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Author(s)	Mutlu, Can E.; Leite, Christopher C.
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# **Dark Side of the Rock: Borders, Exceptionalism, and the Precarious Case of Ceuta and Melilla**

Can E. Mutlu and Christopher C. Leite\*

## **Abstract**

The Schengen zone creates two kinds of subjects: regular and irregular, and two kinds of borders: open and closed. For the irregular migrant, the border becomes a mobility security assemblage consisting of fences, towers, guards, cameras, and sensors, whereas for the regular traveller the border consists of an immigration counter and a rubber stamp on the passport. The object location, along with the historical and geographical context of specific border crossings, define the security practices at that border based on the subject of separation, and the function and location of the border determine the nature of a border-crossing experience. As such, the specific histories of the different border crossings play a central role in determining border management practices. As such, we argue that rather than a uniform European mobility experience, there are situated intersubjectivities of border crossings differing from one port of entry to another. This article argues that Ceuta and Melilla present a window into the role of petty-sovereigns in determining these situated intersubjectivities that define different mobility security regimes.

## **Introduction: Everyday Performativities and Practiced Governmentalities at the Border in Ceuta and Melilla<sup>1</sup>**

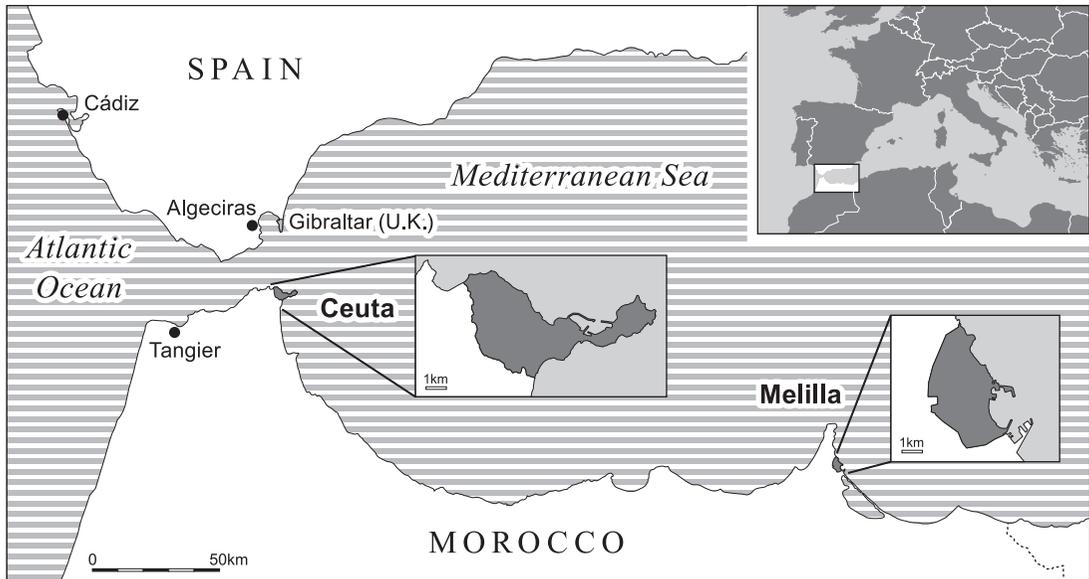
Stuck between an inherent tension surrounding openness and closure, borders are paradoxical spaces. On the one hand, borders remain closed to “irregular” flows such as the circulation of refugees, asylum seekers, sex-trade workers, drugs, and weapons, among others. On the other hand, they have to facilitate economic flows such as the mobility of goods, services, and capital. Attempts to find equilibrium between economic desires and security fears in order to manage this intrinsic tension have resulted in the implementation of exceptional measures at the border, consequently transforming the function, location, and purpose of the border.

Since the 9/11 terrorist attacks and the consequent bombings in Madrid and London, the securitization of borders has resulted in a significant increase in the implementation of “new” border

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\* Can E. Mutlu (corresponding author) and Christopher C. Leite are PhD candidates at the School of Political Studies, University of Ottawa, Canada. Email: can.mutlu@uottawa.ca; cleit094@uottawa.ca

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**Figure 1: Location of Ceuta and Melilla**

management practices and technologies. These practices and materialities were not necessarily new, as prior to their introduction to the border they were used primarily by the criminal justice system in prisons, police stations, etc. The imposition of these technologies on everyday citizens and non-citizens alike, however, presents a shift that places borders and the transit populations that go through them under further legal uncertainty over their rights and freedoms.

Despite the exceptionality of borders, in relation to the rights and freedoms of border crossers, the historical and geographical context of specific border crossings define the extent to which these measures are utilized. While we agree with Agamben's analysis of the legal void and the resemblance of that political space to the camp,<sup>2</sup> we argue that the geographical location and the historical relations that are embedded in the specific context of a given border define the practiced governmentalities of that border. In other words, the legal void in and of itself does not directly lead to the emergence of a mobility security assemblage that includes securitized practices such as detention, deportation, or increased scrutiny of travelers and their documents, as well as material artifacts of securitization such as barbed wire fences, guard posts, spotlights, noise and movement sensors, and video surveillance equipment – installations that are all too familiar for sub-Saharan refugees looking into the Spanish enclaves of Ceuta and Melilla in northern Morocco. Rather, we argue that while the policy-decisions to fortify a border(land) and equip it with certain technologies rest with the central bureaucracies, everyday practices used to implement these technologies rest with the governmentalities of the *petty-sovereigns*<sup>3</sup> whose intersubjectivities are in return shaped by the

<sup>2</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998).

<sup>3</sup> Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004).

everyday realities and performativities of the border, those crossing it, as well as historical and geographical contexts of the border. Thus, we argue that the specific history and location of the borders in Ceuta and Melilla shape and define the everyday practices of petty-sovereigns.

In this article, we use a three-layered methodology – critical discourse and policy analysis, along with field analysis,<sup>4</sup> in an attempt to bridge the practice-driven approaches that are generally associated with the Paris School of critical security studies<sup>5</sup> and the International Political Sociology community<sup>6</sup> with the Copenhagen School’s discursive approaches to studying securitization moves.<sup>7</sup> Critical discourse analysis, including visual discourse analysis, is essential in capturing the process of securitization and the securitized practices that transform the function of the border. In pursuit of this, we rely on primary sources from respectable international organizations (IOs) such as the International Organization of Migration (IOM) and the United Nations High Commissioner for Refugees (UNCHR) and other non-governmental organization (NGO) reports on the conditions of asylum seekers and refugees in Ceuta and Melilla.<sup>8</sup> Similarly, critical analyses of EU<sup>9</sup> and Spanish<sup>10</sup>

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<sup>4</sup> Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 1977[2010]); Pierre Bourdieu, *The Logic of Practice*, trans. Richard Nice (Stanford: Stanford University Press, 1990).

<sup>5</sup> Didier Bigo and Elspeth Guild, *Controlling Frontiers: Free Movement into and within Europe* (Aldershot: Ashgate, 2005); Thierry Balzacq, “The Three Faces of Securitization: Political Agency, Audience and Context,” *European Journal of International Relations* 11:2 (2005): 171-201; Philippe Bonditti, “From Territorial Space to Networks: A Foucauldian Approach to the Implementation of Biometry,” *Alternatives: Global, Local, Political* 29:4 (2004): 465-485; Julien Jeandesboz, “Labelling the ‘neighbourhood’: towards a genesis of the European neighbourhood policy,” *Journal of International Relations and Development* 10:4 (2007): 387-416; Andrew Neal, “Securitization and Risk Management at the EU Border: The origins of FRONTEX,” *Journal of Common Market Studies* 47:2 (2009): 333-356; Mark B. Salter, “Securitization and Desecuritization: Dramaturgical Analysis and the Canadian Aviation Transport Security Authority,” *Journal of International Relations and Development* 11:4 (2008): 321-349.

<sup>6</sup> Didier Bigo, “The Möbius Ribbon of Internal and External Security(ies),” in *Identities, Borders, Orders: Rethinking International Relations Theory*, eds. Mathias Albert, David Jacobson, and Joseph Lapid (Minneapolis: University of Minnesota Press, 2001): 91-116; Didier Bigo and R.B.J. Walker, “Political Sociology and the Problem of the International,” *Millennium - Journal of International Studies* 35 (2007): 725-740. Didier Bigo and R.B.J. Walker “International, Political, Sociology,” *International Political Sociology* 1:1 (2007): 1-5.

<sup>7</sup> Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: a new framework for analysis* (Boulder: Lynn Rienner Publishers, 1998); C.A.S.E. Collective, “Critical Approaches to Security in Europe: A Networked Manifesto,” *Security Dialogue*, 37:4 (2006): 443-487.

<sup>8</sup> Amnesty International, “Spain: The Southern Border – The State turns its back on the human rights of refugees and migrants.” Last modified June 19, 2005. Accessed May 30, 2012. <http://www.amnesty.org/en/library/info/EUR41/008/2005>; Amnesty International, “Spain and Morocco Failure to protect the rights of migrants: Ceuta and Melilla one year on.” Last modified October 25, 2006. Accessed on May 30, 2012. <http://www.amnesty.org/en/library/info/EUR41/009/2006>; Hein de Haas, *Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends* (Geneva: International Organization of Migration, 2008); Li Angela Rosi and Ryan Alanna, *Refugee protection and international migration: A review of UNHCR’s role and activities in Morocco* (Geneva: United Nations High Commissioner For Refugees Policy Development And Evaluation Service, 2010); UN High Commissioner for Refugees, “Rescue at Sea, Stowaways and Maritime Interception: Selected Reference Materials.” Last modified December 1, 2011. Accessed May 30, 2012. <http://www.unhcr.org/refworld/docid/4ee087492.html>

policies allow us to understand the institutional developments that both shape and are shaped by – securitized – “European” discourses that interlink the immigration, borders, and security nexus.

Mapping practices, defined as “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,”<sup>11</sup> however, require that we study and observe the actions and performativities of refugees and asylum-seekers as well as the border security guards and immigration officers, the so-called petty-sovereigns. At this stage in this project, we have yet to conduct fieldwork in Ceuta or Melilla, as such we are modest in our claims and conclusions. In this introductory article we primarily rely on the social and political histories of the enclaves, as well as publicly available data on the patterns of migration to and through the enclaves to make initial observations about the role of historical and geographical specificities of the enclaves in determining intersubjectivities of the actors involved.

That is, however, not to say that our observations about the practices of actors involved are solely based on our own analysis of social and political histories of the enclaves. We rely equally on secondary literatures on mobility security and migration studies, accounts of everyday practices in the enclaves, captured by ethnographic researchers studying the everyday lives of asylum seekers and refugees in the enclaves,<sup>12</sup> as well as the previously mentioned primary reports by IOs and NGOs involved in mobility security practices in the enclaves to build our argument in this paper.

In terms of the theoretical framework, we rely on the existing literature on critical border

<sup>9</sup> European Commission, *Report of Technical Mission to Morocco, “Visit to Ceuta and Melilla on Illegal Immigration* (Brussels, 2005); European Council, *The Schengen Acquis* (Brussels, 2000); European Council, *A Secure Europe in a Better World: European Security Strategy* (Brussels, 2003); European Parliament, *Informe sobre la delegación de la Comisión LIBE sobre la visita a Ceuta y Melilla* (Brussels, 2006); European United Left/Nordic Green Left, *Lampedusa and Melilla: Southern Frontier of Fortress Europe* (Brussels, 2005).

<sup>10</sup> Ministerio del Interior de l’Espagna, “La tendencia de llegada de inmigrantes ilegales a las costas españolas sigue en descenso pese al ligero repunte del último año.” Last modified February 2, 2012. Accessed on May 30, 2012. <http://www.interior.gob.es/press/la-tendencia-de-llegada-de-inmigrantes-ilegales-a-las-costas-espanolas-sigue-en-descenso-pese-al-ligero-repunte-del-ultimo-ano-13331>; Ministerio del Interior de l’Espagna, “Balance 2011 de la lucha contra la inmigración ilegal.” Last modified February 2, 2012. Accessed on May 30, 2012. <http://www.interior.gob.es/file/54/54238/54238.pdf>

<sup>11</sup> Emmanuel Adler and Vincent Pouliot, eds., *International Practices* (Cambridge: Cambridge University Press, 2011): 6.

<sup>12</sup> Rutvica Andrijasevic, “From Exception to Excess: Detention and Deportation across the Mediterranean Space” in *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, eds. Nicholas De Genova and Nathalie Peutz (Durham: Duke University Press 2010), 147-165; Esther Barbé, “Spanish Security Policy and the Mediterranean Question,” in *Foreign and Security Policy in the European Union*, ed. Kjell A. Eliassen (London: Thousand Oaks. 1998); Esther Barbé, “Las nuevas fronteras de la UE ampliada: entre exclusión y vecindad,” in *Anuario del Mediterráneo* (Barcelona: Institut Universitari d’Estudis europeus, 2003); Heather L. Johnson, “Borders, Migration, Agency: Re-Imagining Global Non-citizenship in Irregularity,” PhD diss. (McMaster University, 2011); David McMurray, *In and Out of Morocco: Smuggling and Migration in a Frontier Boomtown* (Minneapolis: University of Minnesota Press, 2000); Allison Mountz, “Where asylum-seekers wait: Feminist counter-topographies of sites between states,” *Gender, Place and Culture* 18:3 (2011): 381-399; Allison Mountz, “Spectres at the Port of Entry: Understanding State Mobilities through an Ontology of Exclusion,” *Mobilities* 6:3 (2011): 317-334.

studies<sup>13</sup> and sociological approaches to international relations that bridge the gap between the social and the international by scholars that associate themselves with the field of international political sociology. Consequently, we present an account of the securitized external borders of the EU at Ceuta and Melilla that focuses on the interaction between different fields – bureaucracies in Brussels and Madrid, as well as Ceuta and Melilla, the everyday practices of border guards on the ground, and transforming strategies of sub-Saharan refugees – to map the evolution of these securitized practices.

The paper is separated in four sections. The first section gives a brief account of what exactly we mean by contextualizing the study of borders. The second section provides the historical context for the enclaves, establishing the historical transformation of sovereignty, while the third section elaborates on the EU's external border management strategies and the dialectic between the internal and external dynamics of the Schengen zone while engaging with the broader themes of border security. Finally the fourth section looks at certain technologies used at the Ceuta and Melilla borders and the broader implications of these practices on the representations of the Schengen zone and the EU proper.

### **Human Mobility and Border Security: Towards a Contextualized Analysis**

Borders present a legal grey zone due to their transitional function between neighboring jurisdictions where the sovereign power of one state gives way to the sovereign power of another. As such, borders lend themselves to the study of mobility as liminal spaces of human movement that regulate the complex coupling of security, territory, and populations.<sup>14</sup> The so-called “borders, order, mobilities triangle,”<sup>15</sup> however, results in a problematic relationship between international law and human rights regimes. As such, border management practices pertaining to human mobility do not operate on the principle of a universal human rights regime. Instead, they operate on the principle of citizenship rights, or a perceived rights-regime that only exists through possession of a citizenship recognized by the country of arrival. As such, the border crossing process presents the possibility of being stripped of rights and freedoms associated with universal human rights regimes for those passing through.

The possibility, rather than the probability, of subjection to this legal void, however, depends

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<sup>13</sup> See: Didier Bigo, “Frontiers and Security in the European Union: The Illusion of Migration Control,” in *The Frontiers of Europe*, eds. Malcolm Anderson and Eberhard Bort (London: Pinter, 1998), 148-164; Noel Parker and Nick Vaughan-Williams, “Lines in the Sand? Towards an Agenda for Critical Border Studies,” *Geopolitics* 14:3 (2008): 582-87; Mark B. Salter, “Passports, Mobility, and Security: How Smart Can a Border Be?” *International Studies Perspectives* 5:1 (2004): 71-91; Mark B. Salter, “When the Exception Becomes the Rule: Borders, Sovereignty, and Citizenship,” *Citizenship Studies* 12:4 (2008): 365-380; William Walters, “Rethinking Borders Beyond the State,” *Comparative European Politics* 4 (2006a): 141-159; William Walters, “Border/Control,” *European Journal of Social Theory* 9: 2 (2006): 187-203.

<sup>14</sup> Michel Foucault, *Security, Territory, Population: Lectures at the Collège De France 1977-1978* (New York: Palgrave Macmillan, 2004).

<sup>15</sup> Mathias Albert, David Jacobson, and Joseph Lapid, eds., *Identities, Borders, Orders: Rethinking International Relations Theory* (Minneapolis: University of Minnesota Press, 2001).

on a number of factors: one's identity, location of origin, final destination, the type of travel document used, and how that document, identity, and location are perceived by the present authorities through a risk analysis rubric that factors in elements beyond an exclusive focus on national security arithmetic to include economic, historical, (geo)political, and social considerations. It is, however, important to note that states have an internationally recognized right to deny entry to travelers that arrive at their borders; within customary international law and through treaty law, though, there are two general exceptions to this rule: states are required to accept their own citizens and duly recognized refugees.

There is, however, a growing concern regarding practices involving the rights of refugees, and their treatment, in particular the length of processing time and granting access to due process. The cause of this problem, in this case, is not a disagreement over whether a refugee has a right to enter a country, because, as stated earlier, states are required to accept duly recognized refugees. The main issue is that there are different perspectives among refugee-receiving countries on who counts as a refugee, when, and where. As we argue, actors, factors, and practices involved in these decision-making processes vary across time and space, and situated cultural, historical, racial, and social contexts of a given border crossing play a role in this process.

In particular, since 9/11, the legal void that characterized the border-crossing experience has become the basis for the normalization of previously exceptional practices.<sup>16</sup> On the one hand, for "regular" travelers, these exceptional measures meant that they are subjected to increasing use of biometrics – fingerprinting, retinal scans, and biometric data stored inside chips on both machine-readable and e-passports – and increased surveillance measures, as well as information and intelligence sharing among countries – passenger name records (PNR). On the other hand, for "irregular" travelers such as asylum-seekers, refugees, or undocumented travelers, this trend of exceptionalism resulted in subjection to a mobility security assemblage that consists of extra-territorial detention centers, expedited repatriation processes, and various forms of legal exceptionalism that are designed to prevent asylum-seekers and refugees from gaining access to due process.

The precarious case of the Spanish enclaves, Ceuta and Melilla is in this regard not an exception, but the norm of an emerging global mobility regime that has multiple speeds, or rhythms and tempos. The enclaves, however, present a troubling case study for demonstrating the role of contextualized or embedded governmentalities of border security practices within a supposedly unified mobility regime: the Schengen zone. Separated from the European mainland by the Straits of Gibraltar, both Ceuta and Melilla are part of the Spanish province of *Andalusia*. As part of the EU, both Ceuta and Melilla fall within the Schengen zone of internal mobility and have access to the EU's internal markets, common currency, and other funds and services available from Brussels – just like any other Spanish city. Unlike other Spanish cities on the Iberian peninsula, a "neutral" border zone and a fence that is equipped with barbed wire, guard posts, spotlights, noise and movement sensors, and 24-hour video surveillance equipment surround both Ceuta and Melilla. As such, rather than

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<sup>16</sup> See: Mark. B. Salter "When the Exception Becomes the Rule: Borders, Sovereignty, and Citizenship," *Citizenship Studies* 12:4 (2008): 365-80.

being “regular” Spanish cities, both cities function as the front gate of a gated community – fortified and exclusive.<sup>17</sup>

Understanding the governmentalities and performativities of this mobility security assemblage, however, requires contextualized analysis. In particular, in this paper we present a contextualized, or situated approach, to studying human mobility by focusing on the historical – i.e. colonial – and geographical – north-south – contexts of the border crossing that shape everyday governmentalities of petty-sovereign power making quotidian decisions over the practices implemented at the border. In other words, we argue that policy practices that determine the function, location, and purpose of the EU’s external borders are determined not exclusively by the Eurocrats in Brussels or Securocrats in Warsaw – the location of the FRONTEX EU border agency headquarters – but performed by the everyday power negotiations between the border guards, military officials, municipal government representatives, the citizens of these enclaves, asylum seekers, refugees, and traffickers. Building on this premise, the next section provides the historical context of the enclaves.

### **Spain in Morocco: A Brief History of Ceuta and Melilla**

The history of the two towns is coloured by questions of contested and hierarchical sovereignties, presentations and images of functionality, and overlapping and fluctuating geographies, which are explored in this paper through their current functions as the gates and walls of a border. Both Ceuta and Melilla have belonged to Spain since the seventeenth and fifteenth centuries, respectively.<sup>18</sup> Before this, however, each city is mentioned in trade chronicles from various Mediterranean civilizations as being part of the passage from the Mediterranean to the Atlantic, making up strategic points along the Maghreb coast and the Straits of Gibraltar.

Before their respective conquests, the Kingdom of Fez, a Berber state in northwestern Africa, controlled the cities. In the case of Ceuta, the young Kingdom of Portugal captured the city from the Berbers in 1415 during the Battle of Ceuta. When the King of Spain took the Portuguese throne and held it for the 60-year Iberian Union, Ceuta saw an influx of Spanish residents. When war broke out in 1640 between Portugal and Spain, Ceuta chose to maintain its Spanish allegiance, leading to its formal cessation to Spain in the 1668 Treaty of Lisbon.<sup>19</sup> Even today, the flag and coat of arms of Ceuta features the Portuguese shield as its symbol.

Melilla, meanwhile, was conquered by Castile in 1497, as part of the end of the *Reconquista* and subsequent Spanish expansion into the Maghreb territories, when Queen Isabella I of Castile and

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<sup>17</sup> Ruben Zaiotti, “Of Friends and Fences: Europe’s Neighbourhood Policy and the ‘Gated Community Syndrome,’” *Journal of European Integration*, 29:2 (2007): 143-162.

<sup>18</sup> Carmen González Enríquez, “Ceuta and Melilla: Clouds over the African Spanish Towns. Muslim Minorities, Spaniards’ Fears and Morocco-Spain Mutual Dependence,” *The Journal of North African Studies* 12:2 (2007): 219-234.

<sup>19</sup> Xavier Ferrer-Gallardo, “Theorizing the Spanish-Moroccan Border Reconfiguration: Framing a Process of Geopolitical, Functional and Symbolic Rebordering,” in *CIBR Working Papers in Border Studies* (Belfast: Centre for International Borders Research, 2006).

King Ferdinand II of Aragon conquered the city virtually without a fight, five years after Castile had retaken the last remnant of *Al-Andalus* in the Kingdom of Granada. Treaties fixed the current limits of the Spanish territory around the fortress with Morocco in 1859, 1860, 1861, and 1894.<sup>20</sup>

In the case of Morocco, the royal family name, the Alaouite dynasty, comes from the first Sultan of Tafilat in 1631, Moulay Ali Cherif. The kingdom was eventually unified into a single state under Ismail Ibn Sharif, and subsequent leaders sought to centralize and modernize the Moroccan state through closer ties with Europe and the United States. Given the fact that Morocco was consolidated and unified only after both cities were already in the hands of the Spanish, Ceuta from Portuguese conquest and transfer to the Spanish crown, and Melilla conquered directly by Spain, the kingdom from its very outset grew and developed with these two cities in its midst, despite repeated efforts to conquer them both, specifically Melilla, in attacks throughout the seventeenth and eighteenth century.<sup>21</sup>

Following the capture of Ceuta and Melilla and the development of the Moroccan state around them, the cities developed first into trading posts for their European-based kingdoms, then as bases for colonial intervention, and finally, into military garrisons.<sup>22</sup> As trading posts they had a free-port status by 1863 allowing for intense trading activity. This growth allowed the cities to become hubs around which the colonial expansions were stationed. It was until about this time, in 1868, that ethnic Moroccans were forbidden to actually live in the cities, despite local farmers being allowed access to sell their goods. It was the result of this opened access that Moroccans eventually began to migrate towards the cities, and even began to live in them as soldiers for the garrisons there.

Capitalizing on weak military and civil institutions, however, the Kingdom of Morocco became split into Spanish and French colonial holdings in 1912. The Spanish were able to manipulate an increasingly decentralized Moroccan government, and took official control of the Maghreb region surrounding Ceuta and Melilla, creating the Spanish Protectorate of Morocco. Throughout this time, while the northern coast of Morocco was established as the Protectorate, Ceuta and Melilla actually were never subsumed into the Protectorate *per se*, and remained fully a part of Spain. Because of this, despite being fully permeable, the borders between Ceuta and Melilla and their respective surrounding protectorate territory had a distinct status, as they represented a border between Spanish colonial holdings and Spain proper.<sup>23</sup>

Morocco regained independence in 1956, upon which a series of treaties restored Moroccan control over certain Spanish-ruled areas – though attempts to claim other Spanish possessions through military action were less successful. Following independence, the Moroccan communities in both Ceuta and Melilla were “largely ignored in mainland Spain,”<sup>24</sup> until the 1985 passing of the first

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid, 4.

<sup>23</sup> Ibid.

<sup>24</sup> Carmen González Enríquez, “Ceuta and Melilla: Clouds over the African Spanish Towns. Muslim Minorities, Spaniards’ Fears and Morocco-Spain Mutual Dependence,” *The Journal of North African Studies* 12:2 (2007): 220.

*Spanish Law on Aliens*. The law provided “favourable provisions for immigrants coming from countries with cultural and historical ties with Spain, which included Latin America, Portugal, the Philippines, Andorra, Equatorial Guinea, but not Morocco, in spite of the fact that part of Moroccan territory had been a Spanish colony.”<sup>25</sup>

This placed the Moroccan populations of the two cities in a new dualistic, tension-filled situation. On one hand, they were stripped of any ability to gain access to Spanish citizenship regardless of how many generations of their Moroccan lineage had been born there. On the other hand, they would not be forced to leave the towns and could continue to live there with their second-class status, if they agreed to become regular migrants with the appropriate documentation.<sup>26</sup> Despite living in the cities for generations and serving in the militaries, Moroccans were explicitly denied access to Spanish citizenship, and were not eligible to register officially with the state. In fact, it was an extension of this law that led to ethnic Moroccans being given their first piece of official Spanish documentation, the “statistical card” for family – not individual – identification, but which “lacked any legal force.”<sup>27</sup> The statistical card served to create a series of categories for citizens living in the cities. Given that Morocco was a stepping-stone for other sub-Saharan African migrants to move into Europe, and “[a]lmost all of them come from countries with which Spain has not signed repatriation agreements,”<sup>28</sup> this presented a new set of issues. The repatriation agreement between Spain and Morocco and the lack of one between Spain and most other Sub-Saharan countries meant that while the number of illegal Moroccan migrants decreased, non-Moroccan migrants merely began to attempt to literally climb the walls of the borders Ceuta and Melilla, as once they were on Spanish soil, the lack of repatriation agreement meant Spain could not forcibly remove them without allowing them to apply for refugee status.<sup>29</sup>

The Moroccan government staunchly opposed the Spanish efforts, as the status of both Ceuta and Melilla have consistently been contested by Morocco, which claims that the Spanish rule over these territories is a direct remnant of the colonial past. In the attempt to make their case, Moroccan authorities compare the status of Ceuta and Melilla to the status of Gibraltar. In response, the Spanish argue that if any ties between the former ruling dynasties of the cities, dating before the fifteenth century, and the present day Moroccan Kingdom were to be taken as proof of Moroccan claim to the cities, then most of present day Spain would be a part of Morocco as well. Moreover, Spain was able to apply its mainland citizenship laws to Moroccans living in Ceuta and Melilla regardless of how many generations they may have lived there, because unlike the Protectorate territories, the cities have been Spanish since the creation of Spain as a country: Melilla being a part of Castile for longer than even other current Spanish regions, and Ceuta being a territory not originally conquered by Spain and becoming part of the Andalusian province through the Treaty of

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid, 228.

<sup>29</sup> Pietro Soddu, “Inmigración Extra-Comunitaria en Europa: El Caso de Ceuta y Melilla,” in *Archivo Central* (Ceuta: Ciudad Autónoma de Ceuta, 2002).

Lisbon, thus absolving Spain from any colonial claim. These arguments have even been backed by the UN and its assertion that because the towns were never colonies during the protectorate years, the Kingdom of Morocco had no right to claim sovereignty over these “enclaves” as part of their 1956 independence, as they “have been inhabited by Spaniards since well before the Kingdom of Morocco was founded.”<sup>30</sup>

Finally, in terms of contextualizing Ceuta and Melilla as transit zones for migration into Spain and the EU, successful irregular crossings by sub-Saharan Africans into the EU sit at between 25,000 to 35,000 per year, “which is only a fraction of total EU immigration of 2.6 million in 2004. The majority of migrants enter Europe legally and subsequently overstay their visas.”<sup>31</sup> Moreover, while the trans-Saharan trade routes once connected North and West Africa, colonialism’s redrawing of the regional borders, and the creation of new states, collapsed those routes. This has led to a general trend, in particular since the late 1990s, where Morocco, along with Algeria and Tunisia, has witnessed migration from a variety of sub-Saharan countries. In particular, from the 1990s through 2006, while Morocco saw 2,587,012 migrants use it as a jumping-off point for migration elsewhere, with 79.2% of those migrants heading for Southern Europe.<sup>32</sup> Tellingly, 9 per cent of would-be migrants apprehended after attempting to cross from Morocco in small boats to the Canary Islands in 2004 were declared to be from Morocco, and 86.8% were from other African countries (up from 11.8 per cent in 1999 to 63.2% in 2000).<sup>33</sup>

The vast majority of these migrants were destined for France, followed closely by Spain and Italy. For the purposes here, Spain saw a dramatic increase in migrant populations registering in Spanish municipalities, rising from 3,200 new registrants in 2000 to 127,000 in 2006, or 20,500 per year, with a total of 543,721 permits distributed through 2006 from migrants traveling from Morocco alone, out of a total of 693,931 from all of Africa combined.<sup>34</sup> In terms of the irregular migrant stock in Spain, Africans account for 12 per cent (91,000), of which half are Moroccans, out of Spain’s total of 765,000 irregular migrants, with the total number of Africans successfully entering Spain illegally sitting at around 54,640 a year.<sup>35</sup> Looking at the apprehension of attempted-migrant rates, the introduction of stricter border controls in Ceuta and Melilla has changed migration patterns from Morocco, shifting more attempted-migrants towards Italy and the Canary Islands, specifically seeing a sharp increase in Canary Island-destined migrants apprehended, which climbed to over 30,000 in 2006 (compared with mainland Spain’s relatively stable apprehension rate of about 8,000-10,000 per year since 2000).<sup>36</sup>

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<sup>30</sup> Ibid.

<sup>31</sup> Hein de Haas, *Irregular Migration*, 9.

<sup>32</sup> Ibid, 21-23.

<sup>33</sup> Ibid, 33.

<sup>34</sup> Ibid, 29, 35, 36.

<sup>35</sup> Ibid, 37.

<sup>36</sup> Ibid, 33.

## Securitization of the External Borders of the Schengen Zone

Within the context of the EU, there is a vibrant inter-disciplinary literature focusing on numerous aspects of the mobility-security nexus in relation to European borders and mobility regimes.<sup>37</sup> Whereas within policy circles, the signing of the *Schengen Treaty* in 1985 and subsequent creation of the Schengen zone in 1990 have generally been applauded as a major success of the European integration project, scholars focusing on European mobility security practices find the trend of externalization and extra-territorialization of visa controls and border checks troubling.<sup>38</sup> Securitization theory (ST), as introduced by the Copenhagen School<sup>39</sup> and further developed by a new generation of scholars,<sup>40</sup> provides a theoretical framework to understand discourses that associate immigration and borders with security. As a research agenda, ST scholars have managed to map a multi-layered interaction between different actors (e.g. state-agents, non-state agents, audience), using different mediums (e.g. speech, images), to understand how existential security threats are constructed over time and space.

The historical and geographical context of the enclaves is important in this regard; discourses on mobility surrounding irregular migrants, asylum seekers, and refugees both at state and supranational levels in Europe shape certain securitized or militarized practices at border crossings.

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<sup>37</sup> John Agnew, "Bounding The European Project," *Geopolitics* 10:3 (2005): 575-80; Barrie Axford, "The Dialectic of Borders and Networks In Europe: Reviewing 'Topological Presuppositions,'" *Comparative European Politics* 4:2-3 (2006): 160-182; Étienne Balibar, *We, The People of Europe?: Reflections on Transnational Citizenship* (Princeton: Princeton University Press, 2003); Didier Bigo and Elspeth Guild, *Controlling Frontiers: Free Movement Into and Within Europe* (Aldershot: Ashgate, 2005); Bohdana Dimitrova, "Re-making of Europe's Borders Through the European Neighborhood Policy," *Journal of Borderland Studies* 2:1 (2008): 53-68; Thomas Diez, "The Paradoxes of Europe's Borders," *Comparative European Politics* 4:2 (2006): 235-252; Vicki Squire, ed., *The Contested Politics of Mobility: Borderzones and Irregularity* (London: Routledge, 2011); Jan Zieolanka, ed., *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union* (London: Routledge, 2002).

<sup>38</sup> Thierry Balzacq, ed., *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security* (Palgrave Macmillan: London, 2009); Kees Groenendijk, Elspeth Guild, and Sergio Carrera, eds., *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU* (Aldershot: Ashgate, 2009); Nick Vaughan-Williams, "The UK border security continuum: Virtual biopolitics and the simulation of the sovereign ban," *Environment and Planning D: Society and Space* 28:6 (2010): 1071-1083; Nick Vaughan-Williams, "Borderwork beyond Inside/Outside? Frontex, the Citizen-Detective and the War on Terror," *Space and Polity* 12:1 (2008): 63-79.

<sup>39</sup> Barry Buzan, Ole Waever, and Jaap de Wilde, *Security*.

<sup>40</sup> See: Claudia Aradau, "Security and the Democratic Scene: Desecuritization and Emancipation," *Journal of International Relations and Development* 7:4 (2004): 388-413; Thierry Balzacq, "The Three Faces of Securitization"; Lene Hansen, "The Little Mermaid's Silent Security Dilemma and the Absence of Gender in the Copenhagen School," *Millenium: Journal of International Studies* 29:2 (2000): 285-306; Matt McDonald, "Securitization and the Construction of Security," *European Journal of International Relations* 14:4 (2008): 563-587; Benjamin J. Muller, "Securing the Political Imagination: Popular Culture, the Security Dispositif and the Biometric State," *Security Dialogue* 39:2-3 (2008): 199-220; Mark B. Salter, "When Securitization Fails: The Hard Case of Counter-terrorism Programmes," in *Securitization Theory: How Security Problems Emerge and Dissolve*, ed. Thierry Balzacq (London: Routledge, 2010), 116-132.

Moreover, these practices are, in a way, presented as required for the internal security and stability of the Schengen zone. While this section discusses the security technologies present at the borders of Ceuta and Melilla, it does not limit itself to the specific borders on the edges of the towns *per se*, and instead engages with the border security technologies that allow the towns themselves to be considered border zones. The makeup or the very nature of these sites of indiscernability is equally indicative of the function of these zones of precariousness. Specifically, this section examines how their nature is composed of signifiers of one group, inside the towns, delineating the other group, outside the towns, by the ability to project an image of what the external means to the internal onto the external itself. To do this, the section will first look at how such an image is created and what tools are used to create it, before raising questions about the success of these constructions in order to discuss their implications.

The tools by which the borders of Ceuta and Melilla, and indeed the towns themselves, are managed as zones of indiscernability rest on the specific legal basis of these towns. Typified by the image of the two historic Pillars of Hercules, one on either side of the Straits of Gibraltar that serve to distinguish one side of the water from the other, these cities have in practice become either a set of dichotomous binaries, or a concentrated mixture of each side of the binary, and thus some sort of buffer zone of transition. These depictions of Ceuta and Melilla as representing either a buffer zone or a kind of midpoint have arisen largely in part by a few key specific moments in the recent history of the towns.

First, when Spain joined the then European Communities (EC) in 1986, and the border underwent a form of “Europeanization,” the subsequent focus of the cities’ borders shifted from being between solely Spain and Morocco, to becoming representative of larger midpoints or zones of transition between Europe and Africa, as well as Christianity and Islam. Then, with the subsequent “Schengenization” of the border in 1991, when border crossers began to require Schengen visas, the image of the border shifted again to become a line between EU and non-EU territories. When these policies began to result in the deaths of individuals trying to cross into Spain at night, the 1995 militarization of the border was introduced, forcing the image and function of the borders to change once again, this time to be representative of a clash between a prosperous north and an impoverished south. Finally, when this militarization erupted in an overt way on Perejil Island, a deserted island roughly 500 metres long off of the coast of Morocco near Ceuta that was the site of a brief military confrontation between Spain and Morocco in July 2002, the cities’ borders shifted once again to include representations of a “former colonizer and former colonized.”<sup>41</sup> In these depictions, the key element is that there is the creation not of a clear line demarking where one territory ends and another begins, but a kind of pan-spatial amalgam that in creating binaries, defies the ability to suitably fit into either, represented by some as EUro-African territories.

Instead of allowing the enclave cities to function as hybrid forms of borderlands, however, they have been met with increasingly extreme technologies of border control at their limits that include both surveillance and militarization into the visual reproduction of the border. In terms of

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<sup>41</sup> Xavier Ferrer-Gallardo, “Theorizing the Spanish-Moroccan Border,” 2.

surveillance, the border is solidified and less permeable thanks to the introduction of the *Sistema Integrado de Vigilancia Exterior* (SIVE), or System of Integrated External Surveillance in English, that further contributed to the Schengen zone's self-image of a "Fortress Europe," which includes both networks of cameras pointing inland, and mobile radar systems to scan the sea border on the "back side" of the border towns, all set up with the financial help of EU Schengen-related institutions.<sup>42</sup> Adding to this, the physical landscape of the perimeter of these two cities has been reshaped through the building of a twin metal fence – from 3 to 6 meters high – equipped with both high-tech systems such as thermal and infrared cameras, and less sophisticated elements like barbed wire fences.

In addition to these "tangible practices" of border control, Spain has also relied on a multi-layered or differentiated citizenship policy to govern mobility in and out of the enclaves. These policies are based on the FRONTEX agency upholding the EU's previous mandate to "build a space of free and secure travel through collective responsibility and solidarity. The objective should be to ensure a Schengen space which will continue to allow secure border-free travel for citizens and travelers to 24 countries in Europe while improving border security."<sup>43</sup> This specifically establishes the two categories of "citizens" and "travelers" as being the sets of individuals who were being granted this type of right.

From when FRONTEX was established and made operational in 2004, it was designed to maintain and augment the EU's policies on managing migration, and was therefore a more formal way for the EU to keep tabs on the individual migration policies of each of the member states. Specifically, maintaining and harmonizing the two categories of citizens and travelers across the member states was listed as one of the key challenges facing FRONTEX, as stated in the 2009 evaluation of the 2005 Hague Programme Action Plan which had laid out concrete goals for further integration in a variety of issue areas. In the evaluation, FRONTEX and the Schengen zone borders were tasked primarily with controlling who has access to these citizenship freedoms, specifically making sure that "overstayers [who] originate from these third countries"<sup>44</sup> do not represent a drain on the citizenship resources – read: jobs allocated to EU citizens. Chief among these citizenship rights, and which is listed as a future challenge to EU citizenship, is ensuring "free movement and residence"<sup>45</sup> for EU citizens.

Despite this official desire to curb "non-desirable" migration and trade, currently, about "30,000 persons engage in frontier trade [...] daily from the nearby Moroccan areas [...] estimated at about 1,000 million euros annually [...] a kind of smuggling as there is no commercial frontier between Spain and Morocco, as the Kingdom of Morocco does not recognise the existence of Spanish

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<sup>42</sup> Ibid, 2.

<sup>43</sup> European Commission, *A Comprehensive Vision for an Integrated European Border Management System for the 21st Century* (Brussels, 2008), 1-2.

<sup>44</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Justice, Freedom and Security in Europe since 2005, An Evaluation of the Hague Programme Action Plan* (Brussels, 2009), 23.

<sup>45</sup> Ibid, 17.

territory there.<sup>46</sup> Such illegal trade is enabled by the fact that Moroccans from certain specific regions in Morocco receive a special document provided by Spain, which allows them to enter on condition that they leave by midnight.<sup>47</sup> This method is further boosted by the fact that Spain has a re-admission treaty with Morocco enabling Spanish authorities to repatriate “irregular” migrants back to Morocco. In practice, however, these “irregulars” have to be Moroccan in the first place to be returned back to Morocco, and because Spain does not have treaties with most other North and West African countries, once migrants from elsewhere arrive in Spain but traveled through Morocco, it becomes very difficult to remove them legally or without allowing them to claim refugee status.

Despite these numerous attempts at limiting the mobility that takes place at the border through efforts of increased surveillance and militarization, the result did not change the number of people attempting to enter Spain. Instead, the Schengenization of the border changed routes that were taken to gain entrance, and inadvertently even helped north Moroccan development, seen in the flourishing border towns of Nador and Finideq populated substantially with those who are awaiting an opportunity to cross the border.<sup>48</sup> Initially, the primary means of entrance to Spain were to either cross the Mediterranean, or enter Ceuta or Melilla by climbing the high double fences which surround both cities, but these attempts led to a third razor wire barrier being constructed in Melilla, which now consists of 11 km of parallel 3 m high fences topped with barbed wire, with regular watch-posts and a patrol road running between them.<sup>49</sup>

As a result, migration routes “have moved to the South and to the East, and now boats depart from Mauritania or Senegal towards the Canary Islands,”<sup>50</sup> despite still ongoing attempts by attempted-migrants to find new ways over the walls. In October 2005, there was what the Spanish call a “massive assault” on the fences of Ceuta and Melilla, but when these hundreds of attempted-migrants tried to climb the fences en masse, “they found out that the height [of the fence] was to be raised from 3 to 6 metres”<sup>51</sup> in response to the previous use of home-made steps that the immigrants were climbing to bypass the walls. As a result, as of 2006, there were 331 Spanish national police officers and 676 *Guardias Civiles* in Ceuta and 316 police officers and 626 *Guardias Civiles* in Melilla, and as of 2008, a separate military command headquarters in each city, armed with three infantry battalions, an armoured regiment, an artillery regiment, both engineering and logistic battalions, a signal company, and a light infantry division headquarters.<sup>52</sup> The “assault” and the influx of personnel “led not only to violent interventions by Spanish border guards, but also to inhumane deportations by Moroccan authorities.”<sup>53</sup>

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<sup>46</sup> Carmen González Enríquez, “Ceuta and Melilla,” 220.

<sup>47</sup> Ibid, 222.

<sup>48</sup> Xavier Ferrer-Gallardo, “Theorizing the Spanish-Moroccan Border.”

<sup>49</sup> Carmen González Enríquez, “Ceuta and Melilla,” 228.

<sup>50</sup> Ibid, 229.

<sup>51</sup> Ibid.

<sup>52</sup> Compiled from both: “Chapter Three: Europe”, *The Military Balance* 109 (2009): 99-206; European Parliament, *Informe sobre la delegación de la Comisión LIBE sobre la visita a Ceuta y Melilla* (Brussels, 2006).

<sup>53</sup> Sandra Lavenex and Rahel Kunz, “The Migration–Development Nexus in EU External Relations,” *Journal of European Integration* 30:3 (2008): 450.

Finally, in an ongoing tactic, the walls have led to an increase in teenage migration because “according to Spanish norms, [teenagers] cannot be returned to their countries of origin unless their families are identified [...] opening a door to many poor Moroccan families which send their children to Spain, where they refuse to identify the whereabouts of their families and are lodged in centres for unprotected children until they are 18 years old.”<sup>54</sup> This method has proven to be fairly productive, and as of 2004, 4,441 Moroccan minors were housed in these centres,<sup>55</sup> with only 81 being returned to their families.<sup>56</sup> As a result, Spain is funding similar centres for unprotected children to be opened in Morocco.

What this failure to “tighten the fortress” then in turn does is raise questions about the motivations behind the militarization in the first place. What is the purpose of establishing a “permeable sealed off border managed under the terms of a selective militarization regime”<sup>57</sup> in the first place? We argue that this dichotomy points to larger implications of the attempted militarization of these border towns.

### **Border/Exception: Overlapping Legal, Political, and Social Practices in the Enclaves**

The selective militarization at the external borders of the EU has created radically different perceptions of what Europe “is” in terms of migrant subjectivities to certain practices, especially when juxtaposing the “relocation of the Berlin Wall” through efforts such as SIVE. The construction of the border as a visual spectacle of an impenetrable fortress is combined with its role as a functioning and permeable border – if highly regulated – to make it a border dependent on having multiple functions, serving as a multiplicity in its very existence. Being this multiplicity, then, the borders’ existences lead to questions about what their classification as areas of lesser-sovereignty are, as they are often referred to, and how they are maintained by some of the “highest-order” tools of sovereignty itself, i.e. military ones, in a “high level” border reconfiguration.<sup>58</sup> Primarily, the importance of this fluid notion of roles for the borders, through the use of these “high sovereign” tools to maintain a zone of “low sovereignty,” perpetuates the lack of access to political decisions for those that bear the brunt of these fluid practices of sovereignty – those suffering from the condition of bare life.<sup>59</sup>

This is indicative of shifting limits of juridical control over a society by the sovereign: the legal order is established as one of distinctions first – low and high sovereignty – and the exceptions to those distinctions are then created and maintained through this performative spectacle of sovereignty, in this case “high-being-low,” as informed by the specific historical context in which

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<sup>54</sup> Carmen González Enríquez, “Ceuta and Melilla,” 229.

<sup>55</sup> *Ibid.*, 229.

<sup>56</sup> Angeles Ramirez Fernandez and Mercedes Jimenez Alvarez, *Las otras migraciones: La emigracion de menores marroques no acompanados a Espana* (Madrid: Akal, 2005).

<sup>57</sup> Xavier Ferrer-Gallardo, “Theorizing the Spanish-Moroccan Border,” 19.

<sup>58</sup> *Ibid.*, 5.

<sup>59</sup> Judith Butler, *Precarious Life*.

these functions have operated. By being the sovereign that can make those decisions, the border crossings in Ceuta and Melilla create a perception of Spain and the EU that first rests on differentiation from non-Spanish and EU identities, but second includes interaction with these non-EU identities for its very constitution. This then ties back to the argument above, that borders in general, and specifically the borders of Ceuta and Melilla, are in fact a multiplicity in that they do not fit into a set definition of borderlands as being either a point of binary difference, or of zones of transition, but instead amalgams, collectivities, of both difference and sameness, juxtaposing and embracing, as they both include elements of Muslim, Moroccan, and African, as well as Christian, Spanish, and European in their demographic configuration.

Both this ability to be a multiplicity, and the resultant form of political subjectivity that comes with this multiplicity, are indicative of something else at work than merely the functions that are creating the border and creating the borderlands. Specifically, the function of creating the subjectivities of a closed militarized border, while participating in social sorting at the border, builds a particular depiction of what exactly is being “protected” at this border, an instance of sovereign decisionism. These decisions on right of passage and exclusion/deportation at the margins of the militarized frontier, which take place at the function-site of the border, affect all those different actors present at the border itself: refugees, legal migrants, citizens, and indeed the petty-sovereign making the decisions.<sup>60</sup>

Moreover, travelers crossing the borders of Ceuta and Melilla are recreated as being in a condition of bare life, with no access to political decisionism, and thus part of the social separation that comes with political subjectivity. This alienation, this decisionism or political subjectivity, renders the border-as-exception relevant not as the suspension of law – a legal void – but as the “expression of the threshold of law.”<sup>61</sup> Additionally, these border images are dependent almost exclusively on the political subjectivity of the sovereign of the border to enact its decisionism in a manner resulting from the highly-specific historical development of the border that enables this sorting. The fact that there can be, simultaneously, an image of an aggressive border of stasis and an image of a permeable functioning border of movement, serves to paint the attempted-migrant – the individual being either sorted and excluded or being “allowed” to pass – as not possessing any claim of rights and freedoms at all, and thus being in a position of lawlessness, of precariousness, or of bare life. In short, while the outcome of the performance and function of the border is different for the types of individuals being sorted at the border, whether the tourist in Madrid or the refugee scaling the fence in Melilla, the performance of the sovereign itself is identical for both individuals.

The ability to construct a particular form or quality of life for the individual crossing the border, through technologies that govern the flow of the body at that border, also outlines the techniques of what Agamben labels “exceptionality” that justify and reify the sovereign’s ability to

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<sup>60</sup> See: Tugba Basaran, “Security, Law, Borders: Spaces of Exclusion,” *International Political Sociology* 2:2 (2008): 339–354; Mark B. Salter, “When the Exception Becomes the Rule”; Nick Vaughan-Williams, “Borders, Territory, Law,” *International Political Sociology* 4:2 (2008): 322-338.

<sup>61</sup> Mark B. Salter, “When the Exception Becomes the Rule,” 366.

create the limits of its sphere of control.<sup>62</sup> In particular, the function and purpose of the border, embedded in this principle of exceptionalism, create the nature of the enclaves in Ceuta and Melilla.

This notion of the exception and performativities of sovereign power, however, should not be solely conceptualized as a legal void, or a chasm, but an un-doing and re-defining of what the normal state of affairs for a social order is in relation to the exception. Exceptionalism, thus, is not “lawlessness.” Instead, exceptionalism is an act of reshaping the limits of the legal order through a suspension of the legal order in a particular instance or space, and should be seen as a practice of governmentality, that is, a tactic by which governments produce political subjects that are ideally suited to fulfill that government’s policies.<sup>63</sup>

The notion of the petty sovereign is crucial for this point, as it outlines how once the shift has been made to exceptionalize an issue, space, or practice, any further attempts to manage the exception becomes an individual’s claim to act on behalf of the sovereign. In other words, once the border crossing in Ceuta and Melilla is declared an exception through securitization or militarization, the quotidian performativities of that exception is no longer practiced by the bureaucratic field but rather it is the field of security professionals that embody the sovereign power as agents of the sovereign. In the case of these enclaves, the petty-sovereign is the border guard in Ceuta and Melilla that manages the everyday practices of border security. The techniques used by the petty sovereign to re-integrate those in the exceptional realm into “normal” society are based on the petty sovereign’s ability to dictate the conditions that need to be fulfilled in order for such an inclusion to take place. In this light, the petty sovereign is able to extend its governmentality, its ability to produce a particular subject, outside of the limits of its normal juridical control.

This extended notion of decisionism by the petty sovereign, and the social sorting which enables it, constitutes the visual performance of the border through the tools of border-military construction mentioned above. This visual performance highlights the important instances of political subjectivity in the space of the state and its predefined areas of decisionism.<sup>64</sup> This political subjectivity demonstrates the differences in political capital, access to politics, the roles of the margins, and the rights of the margins by revealing those who have access and those who determine the parameters of access. These abilities to create a spectacle of “low sovereignty” via tools of high sovereignty, and to use this spectacle as a form of social sorting, is the ultimate in decisionism and political subjectivity that creates the very nature of the political body being (b)ordered based on the geographies and historical contexts of these borders. Moreover, because these practices and multiplicities serve to produce particular social orders, they too can be seen as highly-specific tactics of governmentality, leading us to label them techniques of “contextual governmentality.”

For our case here then, the notion of contextual governmentality would mean that there is a discursive and performative reproduction of what Europe actually is at these border crossings,

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<sup>62</sup> Giorgio Agamben, *Homo Sacer*; Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005).

<sup>63</sup> Judith Butler, *Precarious Life*, 55.

<sup>64</sup> Benjamin J. Muller, “Securing the Political Imagination: Popular Culture, the Security Dispositif and the Biometric State,” *Security Dialogue* 39:2-3 (2008): 204.

through both instances of exceptions, and norm-creating instances of the functions, and performances that these borders entail. Likewise, there are particular strategies of resistance performed by border crossers. Practices of militarization and permeability at the border help to define the instances of the exception, through the use or presence of sovereign power, even if that sovereign power is only weakly-defined or barely-legitimated as the petty sovereign.<sup>65</sup>

The existence of particular presentations of Europe or Spain, as a result of specific practices of the Spanish border guards in Ceuta and Melilla, points to how control of social order is not something that can be universally applied. Instead, control of particular social orders is enabled through practices embedded in specific contextual circumstances and based on unique historical interactions. Thus, linking this concept of contextual governmentality with the notion of the petty sovereign can be seen as present in a variety of diverse situations in which it attempts to extend its sovereign control outside of its legitimate juridical limits, the particular way in which it does so is based on historically-contingent circumstances, and so the techniques of governmentality it uses are contextually-based.

## Conclusions

While the border security practices in Ceuta and Melilla represent a legal exception to the Spanish and EU norms on rights and freedoms, the exceptional practices of these border crossings are no exception to the norms of global border management. Securitized practices of indefinite detention, forced removal through deportation, and the right to refuse entry are common practices not only in Ceuta and Melilla but elsewhere in Europe, North America, and Asia. Sovereign presence is clear in the quotidian performativities of border crossing. Borders, as such, represent an exceptional space in the sense that we are vulnerable to the gaze of the state at border crossings, stripped of our most basic rights and freedoms.

Distribution of this vulnerability, however, is not even. As we mentioned in the article, sub-Saharan refugees and Western businessmen are not treated similarly. Economic, ethnic, gendered, historical, and racial subjectivities of the border crosser defines the border experience. These discrepancies in border experiences are an aspect of the Schengen zone that goes often unacknowledged. In many ways, we reflect on the Schengen zone for its better, or internalized, practices. The externalized aspects of the border experience, however, are equally important and reflect poorly on the central values of the EU.

Beyond our specific argument about Ceuta and Melilla being an example of the need to contextualize and situate studies of a border, this paper and its case highlights other themes at the heart of both critical border studies and international political sociology. First, thinking about the border as merely a zone of indistinction, or even of transition, does not do justice to the many ways in

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<sup>65</sup> Miguel de Larrinaga, and Marc Doucet, "Sovereign Power and the Biopolitics of Human Security," *Security Dialogue* 39:5 (2008): 497-517; Judith Butler, *Precarious Life*, 55.

which a border is instantiated through historical practices of social interaction. When the border is named as a site of exception, and thus even more susceptible to petty-sovereign and/or governmental manipulation, the very nature of that border changes, as do the experiences of those crossing it.

Second, and more important, when we think about the EU processes of de-bordering, or opening up the space for freedom of movement, we have to always ask both for whom and how. The “for whom” question reveals a great deal about who gets classified as desirable. The “how” question reveals clearly what that classification means beyond determining access and non-access, including for example, those denied access being at risk of violent persecution or suffering due to a lack of resources. This goes beyond the specific case of Ceuta and Melilla. This point can be applied to similar types of situations as well: the temporary introduction of the Australian exclusion zone on and around Christmas Island, with the Howard government’s excision of the island from the rest of Australia’s “migration zone” after the MV Tampa arrived in August 2001, so migrants arriving in these zones could not claim asylum, a decision eventually ruled illegal by the Australian High Court; the arrival in Canada of the MV Sun Sea in August 2010, leading the Canadian government to render a naval base not Canadian territory in order to move the attempted migrants to detention centres on the base while trying to figure out how to process them; and Lampedusa Island, with the Italian island first becoming a de facto migrant-holding camp for North African migrants during the 2011 “Arab Spring”, and then the Italian government offering Tunisians 30-day temporary Italian citizenship, in order to let them travel out of Italy and through the EU’s Schengen zone. These cases highlight the importance of histories when we take for granted the daily practices of the border or of politics in general.

Finally, political rhetoric matters. When the media fuels a racially-defined “climate of distrust and rivalry”<sup>66</sup> between ethnic Spaniards and both Moroccans and other Africans by replaying images of migrants arriving in boats and in large crowds at border checkpoints, and blaming the Moroccan government for not doing more to stop illegal migration coming from its territory in order to perpetuate the feeling of invasion,<sup>67</sup> this process is not separate from the efforts aimed at securitizing the border spaces and turning them into sites of exception. Thus, by looking at extreme cases such as Ceuta and Melilla, and being aware of the ways that something comes to be seen as a threat and requiring exceptional intervention, we can begin to point out the unequal and sometimes problematic implications that come from these political representations.

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<sup>66</sup> Carmen González Enríquez, “Ceuta and Melilla,” 228.

<sup>67</sup> *Ibid.*, 231.