Migration, Ethics & Power

Spaces of Hospitality in International Politics

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(Auto)Immunising Hospitality: EUrope

EUrope's hospitality is in crisis.[1] Over 600,000 refugees arrived in Europe via the Mediterranean Sea alone in 2015, with over 3,000 dead or missing.[2] Nearly half of these people are thought to be from Syria, with many fleeing from Afghanistan, Iraq, Eritrea and elsewhere (IOM, 2015). The scale of arrivals, and EUrope's inability to welcome them in a coordinated manner, have led to characterisations of a 'migrant crisis' (BBC, 2015b), a 'refugee crisis' (*Guardian*, 2015a) or a 'border crisis' (Vaughan-Williams, 2015) for the continent (Europe) and its institutions (the EU). EUrope's response has been marked by in-fighting and the closing of national borders, all of which is jeopardising long-term EUropean solidarity. Jean-Claude Juncker, President of the European Commission, has been withering in his criticisms of member states' hostility to refugees, characterising it as un-European (Juncker, 2015a, 2015b).

Perhaps surprisingly given these events, the metaphor of Europe as a home with the necessity of welcoming the outside world is common in EUropean discourse. The EU is also used to being identified with, and speaking self-confidently of, its norms, values and ethics (Manners, 2002, 2008; Lucarelli and Manners, 2006; Williams, 2010), which are expressed through its hospitality (Bulley, 2009). Over recent decades EUrope has developed a highly conditional and bureaucratised practice of welcoming particular types of pre-identified subjects: states that have a 'European perspective' or 'vocation' (Rehn, 2005e, 2006d, 2009b; European Commission, 2008a; Füle, 2010b; Hahn, 2015). Such hospitality is considered not only the most successful of EUrope's foreign and security policies, but also the very epitome of its ethical vocation – an expression of its ethos as a community of values. But individuals and communities not organised as recognisable states (such as refugees and migrants), or having no 'European perspective' (such as Morocco and Ukraine),

are rarely welcome. The multifaceted nature of EUrope's hospitality is thus starkly revealed in the current crisis, especially when read in conjunction with EUrope's continued enlargement.

My central argument in this chapter is that EUrope's hospitality operates as an immune system which both produces and *protects* the space and ethos of a EUropean communal home against the dangers of instability coming from outside. Immunisation, according to Roberto Esposito, is always a 'protective response in the face of risk' and is intimately related to community through the shared etymology of *immunitas* and *communitas* in *munus* – the law of reciprocal exchange (2011: 1–7). Because of its immunising logic, EUrope's hospitality works differently to the other spaces examined in this book, operating in liminal spaces neither fully inside nor outside its 'home'. However, because EUrope's ethos is constituted by antimony and ambivalence, the hospitality which guards it ends up also attacking it, revealing an irreducible *auto*immunity. Autoimmunity describes the 'strange illogical logic by which a living being can spontaneously destroy, in an autonomous fashion, the very thing within it that is supposed to protect it against the other, to immunize it against the aggressive intrusion of the other' (Derrida, 2005b: 123). Thus what we see in EUrope's autoimmunising hospitality is that the home both protects and attacks itself; indeed, that it attacks itself through that very protection.

I explore the tensions of this hospitality through EUrope's interpretation of itself and the practices of welcoming and excluding expressed in treaties, policies, Commission and European Council Presidency communications and Commissioner speeches. The chapter proceeds by first considering EUrope as a post-sovereign, shifting space, whose indefinite ethos and values necessitate an open, if immunising, welcome to the outside world. The second section outlines how EUrope's hospitality has played out through its 'Enlargement' policy, welcoming states that can demonstrate their belonging within the EUropean home. EUrope makes use of the 'road' towards its door as a way of immunising itself against difference, transforming the other into the self *before* entry is permitted. Though seemingly generous, the power relations of this heavily conditioned welcome illustrate how it aims to inoculate EUrope from the threat of instability. The third section focuses on EUrope's immigration and asylum policies which create EUrope as a 'space of protection' via a form of humanitarian government. The vast majority of this protection is, however, offered outside the home. Protection is provided in spaces that are *becoming*-EUropean, through Regional Protection Programmes that raise standards in surrounding countries while guarding EUrope from being overrun by potentially threatening refugees. The final section concentrates on how these immunising practices are being resisted *from within*. The ethos of EUrope turns on itself, its contradictory logics deepening the current crisis, making it one of autoimmunity.

EUROPE AS SPACE, HOST AND ETHOS

Drawing on Europe's origin myths, Zygmunt Bauman (2004: 2) discerns a 'common thread': 'Europe is a mission – something to be made, created, built.' This idea of Europe as unfinished reveals the instability and ambiguity at its heart, that there is no blueprint or road map, no clear sense of what Europe is or will become. Such indiscernibility has prompted a plethora of analyses of the idea of Europe (Derrida, 1992b; Delanty, 1995; Heffernan, 2000; Christiansen et al., 2001; Amin, 2004; Zielonka, 2006; Habermas, 2009; Steiner, 2015). When we refer to 'Europe' it is not clear whether we are talking about a geographical territory, an institutional actor, an idea, concept or essence (Bauman, 2004: 6). I have argued in this book that hospitality is a spatial relation with affective dimensions, demanding a space that can be both closed and opened by a host, and an ethos which helps define belonging and non-belonging within this space. The two elements of space and affective belonging are closely intertwined and deeply vexed in the production of EUrope.

EUROPEAN SPACE

The European integration project has always had the 'reconfiguration of political space' at its heart (Bialasiewicz et al., 2005: 333). The problem is the frequency with which this space is reconfigured and the many forms it takes. While EUrope's understandings of itself as a 'home', 'family' and 'community' are relatively consistent, with the area to its south and east officially termed its 'neighbourhood', the boundaries of this space are not finally determined. When the EU's representatives refer to 'Europe', they could be talking about the EU's 28 member states; those 19 states that make up the Eurozone; those 22 EU and 4 non-EU states that make up the 'borderless' Schengen Area; or even the 32 states involved in coordinating spatial planning in the EU through the European Spatial Planning Observation Network (ESPON).[3]

The first, seemingly simple option is not clear-cut. The outer boundaries of the EU keep changing as new members join, Croatia most recently in 2013, while the Treaty of Lisbon opens up the possibility of a member's withdrawal.[4] Meanwhile, the EU's regional policy, building 'macro-regions' such as the 'Mediterranean' which encompass parts of the EU *and* its neighbourhood, has blurred 'hard' boundaries between inside and outside (Jones, 2011; Bialasiewicz et al., 2012). EU borders have not only blurred, they have been exported, off-shored and projected way beyond the threshold of 'Europe'. Over the last decade, the EU's management of migration, particularly through the operations of its border agency, Frontex, has been operating in Africa and

the Middle East to deter and confine would-be migrants (Bialasiewicz, 2012; Vaughan-Williams, 2015). This is why I refer to 'EUrope', rather than the 'EU' or 'Europe', as this better captures the ambivalent relation between the geography of the space and its fluctuating institutional configurations (Clark and Jones, 2008; Bialasiewicz, 2011; Bialasiewicz et al., 2012; Vaughan-Williams, 2015).

The possible cartographic representations of these reconfigurations of EUropean space are legion. Perhaps most interesting is ESPON's vision for the territory in 2050 (see Figure 5.1), described as an 'open and polycentric Europe', 'cosmopolitan', 'connected' and welcoming to 'the rest of the world' (ESPON, 2013: 12). This representation includes no borders in order to indicate that current constraints on 'territorial development and government have disappeared, and the European Union remains open to internal and external enlargement processes' (ibid.: 20). EUrope therefore spills out, predominantly eastward into Russia and Central Asia, but also into North Africa and the Atlantic. Nonetheless, the various travel, energy and business relations represented by the different coloured lines are much denser within the current EUropean home. This map obviously misses out crucial elements of EUropean space and yet, as with the 'Key Diagram' of London (Figure 3.1), it shows that EUrope, like the global city, leaks at its edges and contains no vision of its final determination. Such territorial elusiveness produced political and conceptual confusion in the negotiations of the Constitutional and Lisbon Treaties, caused by 'the lack of a clear and direct correspondence between sovereignty, identity and territory. Europe's "undefinability" … was interpreted as *inexistence* or, at best, lack of *purposeful existence*' (Bialasiewicz, 2008: 72).

EUrope negotiates this impasse precisely through the entanglement of space and ethos, territory and values. It has consistently over the last 15 years interpreted itself to the world as a space of *values*. These values define EUrope's way of being and belonging, its ethos. This was very much evident from 1999 to 2004, with EUrope united on the basis of shared 'ethical and political values' (Prodi, 2000a; see Bulley, 2009). But it has been sustained more recently with Olli Rehn, Commissioner for Enlargement from 2004–2010, and his successor Štefan Füle:

> I am often asked where Europe's borders lie. My answer is that the map of Europe is defined in the mind, not just on the ground. Geography sets the frame, but fundamentally it is values that set the borders of Europe. Enlargement is a matter of extending the zone of European values. (Rehn, 2005a)

Thus, EUrope is 'above all a community built on a set of principles and a set of values' (Solana, 2000a), a 'common home of shared values' (Füle, 2010d).

Figure 5.1 An 'open and polycentric' EUrope in 2050 (see ESPON, 2013: 21) © ESPON 2013, Origin of information: ET2050 ESPON project, ESPON 2013 Programme with the European Regional Development Fund

These shared values which define its spatiality are understood as an ethos, a way of being in relation to self and others; they express 'a particular European way of life' (Rehn, 2009d), governing its 'transformative' relation to its neighbourhood (Rehn, 2009e) and 'all our partners' (Füle, 2010d). And crucially, this ethos is explicitly hospitable and welcoming; after all, the 'European Union has never been about building walls but about eliminating dividing lines through values and principles' (Füle, 2013a).

A EUROPEAN ETHOS

So what are the values that define the home, community and ethos of EUrope, and which it seeks to protect through practices of hospitality? They are frequently listed by EUrope's institutional representatives in their speeches. These lists can be restrictive, including only democracy and the rule of law, but can also capture solidarity, peace, tolerance, human rights, fundamental freedoms, the protection of minorities, justice and equality. These are the principles on which the EU is 'founded', according to Javier Solana (2001, 2009a) – the first High Representative for the Common Foreign and Security Policy – and which it seeks to 'project' in its foreign relations (Solana, 2001). For evidence of this value-laden ethos, Rehn (2005a) suggests that we look to the EU's treaties.

However, even here the picture is as fuzzy as EUrope's territorial borders. The Treaty of Paris (1951), which established the European Coal and Steel Community, the earliest forerunner of the EU, offers no mention of 'founding values', only a reference to 'peace' and 'solidarity' in the preamble. Likewise, the Treaty of Rome (1957), establishing the European Economic Community (EEC), contains no explicit mention of 'values', though its preamble confirms 'the solidarity which binds Europe' and resolves to 'preserve and strengthen peace and liberty'. Democracy, the rule of law, human rights, equality and social justice only appear in the preamble to the Single European Act of 1987, though not as 'founding' values. The preamble of the Maastricht Treaty (1992), or Treaty on European Union (TEU), which properly established the EU, declares an 'attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law' and a *desire* to 'deepen the solidarity between their peoples'. These principles would subsequently become a condition of being considered for membership of the EU, when the Copenhagen European Council set out its criteria. Alongside economic measures, potential candidates must have 'achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' (European Council, 1993: 7.A.iii).

It was the Treaty of Amsterdam's (1997) amendment of the TEU which, for the first time, raised this into the body of the text, becoming Article 6(1), and claiming that 'The Union is founded on the principles' outlined in the 1992 preamble. As Andrew Williams (2010: 7) notes, in claiming such a foundational role for values, the Treaty is making 'an assertion that was not necessarily self-evident'. The Lisbon Treaty changed these 'principles' to 'values', becoming Article 2 of the TEU:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Here we have a clear expression of EUropean 'values', and this is supplemented by Article 3(1) TEU, which specifies the aims of the EU as promoting 'peace, its values and the well-being of its people'. Further, these values will, as Derrida notes of an ethos, define its relationship to itself and others – 'In its relations with the outside world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens' (Article 3(5), TEU). Thus, the first post-Lisbon High Representative for Foreign Affairs and Security Policy, Catherine Ashton, claimed that EUrope's external relations were 'built' on EUrope's 'basic values' – 'They are a silver thread running through all that we do' (Ashton, 2010b).

Despite such grand proclamations, as evidence of a foundational EUropean ethos the treaties are tenuous: the claim that the Union is 'founded' on a set of values only declared in 1997, 46 years after the Treaty of Paris, bears little scrutiny. Furthermore, none of these values are given any definition or explanation as to *what* they mean, *why* they in particular have been chosen, and in what *way* they are significant. No guidance is offered for when they necessarily clash – for instance, when freedom clashes with democracy because people vote to restrict freedom; when internal solidarity clashes with respect for the international rule of law, EUrope's contribution to a 'wider solidarity amongst peoples', or the protection of outsiders' human rights and dignity. Ultimately, this listing of values demonstrates that, like democracy (Derrida, 2005b: 8), EUrope's ethos is a 'meaning in waiting, still empty or vacant'. While certainly expressing *something*, at its centre is a 'semantic abyss that … opens onto all kinds of autoimmune ambivalences and antinomies' (ibid.: 72). Williams is scathing in his criticism of the process, but also notes some hope:

> Identifying such a plethora of constitutional principles and values mixed with policy statements is a particularly inept way to construct, or even simply represent, a meaningful philosophical framework for the EU. There is little by way of definition here that might counter the uncertainty … Nonetheless, with the Lisbon Treaty provisions coming into force, there is a clear and concerted attempt to enshrine constitutionally a notion of the 'good' for Europe that is sought through the EU. (Williams, 2010: 8)

While there is no evidence of a public ethos shared by citizens and civil society throughout EUropean territory, these values do express an *institutional* ethos, the collective character, values and disposition of EUropean *institutions* (Williams, 2010: 10–13).

This is a useful distinction. These values, indefinite and unstable though they are, produce the sense of affective belonging necessary to constitute EUrope as an institutional home where some belong and others do not. Furthermore, it underlines the use of the term 'EUrope' as the relevant space of hospitality. It is not the space and ethos of 'Europe' which is excavated in this chapter, but its institutional interpretation and representation as EUrope, defined by an

imprecise and uncertain set of values through which it constructs its own identity and history. Michael Heffernan (2000: 6) argues that 'Europe' is best interpreted as a 'contested geographical discourse; as a series of invented geographies which have changed over time and across space'. In this sense, a EUropean space of values is just one possible invention of Europe more broadly. This geography is best expressed by former Commissioner Vladimir Špidla: 'Europe ends' where its values 'are not shared' (quoted in Williams, 2010: 3).

THE HOSPITABLE PRODUCTION OF EUROPE

It is notable that this invented geography is institutionalised in the late 1990s. With the fall of Communism and the emergence of Central and Eastern European (CEE) countries from Soviet domination alongside rising fears about illegal immigration, the 1990s was a time when EUrope confronted different external dangers. These generated renewed attempts to both define 'Europe' and *protect* it. When a group of intellectuals organised by the Institut für die Wissenschaften vom Menschen in Vienna were asked by the EU to reflect on European identity in 2002, their final report exposed the productive role of this encounter with difference.

> What is European culture? What is Europe? These are questions that must be constantly posed anew. So long as Europe is of the present, and not simply the past, they can never be conclusively answered. Europe's identity is something that must be negotiated by its peoples and institutions … *Europe and its cultural identity thus depend on a constant confrontation with the new, the different, the foreign. Hence the question of European identity will be answered in part by its immigration laws, and in part by the negotiated accession terms of new members*. Neither of these – either the immigration laws or the terms of accession – can be determined a priori on the basis of fixed, static definitions, such as a catalogue of 'European values'. (Biedenkopf et al., 2004: 8–9, emphasis added)

Despite the reflection group's concerns, a catalogue of values is precisely what EUrope returned to in defining its ethos and identity. But this remains the result of a confrontation with difference; it forms a guide to how that which does not 'belong' is to be welcomed inside or excluded: policies on enlargement and immigration in particular. The ethical space of EUrope is thus produced through its practices of hospitality and hostility. Crucially, however, this negotiation of what/how EUrope welcomes not only produces EUrope, but also guards it. Its values act as an immune system, 'the strategies it employs to protect itself' (Hagglund, 2008: 13). And such strategies have emerged in relation to the possible threat from outside.

This is demonstrated if we look at the policies in question. Cooperation on migration and asylum began with the Maastricht Treaty in 1992, under the

Justice and Home Affairs pillar. Post-sovereign supranational decision making in this area began at Amsterdam in 1997, in the same Treaty that 'founded' the EU on specific values. Here, EUrope (without the UK, Ireland and Denmark who negotiated opt-outs) committed itself to adopting measures on immigration, asylum, refugees and displaced people as part of creating EUrope as an Area of Freedom, Security and Justice (AFSJ), protecting the Schengen zone of border-free mobility. The AFSJ was firmed up by the Tampere European Council (European Council, 1999a), which laid the foundations for a common asylum and migration policy. Progress was made through three five-year programmes (Tampere, 1999; Hague, 2004; Stockholm, 2010), and the Lisbon Treaty, agreed in 2007, brought residual areas under supranational law-making. EUrope committed itself to 'a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals' (Article 67(2) TFEU). And it was in the face of the mounting refugee crisis that a European Agenda on Migration (EAM) was finalised in 2015 (European Commission, 2015a).

While EUrope as a space of values was formalised alongside its migration policy from the late 1990s, enlargement has been an explicitly hospitable production of EUrope as a post-sovereign ethical space since 1993. 'Enlargement' refers to the extended process by which states apply for membership of the EU, become 'candidates' and negotiate their entry as member states. EUrope has been through seven enlargements, each of which has transformed and extended it. From its original six members, it welcomed the UK, Ireland and Denmark in 1973, Greece in 1981, Spain and Portugal in 1986, Austria, Finland and Sweden in 1995. The 2004 'big bang' enlargement saw the entry of ten new countries,[5] with Bulgaria and Romania joining in 2007 and Croatia in 2013. Negotiations for the latter three enlargements began while EUrope was institutionalising its founding values, making them particularly significant to this chapter. Even now 'the "waiting room" is far from empty' (Füle, 2013b): Turkey, Montenegro, Albania, Serbia and Macedonia are all 'candidate' states; Kosovo and Bosnia Herzegovina are considered 'potential candidates'.

Enlargement has been hailed as EUrope's most successful foreign and security policy by politicians and academics (Patten, 2005: 152; Phinnemore, 2006: 7; Füle, 2014a). It has helped protect the home, proving the 'best way to ensure the long term security of Europe' (Rehn, 2006f), immunising it from the threatening instability and insecurity of the Balkans and post-Soviet Central and Eastern Europe (European Council, 1993: 7.A.ii; Füle, 2010d, 2014a). It is also considered a moral obligation and responsibility (Patten, 2000c; Solana, 2000a, 2000b; Prodi, 2002c; Rehn, 2009a; Füle, 2010c), a hospitable expression of EUrope's ethos in relation to an often threatening outside world (Rehn, 2005a). Enlargement is spatially characterised by EUrope through 'opening doors' and 'welcoming' the other inside (European Council, 2000, 2002b, 2003, 2004, 2011, 2014; Prodi, 2002d; Solana, 2003;

Rehn, 2005a, 2006a, 2007, 2008d; Füle, 2010a, 2011b, 2014b). A great stress is also placed on the affective sense of belonging necessary to entry. Becoming a member of the EU is not only about economics, 'it is first and foremost a sense of belonging. Belonging to the European family, belonging to a community based on the rule of law' (Patten, 2000a). It is about countries 'destined to join' (European Council, 1997: 10, 1999b: I.12), that have 'returned to the European family' and are looking for 'the rest of Europe to welcome [them] home' (Patten, 2000a). It is a matter of states that *belong* in EUrope – part of the family, sharing its values – being officially welcomed inside.

This is recognised in Article 49 TEU which establishes the basis for enlargement: 'Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union.' In other words, to be eligible for EUrope's hospitality, you must already be a 'European State'. To become EUropean, a state must not only already be European, but also EUropean, internalising the values that constitute belonging. EUrope can only welcome its self. Indeed, EUrope actively constitutes and immunises itself through its practice of hospitality, transforming its geography, territory and borders. Thus, Prodi argued that the 2004 enlargement would generate 'a new structure for our common European home' (2002b). As its space is constituted by values, spreading those values and welcoming in states that share them shifts its borders, whilst also making it more secure. Thus, 'successive enlargements of the EU have made it what it is today' (Rehn, 2006d). The next section will examine the process and power relations involved in EUrope's most successful form of protective hospitality – the road to a state's membership.

THE ROAD TO EUROPE: IMMUNITY, CONDITIONALITY AND ENLARGEMENT

The conditions placed on EUrope's hospitality are easily the most thoroughgoing of any explored in this book, reflecting its focus on guarding the home from threat and external corruption. It is therefore not a 'natural' immunity that EUrope seeks, but an 'acquired' immunity that involves taking into the community or body a small amount of that which endangers it. An 'acquired immunity' thwarts a threat 'not by keeping it at a distance from one's own borders; rather, it is included inside them … The body defeats a poison not by expelling it outside the organism, but by making it somehow part of the body' (Esposito, 2011: 7–8). EUrope's immunising hospitality works slightly differently, however, welcoming the outside as the final stage of a process that has purged it of all threat. As such, it is a peculiar hospitality. The spaces and assembled hosts examined in previous chapters have exercised power and control over the stranger at the threshold and once they are inside the home, seeking to manage the way strangers circulate and behave.

In contrast, EUrope's hospitality to states is exercised *before* they enter, because once they are welcomed they are *no longer strangers*. Power is thus concentrated on the 'road' to EUrope, a liminal space neither fully inside nor outside the home. Once completely inside, the idea (if not the reality)[6] is that entrants are treated the same as any other member state. But what sort of an immunising power relation explicitly seeks to 'transform' the stranger, stripping them of their threatening strangeness? To answer this question, we initially need to specify the immunising conditionality of EUropean hospitality.

STRICTER CONDITIONS, LONGER ROAD, GREATER IMMUNITY

The conditions of EUrope's hospitality are expressed, first, in the so-called Copenhagen Criteria mentioned above. Eligible applicants, as well as being European states that respects EUropean values, must have a 'functioning market economy as well as the capacity to cope with the competitive pressure and market forces within the Union' (European Council, 1993: 7.iii). A second paragraph adds: 'The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries' (ibid.: 7.iii). Conditions are here placed on the host as well as the neighbour. The body must be able to 'absorb' the 'poison'; otherwise the poison may absorb the body. Rehn (2006e) puts it more hospitably: 'every time we welcome a new member to our family, we want to ensure that the house is comfortable and functional for everybody'.

The application to join the EU is just the first step on what is characterised as the 'journey', or 'road', to EUrope. This 'road' is a liminal immunising space, characterised as 'long' (Rehn, 2006f; Füle, 2011b), 'hard' (Ashton, 2010a) and 'difficult' (Füle, 2013d), with 'staging posts' and benchmarks to be met along the way (Patten, 2000b), 'paved with concrete reform, not just good intentions' (Solana, 2003; Rehn, 2008a). It included detailed 'roadmaps' for the more problematic Romania and Bulgaria (European Commission, 2002; European Council, 2002a). Crucially, this 'road' has also become longer and harder; each enlargement has produced new conditions and their stricter application. Once the Commission has judged the fulfilment of these criteria through examining an aspirant's answers to an elaborate questionnaire, evolving practice dictates that the European Council must decide whether to determine them a 'candidate'. Here, additional criteria can be set before negotiations begin. For the Western Balkans, this meant signing and implementing Stabilisation and Association Agreements (SAAs, mirroring the 'Europe Agreements' with CEE countries) which contained both general requirements, such as the establishment of a free trade area with the EU, and more specific issues, such as the return of refugees and compliance with the International Criminal Tribunal for the Former Yugoslavia (ICTY) (Phinnemore, 2003; Pippan, 2004).

Should member states in the European Council give the green light, the first stage in the negotiations proper is a 'screening' process. Like a health screening, the candidate is subjected to a fine-detailed scrutiny by the Commission to determine where its deficiencies lie in terms of living up to the *acquis communitaire* (the body of EU law) and the obligations of membership. As the EU's areas of legal competence and regulations have increased with each treaty, so has the *acquis*, helping to elongate and complicate the road. The accession negotiations proper involve the splitting of the *acquis* into 35 different chapters, each dealing with a specific EU policy area (free movement of goods, capital and labour, energy, transport and regional policy, etc.) to ensure readiness for membership. Few of these have much to do with values; most are bureaucratic requirements for joining the single market. Each chapter contains benchmarks and progress must reach a certain level before a new chapter is opened. Whereas in the past compliance was required *at the point of entry* into the EU, after 2004 compliance is required *before* a chapter is closed, and a good track record of that compliance demonstrated before accession (Phinnemore, 2006: 18). Immunity must now be a sure thing.

Given this changing conditionality, the longer you stay on the road, the harder your journey becomes. Thus, Croatia became the EU's newest member in July 2013, having applied over ten years previously (February 2003) and begun negotiations in 2005. Turkey applied for membership of the EEC in April 1987, was recognised as a candidate in 1999, with the 'screening' process only starting in 2005. Since then, 14 of the 33 chapters requiring negotiation have been opened, 16 are frozen, with only one having reached closure. Nearly 30 years after its application, Turkey is not much nearer EUrope's door. It remains too poisonous to be fully absorbed.

Sovereign power, considered as the decision to welcome or exclude, rears up several times along the road to EUropean hospitality. For instance, the European Council must unanimously approve the Commission's recommendation to begin accession negotiations, meaning each member state must agree to open the road. Repeated Commission requests to open negotiations with Macedonia have been blocked by Greece, not because of its readiness but due to a dispute over its use of the name 'Macedonia'. Furthermore, once all the conditions of EU membership have been fulfilled and every chapter is closed, the final terms of accession are set out in an accession treaty which must receive the support of the European Council, Parliament, the candidate and every single member state. Yet, while this sovereign power appears key to EUrope's hospitality, it is only one step on the road, and not a particularly significant one. As the threshold is reached, the 'decision' becomes a formality; it has effectively already been taken, subsumed within the negotiations, the series of smaller decisions to open and close chapters of the *acquis*. No candidate has yet reached the end of the road and been denied entry, though since 2004 it has been stressed that negotiations are an 'open-ended process, the

outcome cannot be guaranteed beforehand' (European Council, 2004: 23). Thus sovereign power emerges only at certain points within a general field of governmentalities.

THE PASTORAL ETHOPOLITICS OF THE ROAD

Foucault notes that one of the many meanings of 'to govern (*gouverner*)' is the spatial sense of 'to direct, move forward, or even to move forward oneself on a track, a road. "To govern" is to follow a path, or put on a path' (2007: 121). This understanding is closely tied to one of its earliest incarnations, discussed in Chapter 2: pastoral power, exercised over 'a flock … a multiplicity in movement' (ibid.: 125). Similarly, while EUrope is working to immunise itself by placing states on a 'road' to EUrope, it defines its relation to these states as that of the shepherd guiding a flock. Since the 1990s, enlargement has been setting a multiplicity of countries on this road, first the CEE (plus Malta and Cyprus) flock who joined in 2004 and 2007, and subsequently the Western Balkan flock of seven countries (plus Turkey). Crucially, the relation between the shepherd and the flock is hierarchical: the two are not equals (Foucault, 2007: 124). As Rehn (2005d) clarifies:

> The negotiation process for Turkey means nothing more or less than Turkey adopting the rules of governance which are applied in today's Europe … In this sense, the word negotiation here is perhaps misleading; the discussions will in fact focus on 'how' Turkey will adopt European standards and not on 'whether' Turkey will adopt them. One of the fundamental principles of EU membership is that candidate countries must adopt all of the EU's laws and policies.

The language of 'negotiation' is used to efface the hierarchical power relation between the shepherd (EUropean institutions) and the flocks seeking to accede.

Yet, at the same time, this process is not one of domination and coercion. Enlargement is about freedom and choice – it is entirely 'voluntary' (Solana, 2005). With the possible exception of Kosovo (Musliu, 2014), EUrope does not force any state to apply for membership, nor does it force its reforms upon them. Resistance is both possible and, for some, simple: Switzerland, Norway and Iceland have all applied to join the EU, but subsequently removed themselves from the road by either freezing their application (Switzerland), failing to ratify the Treaty of Accession (Norway – twice), or deactivating their application (Iceland).[7] EUrope seeks to lure and seduce Norway (Rehn, 2009b) rather than compel it. But resistance is asymmetrical: the economic benefits EUrope offers (access to the internal market, structural and investment funds, etc.) are easier for wealthy Northern Europeans to live without (or negotiate non-member access to) than relatively impoverished Romania and Albania.

A second aspect of pastoral power is that it is defined by 'benificence' – its 'essential objective … is the salvation (*salut*) of the flock'. The shepherd's role is to feed and secure the flock, thus it is a 'power of care … it goes in search of those that have strayed off course, and it treats those that are injured' (Foucault, 2007: 126–127). The caring nature of EUropean power is partly demonstrated through its very hospitality – the home, with its peace, stability, prosperity and liberal values, is being opened to those who have experienced their opposite: anarchy, war, instability, poverty and authoritarianism. EUrope must immunise itself against the threat that such openness poses, but the neutralisation of that threat is also a caring, beneficent relation. Recent enlargements have been about 'a region escaping from 45 years of totalitarian government and neglect' and EUrope exercising a pastoral responsibility to 'help them complete that journey' (Solana, 2000c). As a good shepherd, this includes 'help[ing] the straggler along'.

The third element of pastoral power is that it is both massifying (caring for the flock as a whole) and *individualising*; the shepherd must 'keep his eye on all and on each' (Foucault, 2007: 128). The accession process set out by the European Council in 1997 (i.14) called for a 'single framework' for the flock, but promised that each state would be guided 'individually'. The shepherd is one who watches over the flock to 'avoid the misfortune that may threaten the least of its members' (Foucault, 2007: 127). Thus, the Commission 'monitors closely developments in the countries, and reports on both progress and shortcomings', whilst assisting each individually, 'both financially and with policy advice' (Rehn, 2008b). The result is that individual candidates are cajoled to 'catch up' with the rest of the flock and front-runners are praised as an 'example' for others to follow (European Council, 2000: I.D.15): Serbia was considered a 'straggler' in 2000 (Solana, 2000c); 14 years later it could be an 'example to others' (Ashton, 2014). The consistent straggler demanding the most watching has been Bosnia. Even when designated a Potential Candidate in 2000, External Relations Commissioner Chris Patten saw Bosnia's progress as too slow (Patten, 2000b). Ever since, it has been identified as dragging its feet and 'risks being left behind [by] the other countries in the region' (Rehn, 2009f; see also 2006c; Patten, 2001, 2004; Ashton, 2010a; Füle, 2012a, 2013c).

Looking more closely at EUrope's relation to the Bosnian 'straggler' reveals that its immunising pastoral power is supplemented by a more subtle form of what Nikolas Rose called 'ethopolitics'. Rose identifies 'ethopower' as operating through the way 'community' and its values, norms and way of life (its ethos) are being reformulated and instrumentalised in advanced liberal Western societies as a way of 'governing at a distance' (Rose, 1999, 2000a, 2001). A form of pastoralism, ethopower works more through the relation between the ethics, values and affects of the guider and those of the guided (Rose, 2001: 9), making it peculiarly applicable to EUropean hospitality. Rose specifies that while 'discipline individualises and normalises, and biopower collectivises and socialises, ethopolitics concerns itself with *the self-techniques by which human beings*

should judge themselves and act upon themselves to make themselves better than they are' (Rose, 2001: 18, emphasis added). The immunising logic of EUrope's hospitality, and the purpose of its 'road', is explicitly about invoking such a transformation. The EUropean home provides the ethical benchmark and immunised destination; the road's screening and negotiations are about supplying the tactics and techniques by which candidates can judge and act upon *themselves* in order to make themselves better: *more* liberal, *more* democratic, *more* respectful of human rights, *more* EUropean. It is to encourage such self-betterment that EUrope is putting greater emphasis on the rule of law and other 'softer' aspects of the *acquis* in its negotiations (Grabbe, 2014). EUropean institutions will judge their success, but what makes the primary dynamic ethopolitical is that the actual work of the road is performed *on* the acceding self and *by* the acceding self, to make itself *better* (less threatening, less poisonous).

One of the key tactics of ethopolitics, that which separates it from a strict pastoralism, is what Rose calls the 'double-movement' of autonomisation and responsibilisation – those once directly controlled and governed are 'set free to find their own destiny. Yet, at the same time, they are made responsible for that destiny' (Rose, 2000a: 1400). Candidates are judged and judge themselves on the extent to which they live up to and achieve that destiny. Solana reflected at the end of his long term as High Representative that the immunisation dilemma EUrope faced in the Western Balkans was precisely that of autonomy or tutelage, offering enlargement or a 'protectorate of sorts' (2009b). EUrope chose to offer autonomy and enlargement, 'conditioned on reform'. However, the ethopolitics of the road is most intensely focused on the extreme case of Bosnia, which has proven unwilling to make the *right* choice and fully accept its responsibility to become *better*. Addressing a primarily Bosnian audience, Commissioner Patten (2000b) stressed the fact that autonomy required Bosnians to take responsibility:

> We have to redouble our efforts and focus our attention on the really urgent priorities. I say *we* in its most inclusive sense. But it is a we whose main burden actually falls on you, you the leaders and people of Bosnia and Herzegovina. It is for *you*, not principally for the EU or the international community, to put your country on the road to Europe; it is for you to set the pace, for you to determine how rapidly you arrive at your destination. We can point the way, as we have done through our EU road map of measures we want to see you fulfil before embarking on the stabilisation and association process; we can help build that road, as we are doing through our very substantial assistance … we can encourage and assist you every step of the way. We can and we will – ensure BiH [Bosnia and Herzegovina] never has to walk the road to Europe alone. But we cannot carry you the whole way along it.

The shepherd is watching the weak sheep, but denies ultimate responsibility for its fate; responsibility is shifted to the sheep – Bosnia and its people. As Rehn

later stressed, 'We cannot travel the road to the EU for Bosnia and Herzegovina' (2009c). It is Bosnians themselves who are accountable if they remain 'outside, in the cold' (Füle, 2013c). It is up to the candidate countries to demonstrate their belonging on the road to EUrope, the fact that they are not only capable of being governed via a EUropean ethos, but that they are already *governing themselves* according to these principles. They are responsible for the immunisation of EUrope. This is why a good track record of *acquis* compliance must now be demonstrated *before* accession.

It is in terms of an immunising pastoral ethopolitics that we can perhaps best understand the way Enlargement Commissioners have consistently referred to EUrope's 'transformative power' (Rehn, 2008c, 2009g; Füle, 2011c, 2012b, 2014a).[8] The purpose of 'the road' in EUrope's hospitality is explicitly that of transforming the subject from non-belonging to belonging, from destabilising to stabilising, from poison to cure. What is understood by 'transformative power' is a combination of the EU's 'gravitational pull' alongside stricter conditionality (Rehn, 2004). These tactics changed the CEE countries into 'modern, well-functioning democracies' and are now transferred to the Western Balkans (Rehn, 2006b). Thus, when they accede, the flock will be 'transformed into the kind of neighbours we would like to have – stable, secure, well-governed and prosperous … fully part of mainstream Europe' (Rehn, 2005d), family rather than neighbours. EUrope will be immune to their threatening difference because they will no longer be different. However, while the notion of 'transformative power' is revealing, it is also tautological (all power is productive, and thereby transformative) and fails to account for the ethopolitics of the road – the fact that the road to EUrope, if perfectly constructed, allows candidates to govern, neutralise and transform *themselves*.

EUROPEAN PROTECTION: MIGRATION, ASYLUM AND OUTSOURCING

As we have seen, the immunising ethopolitical conditions placed on EUrope's welcome are unusually restrictive compared to the spaces considered in previous chapters. But it also has 'higher' aims than the humanitarian protection of the refugee camp (see Chapter 2), the indifferent flourishing of the global city (Chapter 3), or the now commercialised near-unconditionality of the postcolonial state (Chapter 4). It appears closer to the idealised family home of *Welcome to Sarajevo* (Chapter 1), especially in its pastoralism. However, this ethopolitical hospitality also demands a non-threatening subject, transforming itself to become worthy of welcome. It must purge its difference; already *belonging* inside it must be a modern, liberal, democratic European state, with a track record of respecting and upholding EUrope's values.

I now turn to a more controversial EUropean practice of hospitality – immigration and asylum policy. While the 'threat' posed by states emerging from authoritarianism, civil war and ethnic conflict has also been interpreted as an opportunity for EUrope (in terms of economics, security and ethics), irregular migration has been more consistently portrayed as a threat to the EUropean home (see Huysmans, 2006). There are frequent calls for greater hospitality towards the *right kind* of immigration as a necessary supplement to EUrope's ageing population and labour shortages (Frattini, 2005d; European Council, 2006; European Commission, 2011: 12–13, 2015a: 14–15; Avramopoulos, 2014c; Juncker, 2015b). In contrast, irregular migration is something that must be 'fought' as a threat to EUrope's labour markets, social cohesion, welfare systems and governance practices (Vitorino, 2001; Frattini, 2005a, 2005b, 2005c, 2005d, 2006b; European Council, 2006, 2009, 2015c; Malström, 2010a, 2010b, 2013b; European Commission, 2011: 2–5; Avramopoulos, 2014a).

Yet, the solution to this threat is not a closing of doors. Rather, it is better management (European Council, 2015a) – thus the 2015 EAM proposes four 'pillars' to 'manage migration better' (European Commission, 2015a: 6). Immunisation is not to be achieved through making EUrope into an impregnable fortress, but by taking a small amount of the threat inside – '[i]t reproduces in a controlled form exactly what it is meant to protect us from' (Esposito, 2011: 8). In doing so, EUrope's hospitality seeks to protect *both* the EUropean home *and* the migrants and refugees themselves – the EAM's better management is about 'saving lives' as well as 'securing external borders' (European Commission, 2015a: 10–11); the Commission's 2011 Global Agenda on Migration and Mobility (GAMM) is 'migrant centred' and makes protecting the human rights of migrants a 'cross-cutting dimension' (European Commission, 2011: 6). This stress on protection means EUrope's migration policy is difficult to criticise from a conventional humanitarian perspective as it has co-opted the discourse of humanitarianism (Vaughan-Williams, 2015). The protection of migrants, particularly refugees, is central to EUrope's immunising hospitality. It operates via a pastoral biopolitics that, like the 'road', creates liminal spaces of protection which are *becoming* EUropean, for ever inside and outside its space but never entirely either.

MIGRATION, MOBILITY AND ASYLUM: EXCLUSION AND CONDITIONALITY

Immigration and asylum is still an emerging area of (in)competence for EUrope. The aim of cooperating on migration and asylum from 1999 was both a reaction to pressures generated by the free movement of people under Schengen *and* part of a broader attempt to create EUrope as a particular kind of space: 'an area of freedom, security and justice' (European Council, 1999a). Crucially, while 'freedom' and 'justice' are 'founding' values of EUrope's ethos, security stresses the immunising logic of this hospitality. Its aim was not unqualified welcome, rather

it would be primarily *protective*: a careful, watchful hospitality. Former Vice-President of the Commission Franco Frattini thus claimed that EUrope has 'two very different faces' on migration, depending on its legality (Frattini, 2005b). The EUropean home aimed at 'closing the back door firmly whilst opening the front door of legal migration' (Vitorino, 2001).[9] The liminal subjectivity of the 'asylum seeker', neither legal nor illegal, would be caught by the emerging Common European Asylum System (CEAS).

In welcoming legal migrants, EUrope's concentration is on its economic progress and ageing working population. Here, it attempts hospitality comparable to the global city (Chapter 3), reversing the trend of EUrope receiving 'low-skilled or unskilled labour' while the US, Canada and Australia 'are able to attract talented migrants' (Frattini, 2006a). The aim is therefore 'to attract the smartest and the brightest', to 'improve the attractiveness of the EU as a destination for highly qualified migrants' (Malström, 2012) by offering 'new European employment possibilities for talented people from around the globe' (European Commission, 2011: 12). Legislation in this area includes the 'EU Blue Card Directive', which offers to welcome the highly qualified on a temporary basis (Council Directive 2009/50). Though EUrope mimics the hospitality of the global city, it has also shown an awareness of its global responsibilities that are completely effaced by London's pursuit of the talented. Wary of the 'brain drain' effect on developing countries, EUrope tries to support 'brain circulation', or 'circular migration' (Frattini, 2005c, 2006b, 2007a), through Mobility Partnerships (Commission, 2011: 12) and 'ethical recruitment' outside certain strategic sectors of developing countries (Council Directive 2009/50, Article 5(3)).

Cooperation promoting legal migration has, however, proven 'nascent and weak', with achievements 'far less grand' than Commission proposals (Geddes, 2014: 447). Greater successes are evident in areas that restrict migration rather than enable it, feeding criticisms of 'fortress Europe' (Lahav, 2014: 458; Hansen, 2009). Closing the back door to illegal migration has seen both more agreement and implementation. Most prominent in this was the inauguration of Frontex in 2004 to establish, coordinate and oversee 'integrated management of the external borders of the Member States of the European Union' (Council of the EU, 2004: Article 1(1)). Boosts in funding and changes to its mandate have seen Frontex take an increasingly militarised role, using drones, aircraft, offshore sensors and satellite technology to track and trace illegal migration into EUrope through the Eurosur surveillance system. Meanwhile, Directives and strategies have been agreed on the return of irregular migrants, trafficking and sanctions against employers who use irregular workers (European Commission, 2015a: 15–17). 'Europe has declared war against smugglers', according to the Migration Commissioner (Avramopoulos, 2015), with Common Security and Defence Policy operations being proposed to 'systematically identify, capture and destroy vessels used by smugglers' (European Commission, 2015a: 3).

The violence of this hostility has been tempered by the humanitarian mandate given to Frontex, which sees it saving migrants and protecting their rights as well as securing borders (European Commission, 2011, 2015a; Walters, 2011; Vaughan-Williams, 2015). EUrope's hospitality to migrants can therefore only be reductively portrayed as, on the one hand, an economically driven, heavily conditional and largely ineffective welcome; and on the other, a security driven, disciplinary and militarised hostility. While economic prosperity and security are values of a sort, and appear central to what EUrope is becoming, neither are claimed as foundational or essential. They are not central to the ethos of the EUropean home. Where EUrope's ethos of hospitality seem to emerge most clearly is in its 'humanitarian government of migration' (Walters, 2011: 146), encompassing the humanitarianisation of the EUropean border (Vaughan-Williams, 2015) and the movement towards a common asylum system (CEAS). The latter particularly targets the liminal category of asylum seekers whose legality is not yet determined; she may arrive by regular or irregular means, but has a human right to do so.

Since the Tampere European Council of 1999 (A.II.13), EUrope has been slowly building and implementing the CEAS. This has been given significant prominence, with Commissioner Cecilia Malström (2013a) making it the 'top priority' of her Home Affairs mandate from 2010–14. The aim of the CEAS is that of making EUrope an 'Area of Protection' (Barrot, 2008; Malström, 2010b; European Commission, 2014), based on the 'common values underpinning the Union' (Frattini, 2005a; European Council, 2006). Asylum is thus the area where EUrope most clearly expresses its ethos in relation to the non-state other coming from outside the home. And it does so through the humanitarian government of hospitality. It is here that EUrope is produced not only as an area of 'freedom, security and justice', immunising the EUropean home and its citizens, but also as an 'area of protection' for those arriving at its door.

PROTECTING THE STRANGER: PASTORAL BIOPOLITICS OF IMMUNISATION

For such a noble, protective cause, the CEAS itself is largely uninspiring. Its first phase (1999–2005) concentrated on harmonising member states' legal frameworks on asylum around minimum standards (European Commission, 2008b, Annex II). The Hague Programme set up the second phase whereby a common asylum procedure would ensure the speed, efficiency and fairness of decisions; a uniform status for those granted protection would be guaranteed; greater administrative cooperation between member states on training and burden sharing; and concentration on 'the external dimension of asylum' (European Commission, 2008b: 2–3).[10] It is this 'external dimension' where most innovation has occurred. Yet, even now the CEAS remains incomplete as it is not adequately and uniformly implemented (Malström, 2013a). Thus, from 2014, the focus shifted to

monitoring and ensuring implementation (Malström, 2014a), though huge difficulties surround proving violations by member states: 'claims are not always dealt with in the light of a court room' (Malström, 2014b).

This attempt to create EUrope as a space of protection is made through the combination of pastoralism and biopower which Fassin (2012) calls 'humanitarian government'. Like the refugee camp (Chapter 2) and the 'road' of enlargement, EUrope exercises a power of care over a multiplicity in movement, guiding them to safety and protection. While there is rarely a mention of EUropean values or ethos in the CEAS, its aim is to be worthy of 'our European humanitarian traditions' (Malström, 2011b), encompassing its entire ethos. Yet, this power of care is entirely massifying, targeting the population of asylum seekers, saving their lives (and letting them die) (Foucault, 2004: 240–243). Its interventions are thus biopolitical rather than ethopolitical: there is no attempt to concentrate on the individual or manage her ethos; interventions are made in the lived existence of the refugee and host populations.

Thus, as the refugee crisis worsened in 2015, the Commission, building on CEAS proposals, suggested two mechanisms for offering immediate protection (European Commission, 2015a: 4–5, 2008b: 10–11). These were a 'relocation scheme', where member states overburdened by arrivals would have refugees and asylum seekers removed to other territories using a 'redistribution key based on criteria such as GDP, size of population, unemployment rate' and existing refugee population; and a 'resettlement scheme' offering 20,000 places based on similarly weighted 'objective, quantifiable and verifiable criteria that reflect the capacity of the Member States to absorb and integrate refugees' (European Commission, 2015a: 19). EUrope as a space of protection is therefore governed by a rationality more akin to the humanitarian hospitality of the refugee camp than the ethopolitical hospitality of enlargement. But both enlargement and asylum policies are concerned with the capacity of EUropean space and its communal body (or population) to 'absorb' their poison. The key difference between the humanitarian hospitality of the refugee camp and the immunising hospitality of EUrope lies in the 'external dimension' of the CEAS, which has become its increasing focus (Eurpean Commission, 2008b: 9). Where the idealised refugee camp sets up a system of way-stations and transit centres, forming and guiding a population to protection, the external dimension of EUrope's protection does not facilitate movement. Quite the opposite. Thus, the problem for those seeking the protection of EUropean space is precisely how to reach it. As Malström (2014a) observed, 'asylum seekers have to rely too often on traffickers in order to reach Europe. There are basically no legal ways to get to Europe.'

The central feature of the 'external dimension' of EUropean protection lies in its production and transformation of space:

> The EU must share the responsibility for managing refugees with third countries and countries of first asylum, which receive a far greater percentage of the world's refugees than Europe. In this regard, more financial

> support will be available to *enhance protection capacity in third countries* … Furthermore, the Commission will continue to integrate capacity building for asylum in development cooperation with third countries, placing the emphasis on a *long term, comprehensive* approach. Asylum should not be treated as crisis management but as [an] integral part of the development agenda in the area of governance, migration and human rights protection. (European Commission, 2008b: 9, emphasis added; see also European Council, 2002a, 2006, 2009, 2015b)

EUrope's protection is offered by supporting *other* spaces and territories. Like international aid, and indeed often as a part of it, EUropean protection can be 'delivered' outside the home (Frattini, 2005c). The external dimension of asylum is thus central to both the GAMM (European Commission, 2011: 17–18) and the EAM (European Commission, 2015a: 7–10). As 'external', these policies appear disconnected from EUropean space, 'interven[ing] upstream in regions of origin and of transit' by increasing financial and other forms of 'support' (ibid.: 5), cooperating to 'strengthen' these countries' asylum systems and legislation (European Commission, 2011: 17; European Council, 2006, 2009). Migration control is now included in *every* trade, development or security agreement with third countries: as early as 2002 the European Council urged that 'any future cooperation, association or equivalent agreement … with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration' (European Council, 2002a: 33).

The most concrete example of this apparent 'outsourcing' of protection (Gammeltoft-Hansen, 2011) is the greater use and development of Regional Protection Programmes (RPPs), which 'reinforce the external dimension of asylum' (European Commission, 2008b: 10, 2011: 17, 2015a: 5; Barrot, 2008; Malström, 2011d). RPPs are a matter of 'enhancing the protection capacity' and promoting durable solutions in countries of origin and transit through protection, reception, registration and status determination training as well as financing (European Commission, 2005: 2–4). The first two RPPs targeted Eastern Europe as a transit region (Belarus, Moldova and Ukraine) and the African Great Lakes Region (particularly Tanzania) as a region of origin. A second wave was set up after 2010, covering the Horn of Africa (Kenya, Yemen and Djibouti) and North East Africa (Egypt, Libya and Tunisia). In 2013 a Regional Development and Protection Programme for Syrian refugees was announced, covering Lebanon, Jordan and Iraq (European Commission, 2013). RPPs therefore now surround the EUropean home, raising the standard of protection in states which produce and transit refugees.

However, along with humanitarian care and protection, RPPs work to *contain* refugees by criminalising their further movement. They fulfil a dual purpose: to 'ensure that those who need protection are able to access it as quickly as possible and as closely as possible to their needs', whilst also 'prevent[ing] illegal secondary movements' (Frattini, 2005c; see European Commission, 2005: 6 fn. 4).

Though RPPs retain a 'resettlement commitment' from EUropean states, this is 'on a voluntary basis' and therefore commits to nothing (European Commission, 2005: 4). While RPPs may appear like transit centres for refugees fleeing to camps, their function is not to facilitate onward movement but to *arrest* it, to *halt* transition and *block* the road to EUrope. This approach was supplemented in response to the current refugee crisis in November 2015 as agreement was reached with African leaders at Valletta on an 'Emergency Trust Fund'. This will involve over €1.8 billion of development aid for countries in North Africa, the Horn of Africa, the Sahel and Lake Chad regions in return for 'addressing the root causes of irregular migration and promoting economic and equal opportunities, security and development' (Juncker, 2015c).

The Valletta agreement was, for some, a foregone conclusion, merely entrenching an existing 'politics of inhospitality, denial of basic rights and cynical bargaining' (Blanchard et al., 2015). Yet, hospitality and hostility (or inhospitality) cannot be so easily opposed (Introduction, Chapter 4). Any condition placed on an open welcome constitutes a hostile negation of hospitality, yet an unconditional hospitality would destroy the home which is the condition of hospitality. The CEAS and its 'external dimension' is thus a negotiation of hostipitality. Rather than simply hostile, the 'external dimension' of asylum is better read through the immunising pastoral biopolitics by which EUrope practises its hospitality. Instead of welcoming refugees into the EUropean home, it seeks a minimal transformation in areas that produce and transit refugees, making them more EUropean. It is thus important to recognise 'the ways in which the exercise of humanitarian power is connected with the actualization of new spaces' (Walters, 2011: 139). The regions of protection that surround the home are not just *funded* by EUrope, the aim is to transform them into *humanitarian* spaces, making them *more EUropean*: to raise their standard of protection to international and EUropean standards, including respecting the rights of migrants through training and legislative reform.

This transformation is interpreted as an expression of solidarity, a value central to the EUropean ethos; solidarity with the 'developing world' (European Commission, 2008b: 9; Malström, 2014b) and 'solidarity with refugees and displaced persons' (European Commission, 2011: 17). Though EUrope consistently fails to define what it understands by 'solidarity', it can be etymologically traced to the Latin adjective *in solidium*, meaning 'for the whole' (Hoelzl, 2004: 51). Expressing solidarity is therefore articulating something as 'whole', as complete, rather than separate and distinct. As we saw above, the space and limits of EUrope are fuzzy and defined by values; if the values of justice, human rights, solidarity and the protection they result in are exported through RPPs and aid, these spaces are no longer *simply* external. They are external to the territory of the EU-28, but not to EUrope and its ethical space, which only ends where its values are no longer shared. These 'external' spaces thus become part of a whole, part of EUrope as an 'area of protection'; they are where most of EUrope's

protection is delivered, on the basis of shared values through a raising of standards. Protection is thus part of the broader means by which EUrope, like a mediaeval empire, extends its space, regulations, rules and values through trade, development and cooperation (Zielonka, 2006). Such spaces are *becoming*-EUropean, even if they will never be welcomed as member states. They are a part of a minimalist, immunising and protective hospitality, a diluted form of enlargement rather than its opposite.

The two policies by which EUrope practises its immunising hospitality – enlargement and immigration/asylum – are united by a similar ethical and governmental logic. Just as states on the ethopolitical road to EUrope must accept the requirements and regulations of the CEAS (as part of the *acquis*) and practise biopolitical hospitality, so non-EU spaces are becoming-EUropean when they are encompassed by an RPP or other strategic partnership. We can certainly contest the morality and efficacy of the CEAS's 'external dimension' and its 'outsourcing' of protection, but it is also important to recognise that this is an outsourcing of EUropean values and space. While this operates to *prevent* the refugee making it to the borders of the EU-28, it also offers restrained EUropean protection according to EUropean values. Like the refugee camp, EUrope as an 'area of protection' exercises a pastoral biopolitics of care *and* control, its protective care being dependent on refugees' willingness to be controlled and excluded from the EU. But it is not only refugees that are being protected through this hospitality. As an immunising hospitality, the CEAS protects the home, its community and ethos by welcoming with minimalism.

EUROPE'S QUASI-SUICIDE: AN AUTOIMMUNE ETHOS AND HOSPITALITY

Resistance to EUrope's immunising hospitality is not difficult to find. Despite Solana's (2005) claim that 'everyone wants to join this club and virtually no one wants to get out', Norway, Switzerland and Iceland have demonstrated otherwise. Some acceding states have joined while resisting elements of EUrope's conditionality, as David Phinnemore (2010) illustrates with the case of Romania. Meanwhile, refugees and migrants keep arriving by 'irregular' means, countering attempts to 'ensure that mobility and migration can be organised in an orderly fashion' (European Commission, 2011: 15). Looking at the 'routes' by which Frontex measures illegal arrivals, over 170,000 arrived through the 'Central Mediterranean' in 2014 (up 277 per cent on 2013) and over 50,000 through the 'Eastern Mediterranean' (up 104 per cent on 2013).[11] By November 2015, a further 128,000 people had arrived through the Central Mediterranean, while the Eastern Mediterranean saw nearly 360,000 arrivals.[12] A new record was reached, with nearly 220,000 people reaching Europe by sea in October alone (BBC, 2015c). None of these figures account for the main entry route, via legal

means with visas that subsequently expire. Refugees and migrants are refusing to have their arrival governed through an immunising pastoralism, demanding a more fulsome protection and hospitality by 'visitation' without 'invitation' (Derrida, 2003: 128).

However, to concentrate on such counter-conducts makes it appear that the only threat to EUrope's immunising hospitality comes from outside: from resistant states and refugees. This could perhaps be remedied by even better management of EUrope's 'external dimension' and more seductive enticing of desirable states. My argument is rather that the most threatening resistance to EUrope is *internal*, that it is always already *inside* EUrope, contained in the ambivalence and contradictions of the home and the attempts to immunise it via practices of hospitality. In this sense, EUrope's hospitality is *auto*immune – it is 'quasi-suicidal' (Derrida, 2003: 94). The internal contradictions of its own ethos mean it menaces *itself*, its own values and protection, practised through hospitality. Autoimmunity is more threatening than a danger coming from outside; as an attack from the self on the self, it questions the very possibility of a 'self' (Derrida, 2005b: 45), endangering the fact or prospect of 'EUrope' *as such*.

Derrida's most overtly political reading of autoimmunity appears in his interpretation of the indeterminacy at the heart of democracy. This ambivalence emerges from democracy's privileging of two principles: freedom (which is necessarily incalculable and unconditional) and equality (which requires calculation and measurement) (Derrida, 2005b: 48). While democracy is unthinkable without people having the freedom to govern themselves, 'this freedom is immediately restricted within itself, since there is always more than one member of the people, which forces each one to act in relation to others that limit his or her freedom' (Hagglund, 2008: 172). Thus, democracy is also unthinkable without a calculative equality which imposes limits on an unconditional freedom: 'freedom is compromised by equality, and equality is compromised by freedom, but without such compromise there can be no democracy' (ibid.: 173). The condition of democracy is a constitutive autoimmunity: it is forever torn and divided against itself.

Derrida illustrates this with the example of Algeria in 1992. Faced with an expected electoral victory for an Islamic party pledged to end democracy, Algeria's democratic government cancelled the elections, to 'suspend, at least provisionally, democracy *for its own good* … so as to immunize it against a much worse and very likely assault' (Derrida, 2005b: 33). Democracy necessitates the choice of allowing the freedom to murder democracy, or protecting and preserving the calculative equality of democracy by committing suicide; attacking its own protection in order to preserve itself. While an extreme example, Derrida's point is that this is *always* a necessary possibility contained within democracy. Thus the 'better management' of democracy cannot resolve its internal contradictions threatening it from inside. Complete freedom produces inequalities which restrict freedoms; calculating limits on freedom to preserve

equality limits that which, democratically, cannot be limited. My suggestion is that a similar autoimmunity is at work in the EUropean ethos; its immunising hospitality always threatens to turn it into its opposite.

THE DEMOCRACY OF MINIMALIST STATES

The autoimmunity of EUrope's enlargement hospitality can perhaps be best illustrated through the attempts to welcome so-called 'minimalist states' (Bieber, 2011) like Kosovo, Serbia (and Montenegro) and Bosnia Herzegovina. The Bosnian case is particularly revealing. EUrope has been heavily involved in Bosnia since the Dayton Peace Accords which imposed a weak central administration and split the effective government of Bosnia into a Croat–Bosniak Federation and the Serbian Republika Srpska (RS). There have been recurring calls for secession, especially from Bosnian Serbs who seek a reunification with Serbia (Biermann, 2014). The international community's presence in the form of the Office of the High Representative (OHR), which was to oversee the implementation of the peace, has barely held the 'state' together. Bosnia's extreme decentralisation and outside influence has meant that it continues to be a 'minimalist state' which 'barely fulfil[s] the functions generally associated with states' (Bieber, 2011: 1784; see Chapter 4). The Stabilisation and Association process, which began for Bosnia in 2000 as an early step on the road to EUrope, therefore insisted on a strengthening of the central government and an end to the OHR (Noutcheva, 2009: 1070–1071). This was not the usual 'institution building' of EUrope's pastoral ethopolitics; it was outright 'member-state building' (Rehn, 2005b, 2005c). The immunising nature of EUrope's hospitality *required* a stronger central state with which EUrope could negotiate (after all, EUrope can only welcome modern, liberal democratic states through enlargement), but which would also stabilise the region, curb ethnic tension and reduce insecurity in EUrope's neighbourhood.

Bosnia's 'partial compliance' with EUropean conditions on centralisation, for example on taxation and police reform, delayed the signing of the SAA until EUrope was satisfied in 2008 (Noutcheva, 2009: 1077). However, when demands for further centralisation and an end to the OHR, which would weaken RS and transfer powers to Bosniaks, was rejected by the democratically elected representatives of Bosnia (Noutcheva, 2012: 163–4), Commissioners expressed a frustration with democracy:

> Let me put it as plainly as I can: there is no way a quasi-protectorate can join the EU. Nor will an EU membership application be considered so long as the OHR is around. Let me even repeat this, to avoid any misunderstandings: a country with a High Representative cannot become a candidate country with the EU. It is a question of political maturity and leadership, not just a question of who sits at the table when we negotiate. (Rehn, 2009c)

However, minimalist states are not the 'result of ideological support for a state with minimal functions, but the consequence of a lack of consensus on endowing the state with greater competences' (Bieber, 2011: 1787). While RS was resolutely opposed to constitutional reform, Bosniaks were generally in favour and Croats held a shifting position between the two (Noutcheva, 2009: 1078). Bosnian democracy could not support the changes EUrope required. As such, EUrope's conditions of stability and security, which are at the heart of its hospitality as an immunising process, could only work by *attacking* democracy, a 'founding' value of the EUropean ethos.

This attack led to EUrope and the OHR pressing harder for constitutional reform and state centralisation in the 2000s, against the wishes of Bosnian Serbs. The effect was one of *fuelling* rather than dampening nationalist and secessionist parties, strengthening their position within their communities (Noutcheva, 2009, 2012; Bieber, 2011; Juncos, 2012; Biermann, 2014). EUrope's desire for long-term democratic stability thereby produced greater instability, bolstering the Serb nationalists it sought to oppose and weakening the position of Bosniaks and Croats seeking constitutional reform and EU membership. EUrope's hospitality was thus working against itself and its ethos, something Serb nationalists noted and utilised, denouncing the attempted impositions as undemocratic, 'unfair and against the European idea' (Noutcheva, 2009: 1079). Having fanned the flames of nationalism and separation, EUrope's response was to make it clear that secession was something it would 'never accept' (Ashton, 2010a), warning that RS 'can have as many referendums as it likes, but in the end, this is about one country coming together' (Ashton in Biermann, 2014: 501).[13] Democracy had to be protected by ignoring the democratic freedoms of Bosnian Serbs to decide how they are governed. Because of its autoimmune ethos, EUrope's pastoral hospitality is thus always in danger of reversing into its very opposite, what Grégoire Chamayou (2012: 11–18) calls the 'cynegetic power' of tyranny.

SOLIDARITY WITH WHOM?

Unlike democracy, freedom and human rights, the undefined value of 'solidarity' has long been at the core of the EUropean ethos, included in the preambles to the treaties of Paris (1951) and Rome (1957). Yet, in the latter case, this was a 'solidarity which binds Europe'. Faced with rising numbers of refugees seeking EUrope's hospitality and protection, we saw above that this has been extended to include solidarity with refugees and 'third countries' (European Commission, 2008b: 9, 2011: 17; Malström, 2014b). But extending the space of EUrope in this minimalist manner has highlighted the autoimmunity of a EUropean ethos which consistently portrays its values, particularly human rights and freedoms, as both universal *and* specifically EUropean (Frattini, 2007b; Füle, 2011a; Avramopoulos, 2015). This has produced a battle, internal to the host, over the precise nature and terms of solidarity, human rights and freedoms.

Amongst the fiercest of these battles is between the Commission and member states. The Commission has consistently pleaded with the latter to show more openness and solidarity with migrants and refugees, as well as with each other. As Home Affairs Commissioner, Malström was especially clear on the need to share 'responsibility' for offering protection (2010a, 2011c, 2012, 2013b, 2014a). Her criticism peaked one year after the Lampedusa shipwreck, where over 360 refugees were drowned in one incident:

> Let me be very clear – when it comes to accepting refugees, solidarity between EU member states is still largely non-existent. This is quite possibly our biggest challenge for the future. While some EU members are taking responsibility, providing refuge for thousands of refugees, several EU countries are accepting almost no-one. In some countries, the number of yearly refugees barely exceeds a few handfuls. Last year, six whole countries of the EU accepted less than 250 refugees between them. All this, while the world around us is in flames. These EU countries could quite easily face up to reality by accepting resettled refugees through the UN system, but despite our persistent demands they are largely refusing. This is nothing short of a disgrace. If all the promises after the Lampedusa tragedy are to mean anything, solidarity between EU countries must become reality. For this to happen, we must in the coming years develop a responsibility-sharing mechanism between all EU states. This is of course nothing that can be forced upon Member States. However, I believe it is an absolute necessity if the EU is to live up to its ideals. (Malström, 2014c)

The assembled host is here turning on itself, disaggregating that 'self' and labelling its disgraceful elements based on an aspirational interpretation of its collective ethos. These criticisms have since been echoed by other Commissioners (e.g. Timmermans et al., 2015) and President Juncker (2015b), who used his 'State of the Union' speech in September 2015 to declare that 'There is not enough Europe in this Union. And there is not enough Union in this Union.' A minor victory was achieved later that month when the Commission's Relocation Programme (of 120,000 refugees) was approved by the Council of Ministers. Yet this was realised via a qualified majority, overriding the dissent of Hungary, Slovakia, the Czech Republic and Romania, undermining the well-established solidarity norm of consensus-based decision making (BBC, 2015b). Meanwhile, EUrope is still unable to agree a significant resettlement programme, let alone a hospitality and solidarity that would 'live up to its ideals'.

The differing understandings of hospitality and solidarity have also set member state against member state, most prominently Germany against Hungary. Having already accepted the largest number of asylum claims from Syrians, in 2015 Germany suspended the Dublin Regulation, a key element of the CEAS which allows countries to deport refugees back to the member state in which they first arrived. On 4 September, amidst the growing crisis in the Mediterranean

and Western Balkans, Angela Merkel announced that she was opening Germany's borders to undocumented migrants, allowing some 3–7,000 people to arrive in Munich in one day to be met by food and cheering crowds (Graham-Harrison et al., 2015). Estimates for the number of asylum seekers Germany would receive in 2015 quickly rose from 800,000 towards 1.5 million. Such unilateral hospitality declared a solidarity with refugees but destroyed solidarity with fellow member states, particularly Hungary which effectively became a 'transit' state and whose Prime Minister, Viktor Orbán, strongly criticised German actions. Merkel hailed Germany's policy as offering a 'friendly, beautiful face' to the world (Harding, 2015) and used the widespread praise from civil society to pressure other member states into accepting quotas on relocation and resettlement. Such pressure, however, endangered not only solidarity, but also the democratic choices of states like Hungary where nearly 70 per cent of voters supported Orbán's hostility (Puhl, 2015).

German attempts to show solidarity with refugees appear to have failed, with border controls reimposed after eight days, causing confusion and anger amongst those en route to Germany (Kingsley, 2015). Meanwhile, Schengen states suspended free movement and Hungary erected a razor-wire fence along its border with Serbia to prevent further arrivals (Puhl, 2015). Hospitable solidarity was replaced by overt hostility. But due to its autoimmune nature, it is not clear which approach was more in line with EUrope's ethos. Germany's policy, for a brief period, more closely approached an unconditional hospitality that showed solidarity with, and respected the freedom and human rights of, those who require protection. It certainly appeared closer to EUropean ideals. Yet, in undermining EUrope's minimalist immunising hospitality, it effectively attacked EUrope's own immune system whilst destroying solidarity. Hungary's conservative hostility meanwhile was both democratic and broadly in line with EUrope's outsourced welcome. By providing 'no legal way to get to Europe' (Malström, 2014a), EUrope's autoimmunising hospitality has long forced migrants to cross the Mediterranean illegally, exposing refugees to death and 'threatening populations they are supposed to protect' (Vaughan-Williams, 2015: 116). Ultimately, the refugee crisis underlined the quasi-suicidal nature of EUrope's ethos, the ambivalences of which attack both its self and those to whom it offers protection.

CONCLUSION

Ash Amin has argued that, as an increasingly multicultural Europe becomes a 'place of plural and strange belongings', the kind of values espoused as foundational to the EU have become 'a blunt instrument for unity' (2004: 2–3). Instead, Amin suggests embracing two principles, hospitality and mutuality, producing an 'imaginary of becoming European through engagement with the stranger' (ibid.: 4).

This, he argues, would be 'an inspiring and relevant ethos for a Europe distinguished by global ethnic and cultural mixture and intense mobility' (ibid.: 14). Amin is talking about a broader public ethos than the institutional ethos on which I have focused my attention. He is also concentrating on intra-European politics rather than EUrope's relation with its outside. Thus, he does not take account of the way EUrope's institutional ethos *already* constitutes and expresses itself through hospitality towards others.

This chapter has demonstrated that, like the other spaces examined in this book, EUrope is both produced through its practices of hospitality and exercises significant power in doing so. Yet where EUrope differs from other spaces is its innovative use of *protective* space, forming quasi-EUropean or (Trans-)EUropean spaces – the road to EUrope and the external dimension of asylum – into which strangers are welcomed as a means of sheltering both self and other from the risk they pose. Though the pastoral ethopolitics of enlargement and the pastoral biopolitics of immigration and asylum policy are very different, both share the same logic of caring for the stranger while immunising EUrope against threats from outside. Yet, because both emerge from an ambivalent and autoimmune ethos, EUrope cannot help but undermine its self *and* those it nominally welcomes and protects.

In the concluding chapter, I will outline how the dangers of autoimmunity are both an unavoidable risk and a necessary condition for any ethics and space of hospitality. While I would echo Amin's claim that an '[i]dea of Europe as hospitality towards the stranger' is inspiring, we cannot underplay its dangers, especially after they were starkly highlighted by the Paris attacks of November 2015. When combined with the ongoing refugee crisis, this violence appears to have left the Schengen agreement on the brink of potentially indefinite suspension (Traynor, 2016), casting doubt upon the future of the CEAS and EUrope as a space of protection, freedom, security and justice. French Prime Minister Manuel Valls has even suggested that the 'very idea of Europe' is at risk (BBC, 2016). But it is not refugees or migrants that have caused this; rather, it is the contradictions within EUrope's ethos which have been exposed through its practices of (auto)immunising hostipitality.

NOTES

1 I am using 'EUrope' and' EUropean' to refer to the space and ethos of the EU which identifies itself with Europe as a whole but whose limits are not spatially nor legally coterminous (see Clark and Jones, 2008; Bialasiewicz, 2011; Bialasiewicz et al., 2012; Vaughan-Williams, 2015).

2 While all the migrants may not qualify as 'refugees' under the legal definition, I am following Al Jazeera's editorial policy of no longer talking about a 'migrant crisis' because the term is 'no longer fit for purpose when it comes to describing the horror unfolding in the Mediterranean' (Malone, 2015).

3 In ESPON's 2013 Programme ('Making Europe Open and Polycentric': Vision and Scenarios for the European Territory towards 2050), the preliminaries note the ambiguity of the 'space' whose planning they are monitoring – 'In the publication, "Europe" is associated to the ESPON space of 31 countries except when discussing common European policies, then "Europe" is associated to the European Union' (ESPON, 2013: iii).
4 Article 50 of the revised Treaty on European Union, which could shortly be triggered for the first time by the UK after the referendum 'Brexit' vote of 23 June 2016.
5 Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.
6 The CEE countries that gained accession in the 'big bang' were subject to a transition period of seven years before their citizens could work freely throughout EUrope. Similarly, entrants agreed to implement EUrope's border policies before membership without a commitment that existing member states would remove their own border controls in relation to the new members upon their accession (see Grabbe, 2006).
7 Through their membership of the European Economic Area (Norway) or bilateral agreements with the EU (Switzerland), they have access to the internal market, comply with most of its regulations and are members of Schengen, making them limners, neither fully inside nor outside the EUropean home (Kux and Sverdrup, 2000).
8 This term originates from Heather Grabbe (2006, 2014), senior adviser to Olli Rehn from 2004–9.
9 António Vitorino was Commissioner for Justice and Home Affairs from 1999 to 2004.
10 To this end, a number of Directives and Regulations were successfully passed and subsequently revised on the basis of their evaluation: the Asylum Procedures Directive, the Reception Conditions Directive, the Qualification Directive, the Eurodac Regulation, all of which have subsequently been revised alongside the Dublin Regulation (for an accessible summary, see European Commission, 2014).
11 Though the land border between Turkey and EUrope was effectively closed, this channelled refugees into the dangerous sea crossing to Greece, with nearly 44,000 using this route, a 272 per cent rise on 2013 (European Commission, 2015c: 2).
12 The much-publicised route through the Western Balkans saw only 20,000 crossings in 2013, increasing to over 200,000 by September 2015. See Frontex, 'Migratory Routes Map', http://frontex.europa.eu/trends-and-routes/migratory-routes-map/ (accessed 29 November 2015).
13 This seemed particularly hypocritical given that Ashton's predecessor Solana had overseen the brief existence and disintegration of 'Serbia and Montenegro' after the Montenegrins voted for secession (Friis, 2007).