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# Critique of European Union Intervention in Mediterranean Migration: An Examination of How Territory Can Be Used to Understand Migration Phenomena

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Critique of European Union Intervention in Mediterranean Migration: An Examination of How  
Territory Can Be Used to Understand Migration Phenomena

by

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An undergraduate honors thesis submitted in partial fulfillment of the requirements for the

degree of Bachelor of Science in

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and

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## Introduction

The movement of people from one region to another is not a new phenomenon. Migration has existed at all times and in all places. What has changed, however, is the way migration is viewed socially and politically and in turn how governments regulate who can and cannot *legally* come into their borders, for how long, for what reasons, etc. The development of the sovereign state completely revolutionized how people think of migration and how migration is treated.

Centuries ago people were much more easily able to move about the world with much less restriction at the hands of other human beings. This changed when people joined together to conquer and claim regions of the world as their own and assign leadership of those regions to governments. Eventually, these governments developed legal systems to ensure social and political order over the people within them. These people are later referred to as citizens and the regions later understood to be territory.

Migration and territory seem to be two distinct and yet inescapably related concepts. It appears that Stuart Elden's concept of territory as a political technology is, partially, what has allowed for migration to carry a negative connotation with it. Negative rhetoric regarding migration and migrants themselves is not hard to find in recent times, not only by the media but by ordinary people whose thinking has been influenced by the media. This is the reality of the world we're living in today. This concept of territory described by Elden is one which has been taken for granted throughout history, which is exactly the issue he sheds light on in *The Birth of Territory*. Elden challenges this taken-for-granted view of territory and implies that we need not view territory solely in this way. He implies that there are other possible options.

I argue that the development of the sovereign state has conditioned individuals to think of phenomena such as migration from this taken-for-granted perspective described by Elden. State sovereignty has been an ongoing development for hundreds of years and from it certain consequences arise. One important consequence is methodological nationalism being employed by members of academia which perpetuates the belief that the nation-state is, “. . . the natural social and political form of the modern world” (Schiller and Wimmer, “Methodological Nationalism. . .”). Methodological nationalism has been criticized as a cognitive bias, meaning that critics believe this intellectual perspective can be understood as an error in thinking that may distort objective realities. This is to say that a person operating under a cognitive bias may have formed their own subjective understanding of something that is incorrect.

Methodological nationalism can be particularly dangerous when it comes to studying migration because of the narrow view it allows research to take. For example, if one accepts that the nation-state is the only sufficient subject of analysis for social processes, this rules out other methods of analysis besides examining social processes occurring within the fixed unit of the nation-state. The key here is the fact that the nation-state is a *fixed* entity through which to study social phenomena, but why does it have to be the only one? Who’s to say that the nation-state *is* the natural form of the modern world? These questions are along the train of thought Elden ventures through in his work. This idea of the nation-state as the natural socio-political “form of the modern world,” is taken for granted in a similar way to how territory has been taken for granted throughout history, as Elden proposes. Territory and migration can be understood as interrelated if migration issues are a product of the nation-state being accepted as a natural

process of human social development, or as inevitable. This means, if Elden's concept of territory is correct, it can help make sense of how migration is being treated today.

With that said, it's fairly uncommon for people to challenge their accepted beliefs about the world. This is exactly what I plan to do in the essay to follow. In particular, I want to challenge the belief that the way we, as a modern society, understand, discuss and treat territory is inevitable. I also intend to demonstrate how Stuart Elden's concept of territory is one lens through which to analyze the discussion and action surrounding Mediterranean migration today. In other words, I have a puzzle to piece together, which is making sense of the relationship between territory and migration. This will be accomplished through examining the following works: Maurizio Albahari's *Crimes of Peace* and Stuart Elden's *The Birth of Territory*. I use Albahari's work to set up a problem that I believe can be analyzed through Elden's work on territory. The problem is the current migration phenomenon happening in the Mediterranean and how the European Union is responding to it.

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### **Section I: What is the Problem? Mediterranean Migration and EU Intervention**

Migration is not the newfound and alarming phenomena that the media and political world might have you believe it is. People have been moving throughout the world basically since our beginning for a variety of reasons and there has not always been the kind of restrictive mobility that exists today. This is interesting, the fact that restrictions on the movement of people have, it would seem, gradually gotten stricter over time in some but not all cases. One particularly noteworthy migration phenomenon occurring today is within the Mediterranean Sea. Several thousand migrants, just within the last few years, have died trying to cross the

Mediterranean and reach Europe. What is unique about this instance of migration is the fact that it is occurring entirely in the sea, a territory not designated to any particular sovereignty. The following section primarily offers a critique of the European Union's involvement in the Mediterranean with the help of Maurizio Albahari's work titled *Crimes of Peace: Mediterranean Migrations at the World's Deadliest Border*. The purpose of this section is to shed light on the fact that what's occurring in the Mediterranean is a humanitarian crisis and demonstrate why the European Union's intervention is problematic. Explicit in Albahari's work is the notion that the EU's policies, methods and actions are effectively accomplishing the opposite of what they claim to be working towards, namely improving the migrant condition. Albahari believes the methods being taken by the EU are perpetuating the suffering and deaths of countless migrants hoping to reach Europe. I will be using Albahari's work to further critique the European Union's intervention and, in doing so, present a problem to be made sense of by Elden's concept of territory.

Albahari offers a recap of Albanian migration into Italy in the early nineties as a sort of starting point for what he refers to as "A Twenty-Year Emergency," which he believes, "elicited a cultural-institutional model of military surveillance and humanitarian containment" (12). According to Albahari's account of this event, the Albanian ship known as the *Vlora*, packed with several tons of Cuban sugar and around twenty thousand migrants, arrived and was allowed to sail into an Apulian port on August 8, 1991. This event is said to have "reshaped southern Italy," as it produced both a physical and metaphorical "gateway to the West" (12). It produced a physical gateway in the sense that it encouraged actual migration from Albania and neighboring nations, and produced a metaphorical gateway insofar as it promoted a sense of collective liberty

in regards to migration. By this I mean that individuals and groups felt that the opportunity to migrate was available if there was a desire to do so.

Albahari's purpose in recounting this story is to illustrate the far from warm welcome that these Albanian travelers received on August 8, 1991. Italian authorities were completely unprepared for the arrival of twenty thousand migrants and responded by detaining the individuals until they could figure out the means for deporting a group of people this size. Most of the travelers were detained, treated poorly, told lies and manipulated until their deportation from Italy occurred, while some escaped and fled as soon as they saw the opportunity. Albahari wants to draw a comparison between this significant event from 1991 and the anti-migration tactics which are still taking place off of European shores (near Italy in particular, as it is the most accessible for many migrants). This is where the preceding quote regarding military surveillance and humanitarian containment becomes particularly relevant, as he mentions the continual "resurfacing" of this conflict between military and humanitarian efforts to curtail Mediterranean migration. Operation Mare Nostrum is a prime example of this (12).

Albahari's notion of military-humanitarianism looms large in this work and becomes more clear later on in *Crimes of Peace* where he discusses a tragic shipwreck in which 366 migrants lost their lives in Lampedusa. This was a group of people attempting the journey to Italy from Northern Africa. Albahari references this tragedy to draw attention to how it has been addressed in the Italian media. The shipwreck is referred to most commonly as "strage," which Albahari equates to something along the lines of, ". . . 'tragedy', 'shipwreck,' and 'rickety boat.' Differently from such routinized words, though, it does evoke human responsibility" (171). It seems evident from Albahari's account that there is a sense of humanitarian responsibility being

acknowledged by the Italian media and by Italian government officials. However, there seems to be little to no explicit move towards a better approach to this military-humanitarian dilemma, which will be discussed in more detail later on.

The title of this work, “Crimes of Peace” acts as a fundamental and underlying theme throughout Albahari’s book. Albahari borrows the term “crimini di pace” from Franco and Franca Basaglia Ongaro. They are best known for psychiatric and social reform work, in particular, closing mental asylums in Italy in the late 1970s (*Crimes of Peace*, 21). The significance of the phrase “crimes of peace” for Albahari lies in the notion that these crimes are preemptive measures which lay the foundation for actual crime to occur on behalf of the “institutions delegated to human cure and care” (21). In this case, the institutions responsible for care, it seems, would be the governments of those countries which migrants are leaving as well as the governments of European nations that migrants are trying to enter.

Albahari argues that the processes through which the European Union is taking preemptive measures to forestall migration is what is causing crime to begin with (21). The crimes in question here are those against human rights, such as the right to not be forced back to a nation, whether it is your nation of origin or not, that is posing a significant risk to your health and/or safety. This right seems uncontroversial, yet has been and continues to be violated by the European Union. The EU and some of its member-states partake in bilateral agreements to aid in various push-back/pull-back methods among other practical and legal tactics used to thwart migration. This is what Albahari means by preemptive measures which allow for actual crime to occur, referring to anti-immigration tactics resulting in an even more lethal situation for migrants.

Expanding on the idea of “crimes of peace,” Albahari paints the following picture, “Crimes of peace are enabled by situations of institutional and structural injustice that might escape neat legal categorizations. They are reproduced by choices people make while failing to consider the implications of and alternatives to their specific actions and inactions. They speak of methodical negligence, ill-conceived policies, and well-oiled criminal networks” (22). This statement solidifies the idea that crimes of peace exist insofar as there are deep-rooted institutional ideologies and processes which allow for this sort of injustice and administrative violence to be employed. In this case, crimes of peace are used for preventing migrants from entering Europe through hands on forestallment at the border, neglecting to lend aid within the Mediterranean, encouraging and financially supporting push-back/pull-back methods, etc.

Albahari makes the following claim, “Having built situational gates around those cracks, instead of safe and protected exit routes, sovereign actors also claim their role as saviors for those who, against all odds, manage to climb out. They do so by deploying a conveniently narrow understanding of what human rights, and a safe port, mean and entail” (108). What is being claimed here is that those migrants who are lucky enough to reach “safety”, in comparison to whatever they are fleeing from, are subject to treatment that corresponds with whatever those in power believe constitutes human rights. Albahari implies that the only reason these sovereign actors are able to “claim their role as saviors” is because they fail to provide safe options for migrants in the first place. Only after the damage is already done do they offer, what they consider to be adequate, support and safety. This narrowly constructed view of human rights discussed by Albahari is a look into the disconcerting “humanitarian” logic being employed by the European Union in regards to Mediterranean migration.

In the chapter titled, “Sovereignty as Salvation” Albahari argues, “It is precisely such a self-serving and limited understanding of human rights and safe ports that lends authority and credibility to the EU border apparatus not only as it rescues lives at sea but also in its restrictive and preemptive aspirations. Crimes of peace bank on such a limited understanding of human rights” (112). Albahari bases this argument on the fact of Libyan and Egyptian marine patrol units bringing Mediterranean migrants, “. . . back to their ports, detain[ing] and possibly deport[ing] migrants” and how it is mutually understood by African and European governmental authorities as a justifiable effort to save lives (112). This completely disregards the legitimate reasons migrants depart from their original homes in the first place. Not only that, Albahari also suggests there is a view from governmental and political actors that migrants ought not to put themselves in the position of taking on the trip through the Mediterranean to begin with, as it wouldn’t be “in the best interest of migrants’ human rights” (112). This deflects responsibility entirely from government agents to migrants individually, which seems to be an irrational migration ideology. Assuming that migrants are willingly putting themselves in danger for no good reason is what makes this irrational.

Albahari quotes former Italian Minister of Foreign Affairs, Angelino Alfano, “. . . ‘there has never been a state or a union of states, which does not protect its border. If it doesn’t, then it is not a state.’ With these brief words, he summons the military-humanitarian nexus of sovereignty” (172). Albahari believes that these words from Alfano imply a relationship between the policing of external European borders and the deaths of nearly four hundred Eritreans in the Lampedusa shipwreck, mentioned previously. To say that a nation has a duty to protect its

borders isn't controversial, but when so many lives are at stake because of this "need", the legitimacy of the need to protect borders should be called into question, which Albahari is doing.

In order to analyze Albahari's criticism of the EU's involvement in the Mediterranean, it's important to address what he believes to be some underlying issues, assumptions and ideologies for why this crisis exists to begin with, and the philosophical questions he poses in response. For instance, Albahari claims, "The illegality and immorality sanctioned at the border are invoked, in all their consequentiality, by the bipartisan refrain that, 'we only welcome *legal* immigrants.' This is increasingly heard across the 'virtually global *regime*' of deportability" (15). Albahari responds to his own statement by questioning how the physical borders which divide nations and states become sites for determining fellow human beings', "legal and illegal nature and moral worth," (15). What Albahari means is that those giving border enforcement orders and the enforcement officers themselves are essentially making judgment calls on the legitimacy of migrants' desire to enter a certain nation. Something interesting that Albahari claims in this regard is that the burden of proof is being passed from border enforcement officials to the migrants themselves in such a way as to imply that these migrants should be assumed guilty until proven innocent (14).

The European Union is a group of democratic states, and yet their migration related ideologies include strangely undemocratic policies, such as this one. In no other criminal legal proceeding in most modern democracies is a defendant to be seen as guilty until proven innocent, let alone proven innocent on their own account. This seems to primarily apply to cases of immigration. One very preposterous example of this would be when immigrant children are separated from their parents and forced to represent themselves in court. This is important.

Although criminal law isn't necessarily implicated by Albahari, this shows the flawed nature and enforcement of migration policy in this particular setting. As discussed earlier, crimes of peace, "might escape neat legal categorizations," such as this instance in which migrants are being turned away because policymakers and border enforcement officials find their reasons for wanting to get into Europe to be insufficient.

Albahari is concerned with this view of migration, I believe, because it disregards the unique circumstances of individual migrants and their, often treacherous, journey to get where they end up. To make the claim that, as an entire nation, you will only welcome *legal* immigrants is to take a morally indifferent stance on the migration phenomenon taking place within the Mediterranean sea. The classification of "legal immigrant" is only available so long as there is a nation-state, or something similar, to determine who fits the criteria of legal or illegal status. The previous reasoning does not appear to follow logically, because it requires that the idea of a nation-state be taken for granted. I believe Albahari is drawing special attention to this illogical reasoning in order to further illustrate the problematic nature of the EU's intervention. Although the categorizing of individuals may have a legitimate basis in some regards, the immoral consequences entangled with it, such as the deaths and suffering of migrants, is incredibly troublesome. The basis for claiming that death and suffering is one consequence of illegalizing human beings stems from the idea that citizenship creates legal avenues which holds governments responsible for the people within them. The Mediterranean is a territory not technically designated to the control of any government(s), therefore no legal responsibility for this area and the people within it exists. This seems to be a partial cause of the severity of the situation.

The following excerpt is another underlying assumption fueling the intervention of the EU, “Calhoun notes that ‘the managerial response to an emergency focuses on restoring the existing order, not on changing it’. But is such ‘order’ truly preexisting? Emergencies, in Italy as elsewhere, serve as a political technique that bypasses and makes exceptional what would need to be thoroughly, more deliberately addressed via democratic methods” (Albahari, 13). The EU’s intervention in the Mediterranean is counterproductive to the extent that it is effectively worsening the migrant condition as opposed to doing anything substantial to aid migrants. Albahari’s question of whether socio political order is ever “truly preexisting” is significant and I think essential to this study because the current, primarily democratic-leading, state of the world is taken for granted, especially when it comes to migration. By this I mean that, in today’s world, there are strong, sovereign states in power whose authority is not often questioned, which seems to be paired with an implicit understanding that migration is a new and dangerous phenomenon which should be prevented by those sovereign states for various reasons.

Whether or not order is ever truly preexisting is a question that would take much more philosophical analysis to comprehend than will be possible through this work. However, what is more important to understand is the effect that the presupposition of a preexisting order has on migration policies. There is no explicit claim being made by the European Union that explains what a state of order looks like as opposed to migration as an emergency. If there was an argument being employed to defend this position, it might, to some degree, justify wanting to maintain this “order” by curtailing migration. Instead the EU seems to accept a preexisting order as fact (believing that order is the absence of migration into Europe) and responds to migration accordingly. The response is treating migration as being in opposition to what is, for all we

know, a nonexistent, socio-political order, therefore being viewed as something which needs to be prevented, or controlled specifically. This response is illogical if it's founded on the idea of a social order which doesn't actually exist.

Furthermore, what I believe Albahari means by the preceding quote is that sovereign nations have, and use to their advantage, the power of declaring a state of emergency. This can be done in a formal manner or simply by insinuating that such a state exists through various media outlets and within the political spectrum. What makes Albahari's previous question noteworthy is the fact that it questions the established mode of political conduct that democratic states use when treating a certain phenomenon as an emergency; migration, in this case. Albahari is claiming here that the bypassing of standard democratic procedures to address "emergencies" is exactly the issue at stake, and that situations of emergency should require that standard democratic procedures be followed in the process of addressing the issue. As written by Albahari, "Emergencies methodically procrastinate to a never attainable future the analysis of the conditions that enable them" (13). Albahari views emergency management endeavors on behalf of the EU as lacking sufficient analysis that would allow them to, in a much more humanitarian fashion, resolve the migration "emergency". By bypassing democratic procedures in order to resolve said emergencies, the institutions in charge of both declaring and resolving states of emergency never truly get to the root cause exactly because of the way they divert from these procedures in order to solve the problem at hand.

Albahari evidently views the intervention of the EU in a negative light, seeing it as doing more harm than good to migrants. In the introduction of the book, Albahari states, ". . . this work participates in the analysis of how 'law'--including the practices and taxonomies of citizenship,

nation-building, and border enforcement-- ‘produces citizens, illegal aliens, legal permanent residents, legal immigration, illicit travel, and even territories and the state’” (11). This statement is important to the work as a whole because it shows that Albahari believes that by focusing on immigration in this way, there becomes an opportunity to observe, “. . . contradictions of national, postnational, and EU membership” (11). By establishing these contradictions, Albahari demonstrates how the institutional practices designed to deal with migration are what act as the condition of the possibility of migratory issues to exist in the first place. Moreover, he is able to argue for the detrimental nature of the measures being taken by the European Union in response to Mediterranean migration. For example, the modern development of citizenship as a legal entity has certainly contributed to this Mediterranean migration phenomenon insofar as it has laid the foundation for a sort of taxonomic ordering of persons, in which people can be and are segregated according to legal, economic and political considerations.

After discussing some of what he believes to be the underlying assumptions perpetuating migration issues, Albahari begins a discussion of what the ineffective unethical intervention on behalf of the EU looks like. Something particularly concerning that is asserted by Albahari in this regard is the following statement,

This surge in technodemocracy also allows governors and migration control officials to avoid much of the judicial scrutiny they ordinarily face nationally, limit migrants’ access to the judicial system, take extremely consequential decisions that remain opaque to the vast majority of citizens and media, and ultimately shift the responsibility of external border enforcement to non-EU countries farther to the EU’s east and south. (91).

I suspect that EU governors and migration control officials' ability to avoid public and legal scrutiny has to do with the bilateral agreements between EU member states and countries from which migrants are leaving. One example of this would be the Italy-Libya Memorandum of Understanding. This agreement furthers a commitment between the two nations to cooperate on issues of migration along with an agreement from Italy to be financially supportive in helping Libya's technological development.

While these agreements may appear on the surface to have humanitarian motives, the consequences of them seem evidence enough that a humanitarian intention is being unmet. What they are accomplishing is mostly deterrence of migrants from reaching Italian or other European borders through various push-back/pull-back methods, such as alleged search and rescue operations. This is an issue addressed by Giulia Ciliberto in the *Italian Law Journal*. Ciliberto addresses the pull-back of November 6th, 2017, during which a boat in distress was found in a maritime zone that was not designated to any one nation as having a search and rescue obligations. This led to legal confusion regarding who was responsible for handling the issue. The result was an NGO vessel and a Libyan Coast Guard unit disputing who was in charge of the rescue. According to Ciliberto, "the Libyan Coast Guard unit used dangerous manoeuvres, mistreated the retrieved migrants, threatened the NGO crew, and voluntarily and actively obstructed their rescue activities," ("Libya's Pull-Backs of Boat Migrants. . ."). The aftermath of this was fifty- nine migrants being saved by the NGO vessel (Sea Watch 3), the deaths of more than twenty people, forty-seven individuals being returned to Libya, of which only a few were returned to their original countries ("Libya's Pull-Backs of Boat Migrants. . .").

It seems clear from reports such as these that the European Union has far-reaching discretion when it comes to dealing with migrants trying to cross the Mediterranean and into European borders. Advances in technology paired with self-serving bilateral agreements has allowed for this migration situation to continue as it has been. Albahari quotes François Crépeau as claiming the following, “. . . [failure] to fully integrate human rights and legal guarantees can be termed repressive, and undermine the capacity of the European Union to act as a model for the protection of human rights worldwide” (90-91). It appears that both human rights and legal guarantees are very scarcely, if at all, being incorporated into the intervention of the European Union at this time. Albahari implicitly suggests that, because of this, the EU loses the opportunity to be viewed as a world leader in protecting the human rights of migrants.

In an article for *The Politico*, Zach Campbell details recent happenings within the Mediterranean as far as Operation Sophia is concerned. According to Campbell, the initial goal of this high tech operation was to eliminate smuggling efforts and thus decrease the number of migrants attempting the journey through the Mediterranean. While there have been a recorded 49,000 lives “saved” through the efforts of this operation, some leaked documents from the European External Action Service shed light on the fact that this military-humanitarian migration control strategy is not nearly as effective as it may appear at face value. Campbell states, “The confidential reports also show the EU is aware that a number of its policies have made the sea crossing more dangerous for migrants, and that it nonetheless chose to continue to pursue those strategies.” One particular instance of EU intervention making the crossing more dangerous for migrants that Campbell addresses is the destruction of smuggling boats, specifically wooden ones. While this effort has indeed gotten in the way of smuggling endeavors, it has not gotten rid

of the smuggling altogether. In fact, this has actually led to more dangerous efforts being made by smugglers and migrants to cross the Mediterranean, namely the use of overcrowded, dingey-type boats which are not suitable for the journey smugglers are promising migrants. Many of these migrants are actually abandoned at sea by smugglers (“Europe’s Deadly Migration Strategy”).

The substantial humanitarian issue with Operation Sophia doesn’t stop at the EU’s involvement in destroying smuggling boats, however. For instance, as discussed by Campbell, “International maritime law compels vessels to respond to people in distress at sea and bring the rescued to a nearby safe port. And because European courts have held that Libya has no safe port, that means bringing migrants found at sea to Europe — in most cases, Italy” (“Europe’s Deadly Migration Strategy”). While this may be true, Deputy Prime Minister of Italy, Matteo Salvini has closed ports to exclude sea vessels carrying migrants from entering Italian territory. This once again reveals the alarming level of discretion that EU member states have in exercising maritime law and how lethal of an effect this has for migrants.

Along with worsening smuggling conditions and Italian authorities executing decisions which go against maritime law, Libyan coast guard officials are being manipulated into aiding smugglers. Campbell references leaked documents from Frontex, European Border and Coast Guard Agency, to shed light on the EU’s awareness of the Libyan coast guard being involved in smuggling efforts. As noted in this article, one of the primary reasons that members of the Libyan coast guard become involved in smuggling is for financial reasons. Campbell cites Rabih Boualleg, Operation Sophia translator, in the following statement in order to demonstrate this, “They were telling me that many of them hadn’t gotten their government salaries in eight

months. They told me, jokingly, that they were ‘forced’ to take money from smugglers sometimes” (“Europe’s Deadly Migration Strategy”). Due to the current financial situation in Libya, government employees are resorting to aiding smuggling efforts. Instead of the EU and Italian government extending financial aid to help the Libyan economy flourish, the aid is being extended in a very particular, political way to deter migration into Europe.

Barbara Spinelli, Italian Member of the European Parliament, states, “Sophia is a military operation with a very political agenda”, mainly in that proponents of it claim to be saving lives while neglecting to acknowledge at what cost these lives are being “saved”. More specifically, when Deputy Prime Minister Salvini announced a closure of Italian ports to NGO and humanitarian vessels in July of 2018, it was decided with the intention that migrants rescued through Operation Sophia rescues would be resettled, however there has yet to be an official policy for resettling rescued migrants (“Europe’s Deadly Migration Strategy”). Campbell quotes Tarek Megerisi, “Sophia is also indicative of a larger, ineffective European policy toward Libya, said Tarek Megerisi, a Libya specialist at the European Council on Foreign Relations. . . . The project, he added, is less a practical attempt to stop smuggling or save migrants than a political effort to paper over differences within the EU when it comes to migration policy” (“Europe’s Deadly Migration Strategy”). Megerisi implies that Italy proposed and is continuing to extend this operation so that member states of the European Union can claim to be aiding migrants. However, they’re simultaneously avoiding drawing attention to the highly questionable aspects of this operation which disregard a humanitarian effort.

It seems fair to say that Operation Sophia is accomplishing little other than forcing smugglers and migrants to come up with riskier modes of transportation for attempting the

journey to Europe. Examining the details of this operation also show that the migration situation occurring in the Mediterranean and the measures being taken by the EU is deeply complex in terms of the underlying issues perpetuating this situation. This means an effective solution for dealing with this international maritime issue will not be easily accessible without some major re-evaluation of current policy. Not only that, I believe it's imperative to examine the economic, social and political matters that seem to be obviously connected to migrants' desires to reach Europe and governments' desires to deter migrants from entering.

Referring back to Albahari, towards the end of the book he draws the following conclusion, "Emergencies do not last two decades. The political priorities, active policies, and structured negligence that perpetuate them as such do" (203). On Albahari's account, the fact that there has been such substantial political push-back regarding migration dating back to at least the early nineties is not because of a real state of emergency or one made up by the state. The reason why the "Mediterranean migration crisis" has continued through the last twenty-plus years is due to a much more political and institutional perpetuation of the issue for political and economic reasons. For instance, the European Union, through operations such as Mare Nostrum and Sophia, have attempted to curtail Mediterranean migration in different ways, but the goal remains essentially the same. The goal is to eliminate the ability for smugglers to be successful in transporting migrants to Europe safely.

I think it's safe to say that what is going on currently in the Mediterranean is a complex socio-political issue and arguably considered a humanitarian crisis. Moreover, I hope to have made clear that the way the European Union is responding to this migration situation is troublesome for a number of reasons. I believe that what is occurring in the Mediterranean and

the way it is being handled by the EU is a problem that can be understood better through a detailed analysis of Stuart Elden's notion of territory, to be discussed in the following section.

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## **Section II: What is Territory?**

In order to understand how and why migration has come to be a socio political controversy in today's developed world, it's important that a historical account of territory be understood. Without a concept of territory, in the sense that a piece of land can be claimed and governed by a sovereignty, there would be no such thing as illegal immigration. Furthermore, there would be no opportunity for immigration issues to exist, such as governments deterring the movement of people for various reasons. Without a concept of ownership over a part of the Earth, paired with an understanding of an authoritative power over that region, there is no reason to dispute who is allowed to be where at any given time. From this, it follows that, without an idea of territory, the understanding of citizenship would be significantly different from the way we understand it today. Without this concept, there would likely be no system for restricting or preventing humans from freely moving between different regions of the world.

In the case of Mediterranean migration, a lack of legal jurisdiction over this sea seems to be a major contributing factor to the deadly migrant conditions here. The situation occurring here is severe and devastating and the European Union's involvement is ineffective to say the least. Although this situation is a tragic one, and a solution for fixing it entirely is not readily available, I argue that Stuart Elden's concept of territory provides a useful lens through which to make sense of migration in the Mediterranean Sea and the bureaucratic response to it on behalf of the EU.

## **Territory: A Problem in Need of Analysis**

Stuart Elden, in *The Birth of Territory*, provides a unique insight into the term territory as it relates to history, geography and politics. As Dennis Crow claims, “This powerful book is about words used as a political technology of power. . . . ‘Territory’, with many translations. . . . gave birth to the political technologies used to attempt to constrain sovereignty within confines of land boundaries that the term itself created” (“Review of Stuart Elden’s *The Birth of Territory*”, *Theory, Culture & Society*). I believe what Crow is claiming is that Elden’s account of territory, while deeply complex, is ultimately a way of understanding how the word territory itself has allowed for the socio political practice of territory to become a seemingly normal function of modern society. What I mean by the socio political practice of territory is the practice of claiming, enclosing and bordering land to maintain power over.

In an article titled, “Land, Terrain, Territory,” written a few years prior to *The Birth of Territory*, Elden makes the following statement, “. . . the approach employed here is closer to a genealogical account of the type Foucault developed from Nietzsche and Heidegger’s work. . . . It makes use of the full range of techniques - including etymology, semantics, philology and hermeneutics -- that should inform the history of ideas, but pairs them with an analysis of practices and the workings of power” (800). What Elden is doing is crafting a genealogy through which to interpret and analyze territory in its modern form. His ultimate goal is to provide a comprehensive analysis of how territory developed in “Western political thought,” and in doing so, finding an answer to the question, “. . . what is the relation between place and power?” (10). He believes this work has significant historical, philosophical, political and geographical implications.

Elden's investigation ventures through a significant historical account. He spends time discussing the works of Plato and Aristotle, moves to examining the work of other influential figures like Julius Caesar, Thomas Aquinas, and concludes with analyzing what he titles, "Land Politics in Beowulf," "Cartography from Rome to Jerusalem," "The Rediscovery of Aristotle," and more historically relevant information that allows him to reach his eventual notion of territory. It is only through this in depth exploration of geographically and historically relevant figures, events, and products, that Elden is able to formulate an understanding of what, he believes, is closer to the true nature of territory than what has been accepted thus far.

Elden references the following quote from Jean Jacques Rousseau, both at the beginning and end of his work, "The first man who, having fenced off a plot of land, thought of saying, *this is mine*, and found people simple enough to believe him, was the real founder of civil society" (*The Birth of Territory*, 1). Rousseau pinpoints this specific moment in time to suggest that since this moment there has been no significant political or academic contestation of territory. From the moment that the first person claimed ownership over a piece of land while others watched, believed and allowed it to happen, territory has continued to be widely assumed as adequately understood and unproblematically applied by sovereignties. As Elden suggests, Rousseau is like everyone else who takes this concept for granted, even at the exact moment he delivers the preceding quote. I believe Elden references Rousseau and simultaneously critiques his insight in an effort to foreshadow the severity of territory being assumed from the moment Rousseau describes onward. This is to say that the birth of the territory, as a notion, once formed, was so effortlessly ingrained into people's minds as the natural and right next step in human social

development. The fact that the concept has been accepted with virtually no resistance or investigation into its validity is what makes it problematic.

Elden draws special attention to the fact that although the *word* territory is prominent to, “political theory, geography, and international relations,” the *concept* of territory, what it is as a practice, has not received nearly enough study (3). Elden attributes this to the fact that there has been a consensus in academia that territory need not be investigated further. Moreover, he suggests that this consensus presumes that phenomena directly resulting from territory, understood as a region of land controlled by someone, can be understood without a further, theoretical examination of the concept itself (3). The overwhelming consensus that territory is adequately understood is problematic, Elden suggests, partially because of historical issues which stem from assuming what territory is. For instance, territorial disputes, border disputes, civil and transnational wars, conflict over resources, etc. are all, in part, the products of territory being understood in a very specific way since the birth of the concept.

Elden asserts that, “Territories seem to exist at all times and in all geographical contexts: there is no sense of a history of the *concept* (5).” This is to say that, from Elden’s perspective, the claiming and controlling of particular geographical regions has a history of its own. Territory has been understood mostly as a physical action of land being occupied and in control of some sovereignty, such as a state government. An implicit concern of Elden’s is the fact that territory as a concept constructed by people does not have a history in the same way that this previously described geographical practice of territory has. This is the purpose of his study, to fill this gap in understanding that he believes exists.

It is clear that Elden believes territory has been historically underexamined and makes compelling arguments to support this claim. There are three specific reasons he claims as contributing factors to this, which are: 1) The deflection of placing blame or responsibility on the state for the way territory has been and continues to be understood (*The Birth of Territory*, 3). If a state were to admit, or if researchers were to imply, that states are responsible for the modern concept and practice of territory, they would first have to understand what territory is according to Elden. To go a step further and take responsibility for neglecting to question this accepted concept would likely go against the motive of maintaining order and power over societies. This requires assuming that states want to maintain power and order over their people, of course. This is because the idea of territory proposed by Elden claims that this concept is what provides the basis for state sovereignty over land to begin with.

2) The second reason Elden claims for why there is a lack of research on territory is the fear of experiencing a “territorial trap”, proposed by John Agnew (3). This concept of Agnew’s relies on specific geographical assumptions, requiring a thorough analysis in order to understand. Simon Reid-Henry summarizes Agnew’s idea of the “territorial trap” with the three following assumptions commonly attributed to international relations and politico-economic discussion, “. . . first, that national spaces are fixed and secure territorial units of sovereign space; second, that domestic and foreign spaces are distinct and separable spheres; and, third, that the territorialised sovereign state is the appropriate container for society” (“The Territorial Trap Fifteen Years On”, 753). Agnew’s “territorial trap” is, according to Reid-Henry, a critique of the way in which many view the world from a limited perspective where state-sovereignty is accepted without question.

3) Lastly, there is a widely misunderstood relation between the term territory and the term territoriality. Elden wants the distinction between the two terms to be made very clear. He claims that *territoriality* has been discussed in some detail and that this has led many to believe that *territory* has been discussed at equal length (3-4). Elden doesn't go into much detail to explain the difference between territory and territoriality, however he does mention a social-biological distinction in regards to territory. Elden states, “. . . they continually blur territory and territoriality together, seeing territoriality as a constant human element, played out in different contexts. . . . The problem with this is that while it can tell us something about human behavior in space, it is not at all clear that it can tell us something about ‘territory’” (4). Elden sheds light on the importance of this social-biological element of territoriality, while simultaneously claiming that this is a separate study from territory, and one which does not necessarily help understand what territory is. Elden's understanding of territory is that it is much more complex than simply the way humans use space to communicate ownership of spaces and things.

Elden states, “Territory should be seen as inherently related to, yet ultimately distinct from, two different concepts: Land and terrain. . . . conflict over land is twofold: both over its possession and conducted on its terrain. Land is both the site and stake of struggle” (9). Here, Elden makes the claim that the sort of conflicts which occur over land are unique relative to other resources. This is where military action becomes relevant to the discussion of land-conflict because of, “the importance of terrain analysis to military success” (9). Land and terrain, in Elden's view, have important differences to territory in that land is a physical and “finite resource that is distributed, allocated and owned - a political-economic question” (9). Land can

be viewed, as Marx might describe it, as a commodity; something of value that satisfies human needs and is thus exchangeable. On the other hand, terrain, as discussed by Elden, is a notion which originated for military purposes. In short, territory cannot be used interchangeably with land and/or terrain. These three concepts, while related are importantly different, according to Elden. This is the point in his work where Elden begins associating territory and sovereignty.

In the conclusion of this work, Elden declares, “Territory should be understood as a political technology, or perhaps better as a bundle of political technologies” (322). However, with that said, Elden doesn’t wish to conclude this study here or imply that this is the final form in which to understand territory. There are specific questions that Elden claims need to be addressed in order to study territory adequately. He states, “One is that territory is a word, a concept, and a practice, and the relation between these can only be grasped historically” (7). Thus, the need for a comprehensive historical analysis in order to make sense of how territory is and can simultaneously be all of these things. Elden mentions the work of Paul Allières in *L’invention du territoire*. The purpose of this is to draw attention to how Allières defends the idea that territory is a concept directly related to the state, and that the state is the physical body from which territory becomes an “inevitable and eternal” construct (7). This is one resource Elden uses to make the connection between territory and state-sovereignty. Elden claims, in response to Allières, “It is precisely in order to disrupt that inevitability and eternal nature that an interrogation of the state of territory is necessary” (7). It’s clear from Elden’s account of history that territory has always been treated, in Allières words, as being an inevitable and eternal function of human development and interaction. Elden is concerned with why this is the case and seeks to uncover how else we might be able to interpret territory and use it in practice.

## Elden's Genealogical Account of Territory

Elden briefly discusses the way that states functioned pre-territorial establishment. Pre-territorial establishment occurs before physical borders were established to divide and organize land into segregated regions, each with their own sovereign power governing the socio political relations within. For instance, in chapter one, Elden discusses the “polis”, otherwise known as the ancient Greek city-state. As Elden describes this ancient version of the city, one might be tempted to draw a parallel between the way they carried out socio political relations, in regards to territory, and the way we do today. This is something Elden, in reference to Heidegger's work, is careful to warn the reader *not* to do (48). The following quote demonstrates Elden's understanding of the relationship between the *polis* and its effect on the modern conception of territory, “Agriculture therefore led to the birth of the territorial community of the *polis*” (49). Elden cites De Polignac to illustrate that early societies who are dependent on agriculture as a means of providing food are likely to be concerned with obtaining permanent land in order to continue their agricultural work (49). It's not difficult to imagine how this would have been the case, and how it, as discussed by Elden, led to society's growing concern for military force in order to protect individual's land assets and livelihood. In regards to the development of military force, Elden asserts the following, “. . . instead of champions who could go on short-term, occasional plundering raids, there was a need for systematic defense of territory” (49). This is one of the earlier, more obvious historical markers which pinpoints when militarized governance began within societies.

Next, Elden discusses the birth of the Roman Empire as it relates to the development of modernly understood territory. The term territory is not explicitly used during this time period,

but the word “imperium” can be understood as not equivalent but closely related to how we understand territory today. Elden writes, “Usually imperium was circumscribed and geographically limited, though not in an especially precise way. It would be restricted by a specific period, and there would be degrees of imperium; this was not absolute authority” (77). Augustus, the first emperor of the Roman Empire, according to Elden, is responsible for developing the idea of imperium into what eventually becomes the Roman Empire. Elden cites Claude Nicolet as stating, “The beginning of the Empire marks a series of mutations in knowledge, perception, and mastery of the space over which power is exercised: both geographical space but also social and political space “ (77). Elden suggests that the birth of the Roman Empire significantly impacts the historical development of territory because of how it allowed for the evolution of thinking about territory during this time.

After a lengthy account of how territory has been understood historically, Elden presents his modern understanding of the concept. Elden views territory as a complex and multilayered thing. He rejects the idea of territory as simply an instance in which physical space is occupied by people, paired with an assumption of ownership and sovereignty over that space.

Chapter nine is appropriately titled, “The Extension of the State,” and it is here that Elden’s idea of territory starts to become more evident as well as the implications of his concept. Elden draws attention to the work of Udalricus Zasius, who he believes may have been the first to establish the relationship between governmental power and territory. Zasius’ work becomes fundamental to Johannes Althusius’ study of territory which influenced many thinkers after him (285). Elden references a quote by Althusius which goes as follows, “. . . the territory of the realm is the bounded and described place, within which the laws of the realm are exercised”

(285). Elden suggests that Althusius is ahead of his time with this proclamation, making it historically significant and relevant to modern day because, as Elden claims, Althusius is the one who brings the concept of territory “explicitly into political theory” (285).

Later in chapter nine, Elden discusses René Descartes’ work in the *Discours* and the *Geometry* where he states, “. . . Descartes’ view of space. . . as measurable, mappable, strictly demarcated, and thereby controllable, is precisely that which underpins the modern notion of political rather than geographical borders, the boundaries of states” (291). According to Elden, the way in which Descartes describes space can be directly correlated to the way state borders have come to be understood as not only geographical boundaries dividing and separating regions, but political borders as well- borders which separate people for reasons other than strictly location. Even more importantly related to Elden’s concept of territory is Descartes’ distinction between space and place. This distinction stems from his thought experiment about a burning candle and wax. In reference to the thought experiment, Elden claims, “These objects exist in a space, a *spatium*, that is similarly extended. Two different things in size and shape can occupy the same *place*, but clearly not the same *space*. And when something moves, it is its place that has changed, not its size or shape. This is crucially important-- space, not place, claims for exclusivity” (292). What I find important here is the way Elden interprets Descartes’ work as implicating an exclusive nature about space that does not necessarily apply to place. Although Elden isn’t entirely explicit about how Descartes’ work relates to territory, he seems to imply that Descartes’ thought experiment influences his predecessors who slowly work their way into studying topics such as “political control over land” and the like (295). Referring back to the earlier quote, Descartes views space as mappable therefore controllable. When you put these

ideas together- mapping, control of land, and exclusivity, it begins to look like both the formation of territory and the conditions for the possibility of restricted international migration.

Moving on from Descartes, Elden discusses the work of John Locke, in particular, where he discusses government establishment. Elden quotes Locke as stating, “The great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under government, is *the preservation of their property*” (307). For Locke, a guaranteed protection of one’s property is sufficient justification for the formation of government entities, so long as the government establishment is working to protect the property of the individuals of which it governs. What Elden finds essential from Locke’s contribution to the discussion of territory is, once again, the implication of a relationship between sovereignty and territory. This is implicit in the following quote, “While, like Harrington, he is not an innovator in the concept itself, he is important in terms of cementing the relation between political power and territory. To be within the territory is to be subject to the rule, and this is magnified when ownership of land is taken into account” (308). Elden describes Locke’s account of property/property rights as a scenario in which those claiming property on a piece of land that is under the control of a government are necessarily and tacitly consenting “to that government” (308). Locke’s considerations regarding property rights helps further the point Elden wants to make, which is that territory is a political technology of the state. One way in which territory is a political technology of the state is the fact that states develop in the first place and that individuals conform to sovereignty in order to have their assets protected in return, like Locke describes.

Next, Elden presents a proposition made by Christian Jacobs which goes as follows, “The power of maps, however, is also a tool for power” (325). This is followed up with the subsequent

quote of J.B. Harley, “At the very time maps were being transformed by mathematical techniques, they were also being appropriated as an intellectual weapon of the state system” (325). By mastering the art of cartography, states have been able to more effectively govern the regions they have power over. Elden claims that it is through the development and implementation of these sorts of techniques, such as cartography, that, “modern boundaries [can] be established as more than a simple line staked out on the ground” (325). The development of strict geographical borders to divide states and nations is a function of territory as a political technology.

Elden concludes his work in the same way he begins it, with reference to the following quote from Jean Jacques Rousseau from his *Discourse on the Origin of Inequality*,

The first man who, having fenced off a plot of land thought of saying, *this is mine*, and found people simple enough to believe him, was the real founder of civil society. How many crimes, wars, murders, how many miseries and horrors might the human race had been spared by the one who, upon pulling up the stakes or filling in the ditch, had shouted to his kind: Beware of listening to this imposter; You are lost if you forget the fruits of the earth belong to all and that the Earth belongs to no one. (1)

This quote is significant. Elden stresses at the very beginning of *The Birth of Territory* that Rousseau’s words suggest a fairly negative effect as a result of human endeavors to divide, organize and obtain power over various parts of the Earth. He goes on to say that there are two important pieces to this declaration of Rousseau’s, which are as follows, “First, that this event was the foundation of civil society- which, at the time he was writing, still meant *civilized* society, that is, society with some form of structure and power relations. . . . Second, that if the

consequences of this event were to be prevented, the time to challenge was at that precise moment” (1). Elden proposes that, while Rousseau’s words are both meaningful and powerful, he comes historically and conceptually too late to make a significant impact at the time he writes this (328). In other words, land division, organization, and governance was a practice going on long before Rousseau’s time. This is how he is historically too late, according to Elden. In terms of being conceptually too late, Elden suggests this is due to the fact that, “politics was fundamentally conceived as operating with discrete, bounded spaces under the control of a group of people, usually the state. . . . The effective structure was now widely assumed: it had become the static background behind the action of political struggles” (328). Here, Elden suggests that Rousseau was, just as we are now, living in a time way past the point of being able to outright challenge this notion of territory that has steadily developed over hundreds of years.

When you think of territory in its most basic sense, it’s likely an image of terrestrial land which comes to mind. When you think of territory as more than just land (unique and independent in some way) it likely becomes a more detailed image which includes property, laws, and most likely a government that oversees and controls the use of said territory. As Rousseau implies, before territory came to be understood in its modern sense, it seems to be a rather abnormal concept for any one person to believe that part of the Earth’s land is theirs to claim as property. Yet, since the first time a person declared a part of the Earth their own without resistance from their community, there seems to have been no objection or concern as to the legitimacy of this seemingly natural and historical human practice. This is exactly the issue Elden is intending to bring to light. He states, “territory is the space within which sovereignty is exercised: it is the spatial extent of sovereignty. . . . politics, state, and space come together in the

concept of territory” (329). Although Elden admits his discussion is not the final word on territory, it is an important start to this study and has paved the way for further investigation on this topic.

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### **Section III: Application of Elden’s Concept of Territory to Migration**

There are some implications of Elden’s work in *The Birth of Territory*, particularly the way in which his modern notion of territory can be used to understand current migration phenomena happening around the world. What does territory as a political technology have to do with the current Mediterranean migration situation? The fact that the Mediterranean Sea is a region not legally or politically designated to a specific government has everything to do with the severity of the migrant condition for those attempting to reach Europe this way. Although this sea is almost entirely surrounded by land, there is no explicit agreement between the surrounding nations as to who is responsible for dealing with the humanitarian crisis occurring within. This is why the Mediterranean situation is unique in comparison to migration happening primarily on land and over clearly defined state borders. In this way, territory has a significant impact on migration. In most cases where migration is considered problematic, it is because there are borders enclosing the territory which is designated to specific governments. However, in the case of the Mediterranean, it is the lack of geographic jurisdiction that is helping to perpetuate the deaths and suffering of migrants, amongst other issues.

To be clear, my goal thus far has not been to solve the migration crisis occurring in the Mediterranean. That would take significantly more time, research and political activism to accomplish. My goal has been to establish that the situation in the Mediterranean is indeed a

humanitarian crisis worthy of attention, and offer a new insight into this issue. That is to say, without the ingrained notion of territory that seems to exist within the minds of all modern people and certainly within all modern state establishments, there would be no such thing as illegal immigration. Without this presupposed idea of territory, there would simply be the movement of people from place to place, like there was before people started claiming parts of the world and before states came to be. There would be no reason to view the movement of people as problematic, as it is viewed today by, arguably, most states, if territory was understood differently than it has been for all this time.

At the end of *The Birth of Territory*, Elden suggests that there are other possible options for understanding what territory is. If Elden's genealogy is correct, the concept of territory he describes is not inevitable. This means there are other possible ways we can understand territory and in turn migration. If we can learn to understand migration differently, we can develop new policies and practices for managing the movement of people between nations, and in a more humanitarian fashion than what is going on in the Mediterranean, for instance. This means that both the way we understand territory and the way we regard migration is not necessarily fixed. I believe the way we, as a modern society, treat these two concepts is less due to them being inevitable and more a product of assuming that they are and have been understood adequately.

Elden's work ends with the proposition that territory is an innately complex concept. More specifically, territory, according to Elden is a political technology with many layers to it. His work doesn't venture into what the other possible ways of understanding territory would look like, however, I think it is significant that he concludes with the claim that other options could exist. Elden is pushing the established bounds of political theory to examine deeper how

the world functions politically and, I believe, opening new doors for migration studies in the process.

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