

promised to defend. Surely, the world's discriminatory visa system—already a hundred years old—may today seem unbreakable, but so did the divine right of kings, the transatlantic slave trade and women's right to vote.

The discussion on how to achieve a responsible, sustainable, and just border policy surely does not end here. What is worrying, however, is that, for now, the EU seems poised to keep medicating itself with its increasingly self-poisoning remedies. Such an appalling course, we argue, should not be regarded as a momentary lapsus but instead as a train wreck happening in slow motion. Since the EU closed its external borders with the introduction of Schengen, its political community has followed an ever-deadlier path of discriminatory self-enclosure that excludes a large portion of the world. Today, the EU is experiencing the limits of this border model: the current politicization of migration characterized by ghastly measures to curtail the movement of refugees is shaking the EU to its foundations and endangering Schengen, the non-discrimination principle, the protection of human rights, solidarity, and the rule of law. Alarmingly, these are the liberal-democratic principles of the Copenhagen criteria and, ultimately, the very ethos of the EU.

Barring a drastic change in the EU's trajectory, the death and suicide of undocumented migrants and their children will not stop. What is more foreboding, perhaps, is that the EU might share their fate—at least as we know it. Perhaps Frans Timmermans is right: for the first time, the project of European integration that has brought historically unseen prosperity and peace to a continent characterized by its historical bloodshed seems like it might fail. Ironically, it might fail because the European Union has become its own most formidable threat.

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A Land of Wolves: The Rise of Legal Anomie in Administering Expedited Removals of Illegal Aliens in the United States

Islam Rachi

Abstract

In this article examines the new spatialities of border control in the United States and their effects on 'illegal aliens' through a legal-historical approach. To highlight the increasingly expeditious nature of border control, I focus on so-called expedited removal procedures which leave captured individuals without the time or means for lawsuits against such actions. This description is then put into perspective through debates that accompanied the emergence of the administrative state at the beginning of the 20th century.

Keywords: Immigration, Law, Border, Bureaucracy, Deportation

1. Introduction

Homo homini lupus est. This proverb borrowed by Hobbes (1642/2010, 23) could have served as the epigraph to *Sicario* (2015), a film that chronicles the day-to-day life of HRT (Hostage Rescue Team), the FBI's militarized unit, in its law enforcement missions involving drugs and human trafficking on the United States/Mexico border. In one particularly disturbing scene, Alejandro, an agent hardened by tragic events, instructs his colleague to sign a document forbidding her to divulge the unit's secrets. Coerced at gunpoint, she complies. He then utters, "You should move to a small town, where the rule of law still exists. You will not survive here. You are not a wolf, and this is the land of wolves now."

The scene depicts the taboo realities of Western democracies in the exercise of missions to secure the state borders from undocumented immigration by highlighting the illuminating relations between two border dimensions: the territorial, in the form of the borderland, and the legal and social, referring to the (missing) rule of law within this space. As becomes clear in this scene, the borderland is a place of various law violations which are becoming a normality due to a lack of control over state actors, and can therefore create new social facts.

This scene invites one to question the relationship between law and certain spaces of control within national territories: the borderland and

the control of so-called illegal aliens—an area in which legal normativity can be assumed to be applied at its best, and where judicial control of governmental action is at its zenith. Instead, however, I want to refer to the concept of a legal 'black hole' to underscore weaknesses in judicial oversight of executive actions which is key to understanding the stakes involved in state agents' discretion in their implementation of repressive laws applied to certain categories of people, such as illegal aliens.

More specifically, I want to refer to the so-called expedited removal procedure—an accelerated administrative practice of deportation, which has become widespread. By the end of Donald Trump's term as U.S. president in 2021, nearly half of the illegals deported from the country were removed in an administrative manner without due legal process. To the general public, the term 'deportation' relates to forcible state actions consisting of expelling an alien to their country of origin. However, 'removal' is the preferred legal term as it refers to various procedures that lead to this end. According to U.S. law, deportation is the formal removal procedure viewed as the usual way of expelling aliens. Based on the concept of territory, the procedure of formal removal grants illegal immigrants various constitutional rights, allowing them to defend themselves against the authorities in the judicial forum. Despite placing a heavy burden on defendants, these rights remain preferable to an expedited removal, which is still seen as an exceptional procedure in the United States, although its use has risen dramatically in recent years.

Between 2011 and 2019, approximately 364,000 individuals were expelled annually by the U.S. Department of Homeland Security (Guo 2020, 10). During this period, the proportion of deportations made through expedited removal increased from 32% to 47%; in 2019, it remained stable at 46% (2020). As the name suggests, this is an accelerated procedure of repatriation practiced by federal law-enforcement agencies, which have, by virtue of law, large discretionary power in certain geographical areas—especially in the U.S. borderlands, but as we will see, also in the inner territory of the United States. Insofar as these removals are not based on the concept of territorial presence, due process rights are greatly diminished and even annihilated, which brings into question the coherence of the American legal order. From that perspective, the practices of immigration and border control are testing the concept of the United States as a modern bureaucratic state, in which the rule of law is the basis of social order and ought to be regularly applied to all residents of the United States, regardless of nationality or origin.

By examining the evolution of expedited removal, I propose the exploration of the American state order in both its formal aspects, i.e., its rules and principles, and in its practical aspect, i.e., how it affects illegal aliens, and what kind of new parallel administrative order is evolving in the shadow of the rule of law. The aim is to apply both a textually oriented and theoretical open legal approach in order to understand the application of these procedures under a conservative, law-and-order-style government such as former President Trump's.

In the following, I will give some general remarks about the legal and administrative order and its links to territoriality before turning to a description of the removal regime and its territorial links. This shall be contextualized within debates that accompanied the emergence of the administrative state at the beginning of the last century. In this way, we will be able to examine how a conservative legal doctrine, historically hostile to unelected authorities, has conceded regarding national territory, a security exception that contrasts with its discourse on individual liberties and the rule of law. Instead, the new emerging administrative order creates a widening legal black hole, which applies not only to the margins of the state—the geographic borderlands—but which stretches throughout all U.S. territory.

2. Legal Order, the Administrative Order and the Links to Territoriality

Whether conceived in terms of conciliation or dialectic, the relationship between freedom and security is a recurrent problem in the social sciences. The law expressly arbitrates it by instituting an order. In Weberian thought, the order is defined as a system of "determinate maxims or rules" (Weber, cited in Spencer 1970, 123). It is also, according to Kelsen ([1958] 1982, 1), an "aggregate or a plurality of general and individual norms that govern human behavior, that prescribe, in other words, how one ought to behave". Hence, from a juridical point of view, order is based on the written law, that founds the legitimacy of bureaucratic domination. By naming and classifying facts, by assigning them a set of rules, the state portrays itself as the sole arbiter of human interactions—regardless of whether the state is a democracy or a dictatorship. This monopoly of apprehending reality is maintained by a legitimate violence, which sanctions the violations to varying degrees, according to the infringements of the order.

Insofar as it claims to govern behavior, the legal order—which legitimizes rational legal domination—must preserve an intrinsic coherence to be predictable and therefore acceptable. Indeed, the order is only considered such if its norms "constitute a unity, and they constitute a unity if they have the same basis of validity" ([1958] 1982, 64)—a constitution, procedures for enactment of norms, and consistent enforcement, for example. Despite its hegemony, it is not the only normative order, since it coexists with other systems of representation that it usually dominates whether legal (the family) or illegal (crime syndicate). Accordingly, it is the result of a set of beliefs and doctrines that influence each other through the competition of its legitimate actors in the field of power (Bourdieu 1989). If there is competition, then the unitary character of the legal order itself can only be fragmented, relative, and evolving.

Thus, the legal order is not, contrary to commonplaces, a set of written rules preestablished by actors—legislators, judges, administrators—always concerned with satisfying the requirement of formal rationality necessary to system equilibrium. The unfinished quest for pure and perfect coherence raises the question of the stability of the entire order—or at least part of it—the functioning of which can be revealed through the degree of disjunction between the text and the realities it covers. It is assumed that a threshold of coherence is always necessary to maintain the legitimacy of laws and the situations they apprehend; beyond this threshold, history has shown that these situations can become disordered, leading to the evolution of the legal order: that is, reform or revolution.

The state border as an abstract, named, and concrete geographical reality linking different jurisdictions and societies illustrates, in my view, the plural logics of order and disorder. Indeed, reflections on post-Westphalian borders tend to minimize the territorial dimension of control, as one observes in a country like the United States. Bordered to the south by a continent plagued by political instability, the erection of physical barriers attests to this traditional control function of borders. The border wall that separates the United States from Mexico fuels and arouses the fantasies of its promoters. In the words of former President Trump, it is an "impenetrable, physical, tall, powerful, beautiful southern border wall" (Shachar 2019, 95) against an existential danger coming from elsewhere.

The wall illustrates an old-fashioned way of regulating human movement. As a physical entity in an era of increasing digital surveillance, it brings the bodies of both the authorities and the people examined closer together. However, due to the relocation of the border, control is shifting

from the 'Trump Wall' to the heart of the country. There too, border police agents and undocumented residents are interacting with one another.

The rise of post-war constitutionalism gradually detached the law from essentialism in favor of a statutory prism that, in formal terms, ignores the intrinsic qualities of individuals, such as race and class, especially in matters of immigration. This was not without contradictions in an America that is at once welcoming and freedom loving but imperialist and segregated. The law that sanctions these plural cultural and political realities is the product of both compromises and contradictions in many areas. However, the designation/stigmatization of specific ethnic, cultural, or economic groups is becoming less taboo within the legal material such as opinions and executive orders.

3. The Shifting Role of Territoriality for Exclusion, Deportation and Expedited Removal

Public international law recognizes a state reality when three elements are present: a political authority, a population, and a territory (Ragazzi 1992). These territorial and social criteria are interdependent. Indeed, the state is an administrative organization that exercises sovereignty over a population within a geographical area it defines, and which is generally recognized by other states.[1] The control of its territory and the power to include or exclude individuals through "legitimate" violence are at the heart of sovereignty missions.[2] The understanding of space is complex in U.S. law, since entry and exit policies are at the interface of a highly operative normative distinction between domestic and foreign policy law.

In theory, the first is more concerned with individual liberties insofar as the constitution, on this issue, benefits any "person" established in the territory;[3] its application in this terrain is absolute and socially controlled by forces in civil society or its remnants (Audier 2006), culturally vigilant

1 It is also defined as "The area geographically within defined territorial boundaries with a set of political institutions and rules by a government through conformance laws." (Black's Law Dictionary 1910, state entry).

2 Weber says: "we have to say that a state is that human community which (successfully) lays claim to the monopoly of legitimate physical violence within a certain territory" (Lassman 2000, 90).

3 The 14th amendment provides: "No State shall […] deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The decision *Plyler v. Doe* (1982) prohibits discriminatory

and hostile to the concentration of power (Tocqueville 1893, 44). The second is exactly the opposite: traditionally the realm of the sovereign and more specifically of the president, this law is part of a state-of-nature vision of international relations where the category of illegal alien distinguishes undesirable people from the polity (Martinez 2000).

Historically, U.S. law established a strong relationship between presence on its territory and the enjoyment of certain constitutional rights (Smith 2019). The entry fiction doctrine constituted an exception in that an individual arrested at the border or at a point of entry, although geographically present on the territory, was deemed to be outside it (*Shaughnessy v. United States ex rel. Mezei*, the Supreme Court 1954). Thus, aliens denied entry at an airport or checkpoint were excluded, while those apprehended within the territory were deported. As mentioned previously, deportation is a formal procedure in which illegal aliens who are present in the territory are granted certain rights. Although the procedures of exclusion and deportation were different, both included a counsel and a hearing (Smith 2019, 6–7).

Typically, when an alien is arrested on immigration-violation charges, they are detained while waiting for an immigration judge to take over the case. According to the law, an individual is entitled to know the reason for their arrest, the authorities involved, and their rights. In the first hearing, an alien can ask for more time to find a lawyer and prepare their defense. At a second hearing, verification is carried out to confirm the information filed by law-enforcement agents in the notice to appear.[4] The defendant then can testify, gather evidence, bring witnesses to corroborate their claims, and contest removal. It is possible to apply for an 'adjustment and status process', through which an alien can obtain asylum or a green card through the support of a third party via sponsorship or petitioning, depending to their situation (family ties, employment, 8 U.S. C. § 1255). If deportation is ordered by the judge, a defendant can appeal the decision to the Department of Justice's Bureau of Immigration Appeals, the highest administrative immigration court, which, in the event that relief is denied, would transfer the case for further review to either the United States Court of Appeals or the United States Supreme Court. The process creates a

measures against children whose parents are undocumented because they fell into the category of "person".

4 It is also known as Form I-862, a document issued by the U.S. Department of Homeland Security.

respite during which a defendant can prepare their defense or, in the case of a dismissal, arrange for an organized return to the country of origin.

Aliens arrested at entry points such as airports were targeted by legislators more frequently than those found within U.S. territory. Legislators argued efficiency-cost imperatives in accelerating these aliens' fates because, in reality, they had very little chance of remaining in the country since they had no constitutional rights, even before a judge (the entry fiction doctrine). However, regardless of their social or geographic situation, virtually all illegal aliens were impacted by later reforms.

In 1996, the geography of immigration law was transformed by embracing the security paradigm of that era. The 1995 Oklahoma City bombing by right-wing extremists led to major legal innovations. Congress passed an old Clinton administration bill that led to the *Antiterrorism and Effective Death Penalty Act* in 1996.[5] Among other provisions, the act broadened the list of offenses that could allow for the deportation of a legal alien and eliminated the defendant's ability to challenge final deportation orders before a judge. In the same year, the *Illegal Immigration Reform and Immigrant Responsibility Act* boasted of wishing to better manage alien entries by allocating judicial efforts to legal immigration (Androphy 2021, § 42:4). To do so, it instituted expedited removal, which was intended to relieve the courts of deportation cases. The procedure reflects the abandonment of the concept of territory that was at the core of the exclusion/deportation distinction in border control. Instead, it introduces the concept of admission (Kanstroom 2018, 1332), taking the legal abstraction to a higher level.

Basically, it reinforces the entry fiction doctrine, which assumes that an individual is not in the territory even at an airport, checkpoint, or some distance past the border. This is an abstract construction aimed to achieve a result—an expulsion—without recognizing a violation since, according to the U.S. Constitution, anybody within the United States is entitled to some degree of protection regardless of their status. Thus, only individuals who have already been legally admitted can avail themselves of basic rights (Bosniak 2007). In some cases, being admitted encompasses aliens who have never held legal status but have been present for a sufficient length

5 The political climate was a particular one in which partisan labels partially disappeared in favor of an ideological cleavage between the proponents of centralization and of pro-federalism. Thus, an unexpected alliance was formed between conservative and progressive jurists. Indeed, the Act has taken jurisdiction of ordinary offenses that used to be under state jurisdiction.

of time and can be considered to reside within the territory, therefore benefiting from the formal removal process, that is, deportation.

These innovations have changed the spatial and temporal framework of border control. The fiction of non-presence—the assumption that an individual is not in the country despite their physical presence—has become stronger as the procedure is increasingly applied within the territory. While it was originally applied at the point of entry or near the border, it gradually evolved in response to the context.

In 2001, expedited removal procedures concerned individuals present in detention centers well within the inner territory of the United States. In 2004, the application of this procedure was territorially widened and took a step forward by covering a zone of 160 km^2 (100 miles, 69 FR 48877), which has been active from all land and sea borders since 2006. An individual arrested in this area, which included two thirds of the U.S. population (Garza 2019), had to prove they had been present for at least 14 days in order to benefit from territorial-based deportation procedures.[6]

The Trump administration pursued this policy by tightening enforcement. Since 2019, expedited removal officially covers the entire territory and requires proof of two years of continued presence in order to benefit from the said rights, replacing the previous 14-day requirement (84 FR 35409). Thus, an individual who has been in the country for one year and 364 days is still to be regarded as an arriving alien subject to entry fiction doctrine, which conditions due process rights to a (valid) territorial presence. The change in the geographical and temporal criteria nearly eliminates the territorial protection that some undocumented persons used to enjoy, almost making an alien's presence on American soil a "constitutional irrelevancy."[7] The Washington Court of Appeals affirmed in September 2020 that both the designation of new classes subject to the procedure and its expansion are within the government's "sole and unreviewable

6 It is now being applied within the full extent of the law: "An alien described in this clause is an alien who [...] has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph" (8 U.S.C. § 1225(b)(1)(A)(iii)).

7 The Supreme Court stated in 1982: "Undocumented aliens cannot be treated as suspect class for purposes of equal protection clause because their presence in this country in violation of federal law is not 'constitutional irrelevancy'" (*Plyler v. Doe* 1982).

discretion" under the terms of the law (8 U.S.C. § 1225(b)(1)(A)(iii)(I)).[8] This gradual expansion has benefitted the procedure, whose constitutional foundations were not to be overly questioned in the courts.[9] September 11, the Iraq war, Obama's controversial deportation policy,[10] and the rise in populist rhetoric have profoundly reshaped immigration law practice, which is now inextricably linked to the security issue.

This last stage originated in the Kelly Memorandum, named after the Secretary of Homeland Security,[11] which was later translated into *Executive Order 13768* in 2017. At the outset, upon reading it, the White House makes a connection between immigration and national security: "Many aliens who illegally enter the United States [...] present a significant threat to national security and public safety. This is particularly so for aliens who engage in criminal conduct" (82 FR 8799). This quote is striking in both its generality and peremptoriness; the number behind the word 'many', the link between legal status and crime, and the nature of the latter (Kanstroom 2018, 1343) are all elements that attest to the securitization of borders, as understood by the Copenhagen School (Buzan et al. 1998). The supposed well-being of a national community is called into question by an external enemy: the migrant who has now entered, or is about to do so. This discourse, which constructs a security problem allegedly legitimate, essentializes individuals through distinctive social or racial traits.

The Presidential Order, unlike the memorandum, has legal value and may therefore appear surprising because of its lack of restraint; contemporary laws frequently aim to be more polished, breaking with older ones that explicitly banished certain origins in favor of others.[12] However, it should

8 The Court decided: "We hold that the district court properly exercised jurisdiction over the Associations' case. But because Congress committed the judgment whether to expand expedited removal to the Secretary's 'sole and unreviewable discretion,' [...] the Secretary's decision is not subject to review under the APA's standards for agency decisionmaking. Nor is it subject to the APA's notice-and-comment rulemaking requirements" (*Make The Road New York et al. v. Mcaleenan et al.* 2019).

9 Legislators created a period of 60 days to challenge the constitutionality of expedited removal (8 U.S.C. § 1252(e)(3)(A)-(B); Obaro 2017).

10 Under Obama's administration deportation removals increased 53,7% (from 2,012,539 to 3,094,208). The numbers taken from Chishti et al. (2017) are roughly the same (Guo 2020, 10; Baker 2017, 8; Simanski/Sapp 2012, 5).

11 Kelly was the only military man to hold this position since Haig under Nixon.

12 The first Act on Immigration (1790) opened the country to "free white person". The *Chinese Exclusion Act* of 1882 prohibited Chinese laborers from entering the country for ten years. In 1952, the *Immigration and Nationality Act* prohibited people coming

be remembered that not long ago, such criteria justified some distance from the principle of the equal protection, notably when the Burger Court declared "Mexican appearance" as a "relevant factor" in immigration control (*United States v. Brignoni-Ponce* 1975; Khilji 2019, 203–204). The legal field is not hermetic to politics or social pressures. Immigration has long been a prime target of public policies that aim to be tough on crime. As part of the 'law and order' discourse formulated in the 1960s, in a context of upheaval linked to the civil rights and anti-war movements, voices were raised in the legal community calling for the repression of these mobilizations through unconventional means. In doing so, they contradicted themselves with long-cherished principles such as the prohibition of military intervention in a 'sacred interior'.[13] However, sacrificing coherent texts was necessary to preserve what they called 'the fabric of society,' that is, an unequal social and political order protecting white people against black people, owners against the 'mob,' and America against 'communism'.[14]

4. The Legal Regime of Expedited Removal

Expedited removal is carried out by agents of the executive branch, who have been massively recruited since 2001 to arrest aliens, order their deten-

from the Asia-Pacific. Later amendments in 1965 abandoned these sorts of references. The Supreme Court was also intervened in this area. In *Chan Ping v. United States* (1889) it founds Congress to be within its rights when it considered "the presence of foreigner of a different race in this country, who will not assimilate with us to be dangerous to its peace and security" (Kanstroom 2018, 818). The *Korematsu* case can also be added, it validated the internment of individuals of Japanese descent in the United States during World War II (*Korematsu v. United States* 1944).

13 The *Posse Comitatus Act* (1878) prohibits employing the army as police force: "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both" (18 U.S.C. § 1385).

14 See for example military justice expert Frederick Bernays Wiener (1969) writing for the *American Bar Association Journal*: "The Riot Commission also attributed the principal cause of the 1967 riots to white racism. But within a month after the publication of its report, there came the widespread and indeed nation-wide rioting of April, 1968, that followed the murder of Dr. Martin Luther King, Jr. This was rioting that all too clearly reflected *black racism*." (1969, 729, own emphasis). He then stated: "Therefore, it is vital that those in executive office reverse the prevailing trend of permissiveness and leniency, now so widespread that it threatens to rend the very fabric of society" (1969, 729). Sending soldiers onto the streets was thus the solution.

tion, and finally exclude them, all without any real judicial control (8 U.S. Code § 1225 [b][1][a][i]). Indeed, most of them do not have the right to a lawyer and cannot contact their families, given the expeditiousness of the procedure (Garza 2019, 893). The determination of the merits of their situation is at the discretion of the agents. From this point of view, the Trump administration made the possibilities to legalize the stay of undocumented migrants more cumbersome by requiring two years of continued presence, even though the context makes it difficult to gather suitable documentation, let alone the fact that there is no guarantee that the officer will accept them.

Although expedited removal purports not to apply to individuals seeking asylum (8 U.S.C. § 1225[b][1][B][ii]), federal officials actually decide whether the alien "demonstrate[s] a substantial and realistic possibility of succeeding" (Lafferty 2014) in their future application; in other words, the subject must prove they have a credible fear of persecution based on one of five causes: race, religion, nationality, membership in a specific social group, or political opinion (*INS v. Cardoza-Fonseca,* the Supreme Court 1987). Although it seems broad, an alien must demonstrate the veracity of their fear ("a significant possibility," as specified by the law [Marguiles 2020, 419]), which is not an easy task given judicial deadlines and, more generally, a situation of extreme deprivation.

In the instances where the alien cannot demonstrate this claim, the individual is deported within a few days. An initial determination in the individual's favor leads them to undergo a second examination under the aegis of another administrative service.[15] At this stage, if the refusal can theoretically lead to an appeal, the judge—to whom the foreigner finally has access—validates the decision in 80% of cases (Weissert/Schmall 2018). There are therefore several barriers to legal entry, the theoretical passage of which is constrained by the unchecked realities on the ground (e.g., situation and rights not exposed, lack of translation, incompetent agents), making the entire process unreliable.

Despite falling into a category of people protected by national and international texts, most individuals are quickly expelled. The law defines a multitude of temporalities to render justice. Acceleration of legal time breaks with the ordinary justice at work in other fields. Under the guise of efficiency, such procedures are de facto decisions without examination. Investigation and judgment merge in a temporality of the moment completely controlled by the state. This real-time treatment expresses an institutional

15 The USCIS (United States Citizenship and Immigration Services).

confusion between police and justice authorities (Chainais 2014, 112) and creates a fiction in which the guilty parties are identified in advance.

Throughout the process, foreigners are detained for between 48 hours and two years, depending on their situation. Although in principle any individual,[16] can challenge the conditions of the detention by *habeas corpus*, regardless of their status (*INS v. St. Cyr*, the Supreme Court 2001), the 1996 law prevents the federal judge from examining the request.[17] However, this remedy is guaranteed by Article 1 of the Constitution, which states that *habeas corpus* cannot be suspended except in cases of rebellion or invasion.[18] One can wonder whether crossing the border illegally is, in fact, akin to exceptionally grave offenses such as these. The recourse is also an element of the separation of powers [19], especially in the case that an executive agency first triggers the detention, due to the lack of disinterestedness that characterizes criminal proceedings (Schusterman 2020, 664). The purpose of this procedural guarantee is basically substantive; the Founding Fathers believed that individual liberty could only be guaranteed if the powers were both divided and keeping each other in check.

Expedited removal thus appears unconstitutional, fueling an unclear body of case law that would tend to temper its use in the future. For example, the Third Circuit in *Osorio-Martinez* held that the petitioners, children and their mothers, were not subject to expedited removal because the special status attached to these minors and their "substantial connections with country"[20] made them more like permanent residents as opposed to

16 The Supreme Court stated: "Given that United States Constitution's separation-of-powers structure, like the substantive guarantees of the Fifth and Fourteenth Amendments, protects persons as well as citizens, foreign nationals who have the privilege of litigating in United States courts can seek to enforce separation-of-powers principles" (*Boumediene v. Bush* 2008).

17 The law restricted the benefit to certain situations that did not concern asylum seekers. *Habeas corpus* then becomes the exception, since it only concerns errors regarding the categories targeted by expedited removal (8 U.S.C. § 1252(e)(2)).

18 Article 1 of the Constitution states: "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." (U.S. Const., art., 1, sec., 9, cl., 2).

19 According to *Boumediene v. Bush* (2008): "Suspension Clause ensures that, except during periods of formal suspension of writ of *habeas corpus*, the judiciary will have a time-tested device, the writ, to maintain the delicate balance of governance that is itself the surest safeguard of liberty".

20 The Court stated: "(2) Congress accorded these children a range of statutory and procedural protections that establish a substantial legal relationship with the United States; (3) with their eligibility for application for permanent residence assured and

"recent surreptitious entrants" quoting *Castro v. Department of Homeland Security*, Third Circuit (2016). Thus, they were entitled to constitutional rights, including the right to challenge detention. In this case, the family was subject to expedited removal after being caught by U.S. border police four miles beyond the border in U.S. territory. The administration then determined that the family—who had escaped extreme violence perpetrated by gangs in Honduras and El Salvador—was not entitled to asylum, a decision that was challenged. The litigation lasted two years, during which time the initial situation changed. Even though the court did confirm that "an alien seeking initial admission [...] has no constitutional rights" (quoting the Supreme Court in *Landon v. Plasencia* 1982), the question was whether the family was truly (at the time of the appeal) seeking initial admission or if they were already in the country. The judges decided the latter.

The entry fiction doctrine—here assuming an individual is not in the United States despite their physical presence—is narrowly applied, tempered by the court to individuals apprehended only a few days or hours after their entry, thus reconfirming it as an exceptional rule. Although one could argue this was the case of the family, the difference lay in the overall situation of the group that created ties with the country, due to the special status of the minors. Indeed, during the detention the children were granted a Special Immigrant Juvenile Status (SIJS), a classification protecting vulnerable undocumented minors. Thus, the social-temporal element prevailed over the extended spatiotemporal one, as previously held by the lower court. From a historical legal point of view, this reduction of time and space was more in the spirit of the original entry fiction doctrine before the legislative evolution of border control.

Recently, in *U.S. Department of Homeland Security v. Thuraissigiam* (2020), the U.S. Supreme Court made the enjoyment of constitutional rights regarding deportation conditional on a presence in the territory based on community ties, but without defining their nature—noting only that the defendant, an asylum seeker, was captured within 25 yards of the border, the distance being an indication supporting the lack of "ties" to the country (Smith 2020, 5). Justice Alito, writing for the majority, asserted that

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their applications awaiting only the availability of visas (a development that is imminent by the Government's calculation) and the approval of the Attorney General, these children have more than "beg[un] to develop the ties that go with permanent residence," [...] and; (4) in contrast with the circumstances in *Castro*, recognition of SIJ designees' connection to the United States is consistent with the exercise of Congress's plenary power" (*Osorio-Martinez v. AG United States* 2018).

the provision restricting the benefit of *habeas corpus* was constitutional, and that the entrant subject to expedited removal could not challenge the administrative determination denying him asylum. Moreover, *habeas corpus* does not purport to serve as a vehicle for coming into the country. This link with the community attests to the discriminating aspect of the law, specific to a society, in a Hobbesian vision of the world in which foreign individuals are presumed to be hostile to a population of reference.

Since laws and elections are sometimes connected, one can imagine partisan considerations leading to a relaxation of the current regime. Using the same political theories of law, one can also argue that the Supreme Court is governed by a conservative bloc in the way of reforms—again, assuming that a liberal border policy is more flexible, which recent history does not show (Baker 2017).[21] The fact remains that political changes can somehow affect the enforcement of procedures. For example, it has been observed that since former President Trump took office in 2017, the likelihood of a refugee passing the credibility fear test has dropped, which shows normativity outside the courts, in the meanders of bureaucracy.[22] It should be noted that even under the previous regime, the vast majority of deportations at the southern border did not meet the legal standard.

5. The Bureaucratic Order and the Creation of Legal Black Holes

Expedited removal is implemented by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), two federal law enforcement agencies under the control of the Department of Homeland Security, both created in 2003. The latter is an administrative mastodon with an annual budget of $17.7 billion (2021), making it one of the largest police forces in the country (American Immigration Council 2021). Its prerogatives cover immigration, anti-drug, and terrorism issues. In 2019, more than 68% of all removals were initiated by arrests of this agency (Guo 2020, 20). There have been a string of documented cases of violence, corruption, and racial profiling, which are becoming more numerous and visible as its jurisdiction expands inland (Heyman 2017). The structural problems of the

21 The procedure is used more and more in recent years. The Obama administration pursued a long-standing border policy, which Biden very recently recognized as a "big mistake" (Barrow 2020).

22 Before Trump's arrival, 80% of migrants used to pass the credible fear interview before asylum officers (Schusterman 2020, 661–662).

CBP are not new; they are inherent to repressive administrative authorities acting without judicial control.

This issue can be highlighted by the concept of a legal black hole (Koh 2018) which designates those areas, geographical or abstract, characterized by the maximization of executive powers. They can be provided for by law, which seems contradictory from a formalist or Kelsenian point of view, that assumes both legal hierarchy and clear rules, or can exist as a social fact. Expedited removal exemplifies this concept insofar as the judiciary cannot, under law, control the exercise of administrative discretion. Although it was formally located at the edges of the geographic state, the black hole has grown to cover the entire state territory.

This legal black hole can be seen as a growing area ruled by administrative reflexes or informal practices that stretch the boundaries of the permissible or simply go beyond them (Kent 2015, 1032). It is a normative space on its own, yet it is defined by the legal order inasmuch as its existence is tolerable; this is why some would refer to is as a "gray hole" (2015, note 23). Whatever the terminology, bureaucratic actions within this hole create normative tensions within the larger, more typical law-based space. Courtrooms give us a forum to distinguish between these intertwined spaces, both of which are based upon a type of legal legitimacy. One can see two ideologies confronting judges: one claims the rule of law as a non-negotiable value; the other invokes the argument of exception under the rule of emergency. Assuming such a simplistic, schematic view of the forces within the legal field, one can say that somewhere between legality and illegality, a black hole expansion in immigration law—typical of national security affairs—is absorbing the substance of rule of law, taking human rights, normative predictability, and government restraint along with it.

This is reminiscent of the 'political questions' (*Marbury v. Madison*, the Supreme Court 1803), a judicial doctrine that impedes the intervention of the judge in sensitive matters and was thought to have disappeared domestically. While the syntagm may come as a surprise because the term 'doctrine' implies a predictability which contrasts with changing politics (Nagel 1989, 643), it has long been used—and still is—to justify the discretionary or illegal doings of government, particularly in the field of national security. Even if not directly invoked, expedited removal has the same effect, since weak judicial regulation equates an absent one: judges cannot, for explicit jurisdictional bars, review questions of fact or law regarding agent determinations. Like the doctrine of political questions, this executive deference reveals the limits of both judicial control and even the law as a

non-arbitrary system, thus creating a legal black hole where unrestrained subaltern agents may act as wolves through the ambiguities of the law.

It is true that the power to include or exclude an individual historically resides in the executive branch.[23] However, one can see that the geographical expansion of this control accompanies an extension of executive power to other spheres. Yet one can think that these phenomena were not desired or foreseeable. In fact, a hundred years ago, conservative jurists were concerned about the growth of the administrative state and its impact on liberties, particularly in the interior. Indeed, since 1920, the doctrine had been divided between realists, who saw the law as an instrument for implementing policies (those of the New Deal), and formalists who continued the tradition of an ideal conception of the law based on legal principles.

James Landis, in *The Administrative Process* (1938), argued for the growth of administrative agencies based on a tradition of political progressiveness and legal realism. The advent of the administrative state was intended to respond to the incompetence of judges in the face of the realities of industrialized and atomized societies, as highlighted by the social sciences (Horwitz 1992, 214–215). Reticent to the contributions of empirical analysis, politically conservative judges favored a common law system, which only allowed for a slow adaptation of the law to these realities. Thus, two opposing theories faced each other: an expert theory, which advocated for a strong delegation of power to administrative agencies, and a delegation theory, where Congress strictly defined their margin of maneuver (1992, 216–217).

Roscoe Pound, who preceded Landis as dean of Harvard Law School, proved to be his biggest opponent. A former adherent to the realist theses, Pound's optimism gave way to a virulent criticism of the legal developments to which he had greatly contributed. The legal historian Morton Horwitz suggests that Pound made himself—perhaps indirectly—the spokesman of a silent minority, eminent people who had been adversely affected by left-wing policies reinforced by realism (Horwitz 1992, 219–220). What Pound criticized was the ability of unelected authorities to set general rules that would impact society without the deliberation and reason that characterize the legislative process. Executive justice too was thought to be unpredictable—"arbitrary," "biased," "extra-legal," and reflective of a "mob mind" (McLean 1979, 79). He likened the administrative process to Soviet

23 The plenary power doctrine justifies this executive supremacy (Martinez 2010, 818).

bureaucratization, which would lead to the end of the rule of law. The experts, accredited for their knowledge, presented themselves as the guarantors of a rational administration concerned with the common good. Yet the formalist vision came back in force in the 1940s and shook some of the achievements of realism (Horwitz 1992, 231–233). Conservatives thus developed an acceptance of the evolution they sought to contain in a general way but fully adopted in a particular field. What one would call the conservative exception in terms of regulation is reflected by the freedom given to agencies carrying out national security tasks on both sides of the border. Thus, atypical positions arose: conservatives favored administrative control to monitor associations, individuals, and foreigners, while liberals who had called for greater autonomy for the expert agencies did an about-face when they witnessed the excesses of McCarthyism.[24]

The study of this security exception reveals a legal pragmatism, an instrumental conception of law at the service of any politics. The exception is especially interesting when put into perspective with certain major objectives on the right, notably that of a weak executive on the domestic front to prevent calling economic privilege into question in the event of a political alternation. In retrospect, therefore, one might think the conservative hostility *vis-à-vis* 'big government' was a matter of economic thinking: only the infringement of property rights, freedom of contract and *laissez-faire* bothered them. Thus, it was appropriate to claim formalism (the strict reading of texts) and later to abandon it when this interpretative methodology no longer guaranteed the politically desired results. Some observers will note that the territorial argument denying constitutional rights to new entrants is based on a methodology historically affiliated with conservatism, versus the liberal functionalist interpretation at work in the *Boumediene* (2008) and *St. Cyr* (2001) cases which both extend *habeas corpus*, even though the defendants were not seeking entry.[25] This is not contradictory if one leaves the legal doctrine *stricto sensu* to understand that substantive motives,

24 According to Walter Gelhorn: "During the period in which these and other new powers have been granted or old ones fortified, the former friends and the former detractors of administrative process have been circumnavigating the globe of government, traveling in opposite directions. The friends, starting from a point on the globe that might be labeled extreme support, have now traveled all the way to the station of extreme fear. The detractors, starting from extreme fear, have seemingly reached the point from which the friends had so recently departed" (Gelhorn cited in Horwitz 1992, 240–241).

25 In the *Boumediene* case, the benefit of the suspension clause depended on statutory, territorial and procedural factors. The defendant was entitled to the clause despite

political or value related, often govern judges' reasoning, a phenomenon commonly designated as the "politicization of the law" (West 1990).

Fundamentally, the expedited removal procedure remains inspired by instrumental considerations, since it seeks to deal efficiently with entries, despite sacrificing certain procedural guarantees associated with the idea of justice. It essentially posits an old idea of realism that justice is to be found outside the law. The last century's structural changes and political turmoil have incrementally reinforced executive dominance. Let us remember that during the Korean War, the Supreme Court struck down former President Harry Truman's seizure of steel mills, under the threat of strikes. Judge Jackson, in his famous concurrence, then wrote, "the accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority" (*Youngstown Sheet & Tube Co. v. Sawyer* 1952). The case is one of the most famous in constitutional law. Not only does it reassert that even in times of war— under national emergency— the president cannot usurp Congress's power, it also underlies the idea that government cannot act unrestrainedly in the domestic area. Today, this concentration has almost been achieved, and its outcome plainly felt by individuals in what have formally become constitution-free zones in the interior.

6. Conclusion

Past fears of an unbridled government resurface at a time when the administrative state is an immutable reality. The mobilization of a thick police apparatus in the implementation of a repressive ideology undermines the coherence of the legal order. The point of tension between individual rights and security can no longer be arbitrated by legal norms. The case of expedited removals reveals a dual state order, of which one is a bureaucratic order free from control and the other a formal legal order. The latter, which claims to regulate the territory, maintains an ambiguous relationship with the actors: field agents, powerful agencies, and illegal aliens. The adverbs

the fact that even though he was not a citizen and was detained outside the territory. The Supreme Court thus dissociated the territorial presence from the benefit of constitutional rights (*Boumediene v. Bush* 2008). In *INS. v. St. Cyr* (2001), the judges stated that Congress needed to be clear if it wished to suspend the use of *habeas corpus* relief.

'now' and 'here' used by Alejandro in *Sicario* to justify his wrongdoings (formally through a legal non-disclosure agreement) do suggest the existence of an unwritten order, the real one, past the illusions of words and principles. It still attempts to formalize or minimize disturbing realities by confining them into the realm of extraordinary.

As seen above, legislations and jurisprudence have laid the foundations for a new principle in which every non-admitted alien is deprived of basic rights. Yet this inversion reveals the nature of the doctrine of entry fiction in the first place. Indeed, the exception that would confirm the liberal rule is essentially the origin of the political and moral problem inherent to the free movement of people. This conceptualization conceals the unsolved question of political communities. The exceptional situation of the foreign human in distress (the rich can always circulate) justifies an ordinary and essentially tolerable violence, as long as it remains circumscribed in an inconspicuous area that would not call into question the rational action of the state.

The legal doctrine is not the only forum where such problematic arguments are made. So are the economic justifications of immigration, which feeds a utilitarian prism of human beings where migrants must be workers to enter the territory (Samers 2003, 212–213). By stressing the numerical weakness of the arrivals, the demographic explanations also reassure a majority cultural group prey to its obsessions (2003). These scientific arguments, which are meant to be pro-freedom, sometimes feed a nationalistic pro-market vision of communities where individuals poorly endowed in capitals (Bourdieu 1979) are foreign elements with rights necessarily diminished. Would thinking of the matter in terms of exceptionalness have the effect of perpetuating the system by affirming either the necessity of a rule or the contingency of dramatic events? Would the violations in the land be the very characteristic of the established order in a vision where the distinction—assuming its relevance—between normality and emergency, between rule and exception, would be in constant redefinition (Gross/Ní Aoláin 2006, 175)?

Juridical concepts, such as those of sovereignty or jurisdiction, can be subject to as yet unimagined flexibility. However, legal contradictions in ordering structural realities present a limit, a threshold of social and political acceptability—which, if crossed, causes the law to lose its legitimacy. The existing order then adapts to remain relevant, and in the case of expedited removal, such change could prove to be too difficult for courts alone. The legalized anomie, the black hole, has thus deepened, creating

a zone where norms both contradict each other and decompose. One can think the expansion of this *Wild West* would make visible all this misery, would touch populations until now spared, perhaps forcing those who have created, hidden or ignored the problem to change the laws.

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B/Ordering the State in Cyberspace

Daniel Lambach[1]

Abstract

Cyberspace is not the 'electronic frontier' that cyberlibertarian utopianists dream about, no distinct and uncivilized space beyond the reach of the state. Instead, cyberspace and the digital have become integral parts of a hybridizing digital/physical lifeworld. States are adapting to this transformation by creating analogies to borders and territory in cyberspace and by adopting deterritorialized and extraterritorial modes of control. To describe state adaptation strategies, this paper first discusses the conceptualization of borders and territory and their relation to order from an International Relations perspective. It then develops the concept of territorial practices as a technique of governance which consists of the reification of spaces, the communication of boundaries, and displays of power.

Keywords: Borders, Cyberspace, Territory, Assemblage, State

1. Introduction

This paper is about how and why states construct borders and territories in cyberspace. Given that cyberspace is not a featureless plain, as the old metaphor of the 'electronic frontier' (Saco 1999) suggests, but rather a complex assemblage that does not conform to Cartesian notions of three-dimensional space (Kitchin 1998), borders in cyberspace are invariably complex. Hence, notions of the border and of territory in cyberspace bear little resemblance to their analogs in the physical world, even though such comparisons are inevitably made. Cybernetic borders and notions of territorial statehood are enacted and reinforced through firewalls, kill switches, national symbols, and legislation. However, despite these differences, cybernetic borders matter a great deal to both states and cyberspace. To states, borders are a competent performance of their existence in, and control over, cyberspace; to cyberspace, borders are a way of ordering the technopolitical assemblage of the internet.

Given how much this paper argues against simplifying analogies of 'the digital' and 'the physical', what does an analysis of state b/ordering practices in cyberspace add to our general understanding of border com-

1 I am indebted to Fabian Reinold for his editorial assistance.

plexities? First, cyberspace is not a separate place 'out there' that is distinct and detached from the real world around us—*Neuland*, as former German Federal Chancellor Angela Merkel famously once called it (Zeh 2013). Instead, we can observe how the digital and the physical world converge and infiltrate one another. This infiltration occurs in both directions. The digital world permeates the physical world via smartphones, the Internet of Things (IoT, i.e. 'smart' physical objects that collect and exchange data over electronic networks) and other, ever smaller devices. This is particularly evident when looking at state borders themselves, which have become a complex assemblage of physical and digital tools, devices, and practices mobilized for purposes of mobility control and data collection. On the other side, the physical world penetrates the digital through techniques such as geolocation, which are increasingly changing the internet's character. Geolocation is a means to establish a user's location and digitally process it. Geolocation can also be used for so-called geo-blocking which regulates access to digital data and content according to a user's physical location. Thus, the boundaries between the digital and the physical are eroded, creating an ever more enmeshed and entangled hybrid world. In addition, societies around the globe are undergoing a wholesale digital transformation (Berg et al. 2020), a large-scale rearrangement of social practices akin to other dramatic societal shifts like urbanization, globalization, or the nascent decarbonization of the economy. Indeed, with digital networks becoming a more and more prominent part of our societies and lifeworlds, a volume on border complexities should also look to cyberspace as an example of how complex such border arrangements can extend beyond the familiar framework of physical geography.

Second, as much as borders in cyberspace do not conform to traditional views of what a border should look like (with walls and barbed wire, designated crossing points, passport checks, etc.), state borders have long ceased to conform to this idealized image. As the entire field of border studies—and even this book itself—demonstrates, the physical borders of the state have become decentralized and their purposes more complex: from 'hard' borders to selective and semi-permeable membranes, from instruments of security to instruments of data collection, from the single boundary line to fluid borderlands (Newman 2006; Paasi 2009; Mau et al. 2012). Digital technologies are part and parcel of this state border transformation—as tools for surveilling borders, regulating mobilities through visa regimes, computerized transport logistics, and many more (Pallister-Wilkins 2016;

Lisle 2017; Martin-Mazé/Perret 2021). Nowadays, borders are sociotechnical assemblages consisting of physical and digital elements.

Third, borders in cyberspace showcase the mutual constitution of borders and orders. Every order has a spatial claim embedded in it: where, and to whom, should it apply? In this sense, bordering is the inevitable byproduct of ordering. Bordering is also constitutive of ordering. Enacting a border in cyberspace is a competent performance of (state) orders in a space that is often otherwise constructed as lawless and threatening. Since there is no way for the state to be as physically present in cyberspace as it is in physical space—where we have government buildings, state agents in official uniforms, and state symbols deployed liberally to remind everyone of the existence and power of the state—the border is one of the relatively few symbols that states can use to perform itself into existence. Not being able to access certain content and/or websites reminds users that the legal geography of the state also applies to cyberspace.

This paper will proceed as follows: in the first section, it will explain the concept of cyberspace as a sociotechnical assemblage. Then, it will discuss why and how states are adapting to the digital transformation of society. The third section introduces a conceptual framework for analyzing borders in cyberspace which is further fleshed out in the fourth section through the concept of territorial practices. The conclusion discusses the implications of this for research into the dis/order of border complexities.

2. Borders, Orders, Territoriality, and the State

Within International Relations and other branches of political science, borders are inextricably bound up with notions of territoriality and sovereign statehood. John Agnew (1994) has criticized the discipline as being in a 'territorial trap' and ignoring other forms of spatiality. I have discussed the limitations of this narrow focus on particular conceptions of space in more detail elsewhere (Lambach 2021b). The purpose of this section is merely to clarify key terms and their relations.

Borders, in the words of David Newman (2003, 123), "demarcate the territories within which we are compartmentalized, determine with whom we interact and affiliate, and the extent to which we are free to move from one space to another". As such, they are a sociopolitical construction, but they are also a necessary implication of political spatiality itself. In other words, if politics are organized according to spatial criteria, as opposed to

relational ones as in the early medieval *Personenverbandsstaat*, for instance, borders need to be imposed. More theoretically, Malpas argues that "extendedness"—as both size and openness—is the essential characteristic of space, which also implies boundedness, i.e., a difference between inside and outside (Malpas 2012, 233–234). In a world of political territory, borders are an essential mechanism through which the principle of territoriality is put into practice. Borders are both material and symbolic, embodied by walls, fences, gates, and checkpoints (Anderson/O'Dowd 1999). They are represented on maps, in Geographic Information Systems, through road signs and other media. While state borders were historically seen as instruments of division, they are also interfaces or zones of contact (Kopytoff 1987).

The border is intimately connected to the notion of order. Every order has specific spatial claims about its reach embedded within it, which require borders to demarcate the order's reach. By dividing the world into inside and outside, borders are an essential instrument for the maintenance of order. In the case of sovereign statehood, this has led to notions of the state as a "territorial container" (Walker 1993, 159) or a "power container" (Giddens 1985, 12–13), with borders serving as the carapace of the hard-shelled state (Herz 1957). As argued above, this also has a performative dimension that is particularly evident in cyberspace as well as other non-terrestrial environments such as the oceans or outer space, where it is difficult to enact a permanent physical presence of symbols, agents, and other representations of the state (Lambach 2021a).

As this discussion shows, borders are a necessary implication of state territoriality and political power. Following Sack (1986), territoriality is to be understood here as the principle through which domination is exercised (or, normatively speaking, *should be* exercised) along spatial criteria (Lambach 2020a). Sack (1986) identifies three dimensions of territoriality: first, a "classification by area" (1986, 21), second, communication of borders, e.g., through boundary markings, and third, the attempt to enforce territorial claims. This approach is valuable because it focuses our attention on the practices of territoriality, especially since territoriality as a principle of political order is rarely explicitly talked about or argued about—neither in practical politics nor in political science (Ruggie 1993, 174). But how should we approach borders and territoriality in conceptual terms? In other words, if borders are a social construct, how are they constructed?

Although authors such as Kahler (2006) have attempted to formulate a concept of territoriality in terms of an international regime, i.e., a set of principles, norms, rules, and procedures formalized in international

treaties and organizations governing a specific issue area, these attempts are not entirely convincing. Regimes are based on multilateral agreements and organizations that are supposed to regulate certain problem areas. While regimes can influence the interests and identities of participating states, they cannot constitute these states or their borders. In addition, there is another objection: there is no clearly definable regime that regulates the territoriality of the international system. Rather, this principle runs like a thread through many regimes. In this way, global regimes reinforce norms and practices of territoriality as they adopt the central normative requirement of the territoriality principle—that rule should be divided and exercised territorially—and map it into their respective rules.

Other contributions suggest an institutionalist approach to borders. Authors such as Feyissa/Hoehne (2010), Carter/Goemans (2014), and Simmons/Goemans (2021) can be grouped under this heading. One such approach is via the English School of International Relations which, through the concept of 'primary institutions', views institutions and members of international society as mutually constitutive. Buzan (2004, 182–184) describes primary institutions as persistent patterns of common practices which are anchored in values shared among members of the international society and includes territoriality as one of the "master" institutions of the current international system which others are derived from. This approach is similar to Ruggie's (1998) social constructivist notion of "constitutive rules" which he describes as the "institutional foundation of all social life" (1998, 873), thereby opening up the possibility of rules that are not subject to political deliberation: "Some constitutive rules, like exclusive territoriality, are so deeply sedimented or reified that actors no longer think of them as rules at all" (1998, 873). But while Buzan's (2004) and Ruggie's (1998) approaches broadly capture the essence of territoriality and borders as deeply internalized norms and rules, they are too theoretically underdeveloped to be of much help.

I argue that we are best positioned to understand state borders and territory through the prism of practice. As the brief survey above indicated, borders—as a concept, not in their specific instances—are rarely openly discussed politically, forcing us to look beyond the realm of political language into concepts of practice, embodiment, enactment, or performance. I use practice mostly because it is the best-developed of these concepts in International Relations in particular (e.g. Büger/Gadinger 2014), although the following discussion could probably also be recast in these other conceptual frames. Following Brighenti (2010), a practice approach asks how

agents constitute spaces through practices and how these spaces impact future practices. A spatial practice can be understood as any practice whose performance is aimed at deconstructing or enacting and thereby (re-)creating spaces. The application of this approach to borders in cyberspace will be further elaborated below.

3. What is Cyberspace?

In his famous *Declaration of the Independence of Cyberspace*, John Perry Barlow (1996) warned the governments of the world: "On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather" (1996). According to Barlow and others (e.g. Johnson/Post 1996), cyberspace is "a *terra nullius* in which social relations and laws have no historical existence and must be reinvented" (Chenou 2014, 216). Since then, the 'internet exceptionalism' (Farrell 2006; Wu 2010) of Barlow (1996) and his fellow cyber-utopianists has become a marginal position in internet governance discourses. Empirical developments have further put notions of the internet's ungovernability to rest. Cyberspace can no longer be conceived as separate from the offline world but must instead be viewed as part and parcel of it. This will be discussed in more detail in the next section, but in brief terms, internet activity is currently tied to physical geographical location in many ways that were unimaginable to early cyberspace theorists.

Cyberspace is not a static environment, but a dynamic and evolving domain whose parameters shift with each innovation (Deibert/Rohozinski 2010, 45). Definitions of cyberspace typically refer to an assemblage based on data storage and exchange via electronic networks. In this sense, cyberspace consists of physical hardware, code, and data. In addition, cyberspace also encompasses a social space, i.e., a space emerging from social interactions based on relations of social distance and proximity among users (Bourdieu 1989). Hardware includes all the physical objects that form the hubs and spokes of the electronic network, e.g., computers, servers, routers, cables, and satellites. Code includes the software that makes the internet run, from the very basic communication protocols that make data transfer possible to the more specialized applications that are used to offer content on the internet. Data are the manifold bits of information that are generated by machines and users and collected for a variety of purposes.

The social space is the network of relations that emerge in cyberspace, most obviously on social media platforms but also beyond these.

It is important not to view these dimensions as detached from each other because they jointly constitute cyberspace as space and are heavily interlinked. For example, Deibert (2003) points out that states' attempts to exercise control over online social activities have had effects on the material infrastructure of the internet—through the deployment of censorship and surveillance technologies, for instance. Prohibitions on linking to sensitive material have affected the network structure of the World Wide Web. Furthermore, contributions from Science & Technology Studies (STS) highlight that the material infrastructure of the internet exerts its own "sociotechnical agency" (Musiani 2014, 275) and that technologies carry embedded politics (Winner 1980) that pre-structure emerging spaces (Balzacq/Cavelty 2016; Mager 2018). For example, discussions about net neutrality, i.e., the principle that all forms of internet traffic should be treated the same at a technical level (DeNardis 2014, 131–152), show how political processes and material affordances intersect.

Importantly, all four elements—hardware, code, data, and social relations—have some connection to physical space. Hardware (cables, routers, servers, etc.) is situated in specific places, code is being created in specific localities (e.g., *Silicon Valley*), data is stored on physical servers, and social relations exist among people for whom this is but a part of their everyday life experience. In short, cyberspace is not the 'electronic frontier' of the internet exceptionalists.[2] Cyberspace is not out *there* but is right *here* with us, surrounding us. We as citizens, workers, and consumers are connected to cyberspace through hardware like smartphones and other smart devices, desktop computers and notebooks, IoT devices in our homes (e.g., refrigerators, dishwashers, lightbulbs), industrial controllers and more, through code like social media offerings and other software, through datasets and cookies collecting data on our digital behavior. The result is a lifeworld made up of both digital and physical elements that are not neatly separated from each other but are hybridized into a digital-physical whole. We are connected to other people through in-person and digitally mediated

2 The 'electronic frontier' metaphor was deliberately chosen by early Internet theorists to recall Frederick Jackson Turner's famous "frontier history" of the United States (Geiger 2008), i.e., as an unregulated space beyond the control of the state (Saco 1999). Unintentionally, this omitted the part of Turner's thesis whereby the gradual colonization and territorialization of the frontier was a constitutive part of the formation and evolution of the American state, a theme that also fits well with this article.

relationships. Communication moves seamlessly between in-person and digitally mediated forms. The most appropriate visual metaphor for this hybrid is the 'Matrix', in which a layer of data and code permeates the world that we perceive as real. When this paper refers to cyberspace, it is this hybrid, not the older notion of a distinct electronic space that still informs public imagination and discourse.

The digital transformation is changing—although arguably not revolutionizing—society. Digitalization is about much more than merely adding computers to the workplace, a notion that was very popular in the 1990s. Instead, it means introducing digital instruments, technologies, and practices into practically all spheres of social life. Technologies are being developed and adapted for social purposes, but social practices also change to adapt to technological affordances. For example, during the Covid-19 pandemic, videoconferencing software made a shift towards home office work possible, one that was vitally important for keeping certain workplaces going in a safe manner. The social impact of introducing digital technologies is substantial. It has become a truism often repeated by politicians, businesspeople, and researchers that digitalization is reshaping all aspects of our life. In that sense, the digitalization discourse is reminiscent of narratives about globalization of the 1990s, which was also portrayed as a huge challenge that we as a society and as individual citizens must adapt to. Whether this rhetorical move is correct is another matter, but its widespread use is testament to the popularity of the underlying imaginary of the digital transformation. Crucially, as with globalization, the digital transformation is not just a social and economic process but also a political one.

4. Adaptable States

The standard version of the digitalization discourse portrays states as being under threat by the massive disembedding of relations from the familiar territorial framework (Boehme-Neßler 2009), Barlow's (1996) declaration being a case in point. This, too, echoes a familiar trope from the globalization literature, where the concept of the territorial state has been the subject of dismissive critique, as globalization and the gradual if uneven emergence of world society dominated everyone's imagination. Far-reaching arguments about the impending death by obsolescence of the territorial

state were easy to find, at least for a time (Castells 1996; Strange 1996). As we know today, proclamations of the impending death of the territorial state have failed to materialize. Instead, states have managed to adapt to the vicissitudes of globalization—some more successfully than others—and have managed to combine their traditional form of territoriality with extraterritorial and deterritorialized modes of control (Lambach 2020a). The transformation of borders is but one indication of this.[3]

Digitalization presents a similar kind of challenge that states need to adapt to and, indeed, are adapting to. This is driven by the self-conception of the state as the ultimate arbiter of social relations. States' claims to sovereignty do not imply that they must regulate all social behavior, but that, in a pinch, they should be able to have the final say. Hence, in principle, states need to be prepared to intervene in social relations wherever they occur. Where there is human activity, there is a potential need for regulation, especially as a field of relations grows. Of course, there are many examples of spontaneous social ordering, bottom-up cooperative governance, and self-regulation but in the modern international system, all of these, with very few exceptions, occur in the famous 'shadow of hierarchy' cast by the state (Scharpf 1991, 629). Regarding cyberspace, states have developed ways of collecting taxes, clarifying property rights, establishing jurisdiction for content regulation (regarding pornography or harmful speech, for example), and protecting against online security threats (such as cyberattacks, terrorist networks, and organized crime). These are attempts to reterritorialize digital activity into the familiar territorial framework of the state (Lambach 2020b).

All these activities require borders to clarify which state is responsible for what. But borders in cyberspace are difficult to communicate. There are no digital equivalents to gates, fences, walls, or armed guards on the internet. Instead, borders are enacted through practice: not being able to access certain YouTube videos, having to comply with German liability laws such as the necessity for each website to publish an imprint, or being prosecuted for hate speech under the *Netzwerkdurchsetzungsgesetz* reminds us of our territorial embeddedness. State borders become visible the moment

3 When speaking of the state 'acting' I simplify it as a more-or-less coherent collective actor. Obviously, internal factions (ministries, politicians, branches of the military, the judiciary, etc.) within states often pursue divergent policies (Wight 2004).

they impact social behavior but rarely otherwise.[4] These borders may align with physical territoriality, e.g., through the server location principle which holds that states have legal jurisdiction over servers which are physically located within that nation's territory. They may also diverge. Given the requisite resources and power, states can attempt to create regulatory territories which expand the reach of a state's laws and regulations in extraterritorial ways.[5] The structure of cyberspace and of internet governance makes such a differentiated approach possible, sometimes even necessary. States have great control over infrastructure localized in their country but little control over global aspects of cyberspace. However, very powerful countries like the United States or coalitions like the EU can hope to make extraterritorial claims stick.

The creation of regulatory territories rests on an expansive claim to jurisdiction. Jurisdiction is one of the foundational corollaries of sovereignty—the state should have the power to legally arbitrate everything that happens within its territory. The location principle is the traditional way of assigning jurisdiction over acts that involve multiple countries. Cyberspace has made this line of legal reasoning much more complicated because acts on the internet create a multitude of "territorial contacts and thus jurisdiction, for example, on the basis of where the server is located, where the content is viewed, where the content is uploaded, where the content is deliberately directed to, where effects are felt, etc." (Ryngaert 2015, 63; also Berman 2002). Absent a rule for adjudicating between jurisdiction claims, there are few legal limits on states' claims for quasi-global regulatory territories. For instance, there is an unresolved dispute between the French Data Protection Agency (CNIL) and Google relating to the European Union's *Right to be Forgotten*, where the CNIL demands that Google enforce its orders to delist personal information relating to a claimant from Google's search results globally, not just for users geolocated in the EU (Daskal 2018, 214–218).

Regulatory territorialization is but one of the instruments that states have at their disposal, and it is a great example of the overall strategy how states

4 Incidentally, 'corporate borders' are much more easily visible. Having to sign up and/or pay to access a company's 'walled garden' or digital ecosystem creates a system of login screens that are visible manifestations of the borders of this particular company's offer. With the spread of electronic IDs, we may see similar manifestations of state borders when it comes to accessing official services.

5 I use 'extraterritorial' in the legal sense, meaning the ability of a state to apply its laws beyond its borders.

approach cyberspace. Geoffrey Herrera (2007) has aptly summarized this as "a simultaneous double move: the territorialisation of cyberspace and the deterritorialisation of state security" (2007, 68). In other words: states are adapting cyberspace to be more amenable to the territorial framework within which states operate, and states adapt themselves to the decentralized topography of cyberspace.

These practices and strategies did not emerge fully formed and are continually evolving. For example, the system of server-based jurisdiction, which emerged in the 1990s, was being challenged by geographically decentralized cloud computing in the 2000s and 2010s (Amoore 2018), which led to debates whether the cloud transcends geography (Svantesson 2016), whether "independence of the cloud from geography is a fiction because the cloud relies on a physical infrastructure that must be located in an actual physical space" (Trimble 2018, 630), or whether such territorial location should matter at all because of the randomness by which the location of data is assigned (Berman 2018). Legal approaches to the cloud have evolved considerably over the past few years. Some countries use data localization laws to limit data transfer or try to compel companies to surrender data stored in their clouds to national courts and prosecutors. The United States CLOUD Act of 2018 and the European Commission's 'e-evidence' proposal formally empower judiciaries to access cloud-stored data, thus moving away from the territoriality principle of jurisdiction (Berman 2018; Burchard 2018; Daskal 2018).

Beyond these continuously evolving debates, there are nascent, though as yet unrealized possibilities to make cyberspace map even closer to offline geographies by revising fundamental protocols that govern the internet's functionality (Mueller 2017, 81–84). One such proposal would be to move the Domain Name System (DNS), which translates domain names into the numerical format that the Internet Protocol uses, from a global system into a system of interconnected national Domain Name Systems, substantially increasing the scope for control by national regulators.

5. Analyzing State B/Orders in Cyberspace

Just as with cyberspace itself, b/orders in cyberspace must be thought as technopolitical assemblages of hardware/infrastructure, code, data, and social relations (Illustration 1). Borders are specific arrangements of these

four elements whose core purpose is the signaling of an inside and an outside of the state power container, to use Giddens' term.[6]

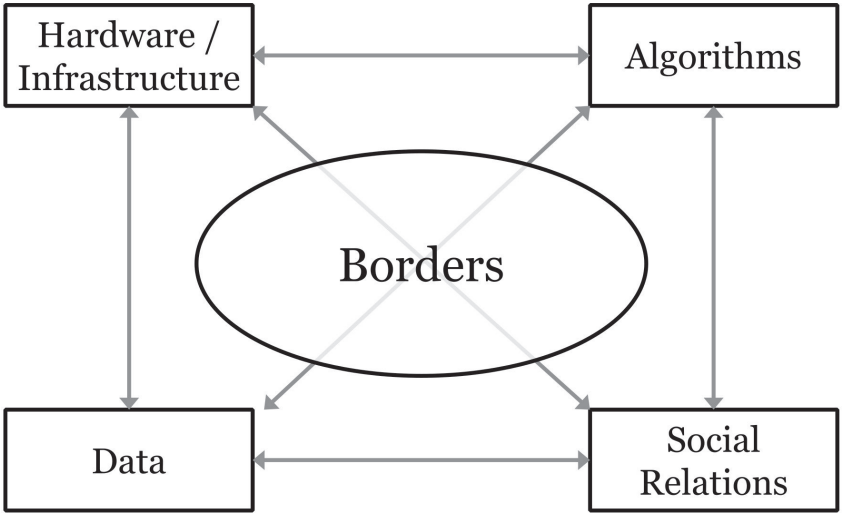

Illustration 1: The Cybernetic B/Order as Technopolitical Assemblage. Source: author.

State borders in cyberspace take a variety of forms. They draw heavily on symbolic and representational elements, but they have the same purposes as any other border: regulating access and enacting territory. All this proceeds from the widespread normative assumption that all online activity that occurs in a country (because users, servers, or data can be located there) should be treated as part of a corresponding cyberspace territory. This approach—which was already prevalent in the early days of the internet—has been facilitated by the growth of geolocation technologies which allows for the mapping of online activity onto physical geographies. Discourses about cybersovereignty, data sovereignty, or digital sovereignty, which are championed by countries as diverse as Russia, China, France,

6 As such, borders are not only employed and enacted by states but also by other actors. Corporations use sign-up and payment requirements to regulate access to their digital spaces. Communities of private users employ social mechanisms of ingrouping and outgrouping, such as the use of slang language, and methods of self-governance like content moderation to regulate membership and belonging.

and Germany, are further evidence of this belief (Couture/Toupin 2019; Pohle/Thiel 2020; Hummel et al. 2021).

There is a variety of instruments available to states seeking to (re-)create borders in cyberspace. National firewalls are one of the best-known ways for governments to both communicate their territorial claim and to display power within the bounded space (Walters 2006). These firewalls combine a range of filtering mechanisms like IP blocking and keyword searches to censor discussions about sensitive topics and deny access to websites deemed subversive. The *Great Firewall of China* is the best-known example, but other countries have developed, or are developing, similar systems of censorship (Jiang 2010). North Korea is probably the most extreme example where, until recently, users could only access the countrywide *Kwangmyong* intranet. Even today, access to select internet sites is only possible under tight restrictions and government scrutiny.

Internet kill switches are the ultimate display of power. Controlling the national telecommunications infrastructure and being able to shut off the entire national internet, or parts thereof, in a controlled fashion and for extended periods of time, demonstrates the sovereign capability of the state (DeNardis 2014, 199–221). And while this is clearly a tactic of last resort, there have been shutdowns lasting days or weeks, partial shutdowns targeting parts of the country or certain times of the day. The difficulty of a shutdown is determined by the network structure: the smaller the number of 'choke points', e.g. Internet Service Providers and autonomous systems, the easier it is to do (Roberts et al. 2011; Belson 2017).

Data localization laws have also become very popular in the wake of the 2013 Snowden revelations of widespread US surveillance of the internet. Their stated aim is to safeguard data protection for citizens and corporations, mandating "that certain types of data collected in a particular country be stored and/or processed within that country" (Bowman 2015) and regulating which companies are allowed to manage these kinds of data based on whether the corporation falls under national jurisdiction. As Baur-Ahrens (2017) points out, the routing and storage requirements of such laws require "changes to the basic functioning of the underlying internet infrastructure" (2017, 37).

National firewalls, kill switches, and data localization laws reinforce container notions of territorial statehood through the enactment of borders. They clearly communicate territorial boundaries and openly display state control over territory. Another way of reifying national territory is

through country-code Top-Level Domains (ccTLDs) such as .ru, .cn, or .de, which symbolically connect a virtual domain to a country (Mueller/Badiei 2017; Schünemann 2019).[7] Nonetheless, ccTLDs have legal repercussions: domain name registries, i.e., the agencies administering ccTLDs, typically mandate through their terms and conditions that registrants of a national domain follow national laws.

Notions of cyberwar, cyberdefense, and cyberdeterrence also reterritorialize cyberspace into separate state containers.[8] First, such discourses and strategies reify certain network nodes, e.g., critical national infrastructures or other assets associated with military or intelligence branches of the state (Stevens 2012, 151), as forming an integral part of a national territory, any attack on which is considered grounds for retaliation. Cyberwar strategists often point to the risks that hostile cyber operations can pose for infrastructure in physical space, such as electrical grids, financial networks, or railways, thus connecting the "national cyber-territory" with physical state territory (Warner 2012, 795–798). Second, even the act of naming certain activities reinforces notions of statehood. In the narrowest sense of the term, 'cyberwar' is reserved for actions conducted by states and state proxies (Lupovici 2016, 326–327), whereas actions by/on private actors are commonly described as 'cyberattacks' or 'cyber operations', although given the widespread state practice of using proxies to complicate attribution and provide plausible deniability, the difference between state and private actors is blurry (Maurer 2017).

Cyberwar and the state territorial container in cyberspace are mutually constitutive. For this reason, national security apparatuses have proclaimed cyberspace to be the "fifth domain of warfare" (after land, sea, air and space) (Manjikian 2010, 384–388; Dunn Cavelty 2015). As a result, many countries have expanded or are expanding their cyberdefense and cyberwarfare capabilities (Fliegauf 2016, 79; Mueller 2017, 73–77). The division

7 This does not apply to all countries. States like Tuvalu or Tonga market their respective ccTLDs, .tv and .to, globally without reterritorializing a national territory in cyberspace.

8 There are opposing views on the likelihood of cyberwar, mostly due to different definitions of the term (Rid 2012; Stone 2013; Warner 2012). These definitional disagreements are further complicated by the fact that cyber operations will be integrated into larger campaigns of information warfare or hybrid warfare (Libicki 2017; Lupovici 2016). Offensive cyber operations are not just conducted by state actors themselves but also by private actors working for, or being tolerated by, a state benefactor. These proxies offer technical aptitude and plausible deniability to states, making the attribution of an attack more complex (Maurer 2017, 22–25).

of inside and outside, which is so fundamental to any notion of statehood (Walker 1993), is also important in doctrinal debates about cyberdefense. In other words, should cyberdefense be solely about protecting the territory, or should it also include active measures ('active defense', 'hacking back', i.e., establishing a permanent forward presence in systems of hostile states) that reach beyond the territory and deterritorialize the site of conflict?

6. Territorial Practices

As the above discussion shows, state borders in cyberspace have a certain ephemeral quality compared to borders in the physical world. They do not exist in fixed places where they can be made easily and permanently visible, they are not subject to diplomatic negotiation and demarcation (at least not in the traditional sense of bilateral treaties and boundary management), and the international body of norms governing what borders are and how they should be managed is difficult to apply to the cybernetic environment. Nonetheless, state borders clearly exist in cyberspace—we simply have to adjust our focus to see them. Cybernetic borders mostly become visible in the moment, in the act of preventing or regulating a certain activity, such as accessing prohibited content or transferring data.

Accordingly, this paper takes a practice-based approach to develop a systematic framework for the study of border assemblages in cyberspace. Inspired by notions of bordering practices (Côté-Boucher et al. 2014; Newman 2006) and the Foucauldian approach to territory as a political technology by Stuart Elden (2013), it introduces territorial practices as a technique of governance (also Painter 2010). Following Brighenti (2010), the aim is to analyze how actors and technologies produce territory (Adamson 2016; Wagner/Vieth 2016, 219–220). Thinking about territorial practices in cyberspace allows us to ask how practices constitute digital territories and how these territories impact future practices. In my understanding of practice, I follow the definition offered by Adler/Pouliot (2011): "practices are socially meaningful patterns of action, which, in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world" (2011, 4). Adler/Pouliot (2011) identify five elements of practice: (1) practices are performative, (2) practices follow regular patterns without determining behavior, (3) practices are interpreted and understood in terms of social relations, (4) practices depend on background knowledge that gives them

a particular purpose, and (5) practices link discourses with the material world because the discourses give meaning to the act (2011, 6–7). Importantly, although it is developed for this particular case, this set of practices is not specific to borders in cyberspace. This taxonomy draws on general geographic literature, and the language used here can be adapted to other non-digital or less digital environments.

So, what can be considered a territorial practice? I have discussed this in greater detail elsewhere (Lambach 2021b) but for the purposes of cyberspace, a territorial practice is defined as any practice whose performance is aimed at deconstructing existing territories or (re-)creating new territories in a digital environment. Based on suggestions from Blacksell (2006, 21–27) and Vollaard (2009), I suggest a threefold taxonomy of territorial practices that are applicable to cyberspace. These kinds of practices mirror Sack's three aspects of territoriality as discussed above—the creation of a space, the delimitation of a space, and control over a space:

1. Reification of a territory, by giving it a name and inscribing it with purpose and meaning, e.g., through political discourse, or as a statistical or administrative category, in art, or in popular media;
2. Communication of territorial boundaries, e.g., through ccTLDs or designation of critical national infrastructure, making a clear distinction between inside and outside possible;
3. Regular displays of power, e.g., through policing of online behavior, geo-blocking of content, taxation of e-commerce, data localization laws and other forms of rulemaking, or surveillance.

Taking cyberwar doctrines as an example of a territorial practice, all three elements can be easily discerned. First, cyberwar doctrines reify certain objects and entities as national territory to be defended against digital attacks and hostile actors. They also create representations of the country in defense doctrines which are then enacted administratively. Second, by designating targets as objects of cyberdefense through strategic doctrines, white papers and other governmental or military speech acts, the border is communicated to would-be attackers. This is frequently tied into public declarations of likely responses to perceived hostile acts such as NATO's 2019 declaration that cyberattacks may trigger collective defense under Article 5.[9] Third, cyberwar doctrines are also displays of power. States create instruments to regulate behavior in these protected spaces through

9 https://www.nato.int/cps/en/natohq/news_168435.htm, 8/5/2021.

the enactment of laws, such as through the development of defensive and offensive cyber capabilities (Dunn Cavelty 2013).

7. Conclusion

This paper has argued for an engagement with borders in cyberspace. This is something that research on the politics of the internet still struggles with, and debates too often recur to internet exceptionalist viewpoints (e.g. Mueller 2020). It is pointless to ask whether states should have a hand in governing cyberspace—they clearly already do. Similarly, the talk of borders leading to a fragmentation or pluralization of the internet is overblown. State borders and bordering are everyday practices in cyberspace, in addition to those enacted by other actors, and so far, the internet has managed to survive more or less intact (Lambach 2020b). Certainly, the character of the internet has changed from the more free-wheeling, user-driven days of Usenet to today's glossier, corporatized version but that has little to do with some supposed introduction of state borders into a pristine electronic wilderness.

This discussion should also be of interest to border studies, which have evolved considerably over the past decades, with this edited volume just one of many attempts to grapple with the arising complexities of contemporary borders. Border studies have highlighted the decentering of borders and the role of technologies in border governance, both also major themes of this paper. And yet, it seems as if border studies approaches the digital mainly as an instrument of border control. This is one important dimension of it, to be sure, and this perspective has been very informative for our understanding of borders as semi-permeable sorting devices and data capturing screens (Mau 2010; Pallister-Wilkins 2016). However, I believe that this perspective somewhat underestimates how the digital is not merely an enhancement of existing borders but the degree to which digital tools and the digital environment are constitutive of these borders. As the digital transformation progresses and digital and physical worlds become ever more enmeshed, borders will continue to become more complex. We might not yet perceive where this process will take us but paying attention to both sides of the coin is surely advisable.

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