UNIVERZA V LJUBLJANI
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Zapori in meja: Foucaultova heterotopija v kontekstu dveh narodnostnih kriz

Prisons and the Border: Foucault's Heterotopia in the Context of Two National Crises

Magistrsko delo

Ljubljana, 2017

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Delo uporabi Foucaultov koncept heterotopije iz njegovega (1986) eseja *Of Other Spaces* in (1973) konceptualizacijo rasne misli Hannah Arendt in z njima razišče dva sistema kontrole in njune prostore. Najprej preučujem vojno proti drogam od leta 1971 vse skozi pozna devetdeseta leta, ki je povzročila ustvarjanje množične inkarceracije v Združenih državah Amerike, kot drugo pa tako imenovano "begunsko krizo" in vzpostavitev nadzorovane meje v Sloveniji jeseni 2015. Za razumevanje medijskega in vladnega odziva ter oblikovanja obeh kriz uporabim kritično diskurzivno analizo. V primeru Združenih držav Amerike se zanašam na sekundarne vire diskurzivnih analiz časopisa, televizije in govorov uradnih vladnih oseb, ki razkrivajo rasno kodirana sporočila, ki raso povežejo s kriminalom in sovražniki družbe (Entman 1990; Entman 1992; Entman 1994; Reeves and Campbell 1994; Reinarman and Levine 1995; Jernigan and Dorfman 1996; Hurtwitz and Peffley 1997; Peffley et al. 1997; Gilens 1999; Beckett 2000; Gilliam and Iyengar 2000; Alexander 2010). V slovenskem primeru sem izvedla lastno diskurzivno analizo 965 člankov o beguncih iz oktobra in novembra 2015. Analizirala sem prevladujoče diskurze o vodenju, kriminalu in vojni, ki vsi fundamentalno temeljijo na rasni misli. Nato uporabim Foucaultovih šest načel heterotopije kot prizmo, skozi katero lahko raziščemo zapor in mejo. Takšna analiza ne razkrije le prostorov etničnega in rasnega nadzora, ampak tudi inherentno povezavo med temi prostori in etnično rasnim konstruktom tako naroda kot tudi narodnih identitet.

Ključne besede: heterotopija, begunska kriza, Slovenija, Združene države Amerike, množična inkarceracija.

Prisons and the Border: Foucault's Heterotopia in the Context of Two National Crises

This thesis uses Foucault's concept of heterotopia from his (1986) essay *Of Other Spaces* and Hannah Arendt's (1973) conception of race thinking to examine two systems of control and their spaces. I look first at the War on Drugs from 1971 through the late 1990's and the creation of mass incarceration in the United States and second at the so-called 'refugee crisis' and the creation of a securitized border in Slovenia in the fall of 2015. Methodologically, I use critical discourse analysis to understand the media and government response to and creation of both crises. In the case of the United States, I rely on secondary sources' discourse analysis of newspapers, TV, and government officials' speeches which reveal race-coded messaging to conflate race, crime, and public enemies (Entman 1990; Entman 1992; Entman 1994; Reeves and Campbell 1994; Reinarman and Levine 1995; Jernigan and Dorfman 1996; Hurtwitz and Peffley 1997; Peffley et al. 1997; Gilens 1999; Beckett 2000; Gilliam and Iyengar 2000; Alexander 2010). In the Slovenian case, I conduct my own discourse analysis of 965 news articles about refugees from October and November 2015. I analyze the predominant discourses of management, crime, and war, which all rely fundamentally on race thinking. I subsequently use Foucault's six principles of heterotopia as a lens to examine the prison and the border. Such an analysis reveals not only spaces of ethnic and racial control but also the inherent connection between these spaces and an ethno-racial construction of both nations and national identities.

Keywords: heterotopia, Slovenia, refugee, United States of America, mass incarceration.

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1 Introduction

Socially sorting people (based on race and class) and then controlling those populations seen as "suspect" or "a threat" has been the practice of all nation-states throughout history (Foucault 1977; Garland 2001; Bosworth 2009; Bhui 2016). As such, an examination of public systems of control is necessarily an analysis of the nation and the state. In this thesis, I will look at two systems of control as they are utilized to respond to or create a crisis of the nation: first mass incarceration in the United States, for which War on Drugs is largely responsible, and second the refugee crisis in Slovenia, which became a test of humanity and nationalism.

1.1 Background: Mass Incarceration

There are more than 2.2 million people currently incarcerated in the United States (The Sentencing Project 2017). That is almost 200,000 more people in American prisons than the entire population of Slovenia. In the last 40 years, incarceration has increased by more than 500%, with most of this increase attributed to the War on Drugs launched by the Nixon administration in 1971 and continued under every subsequent presidential administration. Fully half of all people incarcerated in the United States have been convicted of drug crimes (The Sentencing Project 2017). While African Americans are no more likely to use drugs than white Americans (Burston et al. 1995; King 2008), they are arrested at significantly higher rates across the country (Alexander 2010; The Sentencing Project 2013). Today, one in ten African American men in his thirties is in prison (The Sentencing Project 2017), and African American males are six times more likely to be incarcerated than white males. The crisis of mass incarceration is a crisis of race. Through the War on Drugs, the federal government specifically targeted predominately African American inner cities, passed sentencing laws to keep offenders in jail longer for even minor offenses, and expanded legalized discrimination of former felons (Beckett 2000; Hull 2006; Alexander 2010). For example, 6.1 million Americans cannot vote because of a crime conviction, and most states impose a ban on food stamps and other welfare assistance for anyone convicted of a drug crime (The Sentencing Project 2014). The resulting laws and practices such as mandatory minimum sentences; three-strikes rules; increasing use of SWAT teams and other military-style operations in drug busts; and the unending discrimination convicts face in voting rights, housing, welfare, and employment reveal not only a punitive turn in criminal justice but also the pervasiveness of the logic of punishment into all areas of life, a phenomenon labeled by Garland (2001) as 'a

culture of control' and by Simon (2007) as 'governing through crime.' The incarceration statistics alone are shocking, but even more people are under other forms of penal control. Almost 5 million people are currently on probation or parole in the USA (The Sentencing Project 2017). The War on Drugs and its skewed impact on racial minorities has become a fundamental part of the American national character.

1.2 Background: The Rise of Crimmigration

Europe's prison systems have long been touted as more humane, liberal, and reformative than their counterpart in the USA, and statistics point to this reality (Walmsey 2016). What these claims fail to consider is Europe's approach to immigration and the expansion of the penal mentality to border patrol and immigration policing. The conditions of immigration detention centers are in some ways no different than the conditions for prisoners. Immigrants in detention centers report that they *feel* like they are in prison (Bhui 2013; Bhui 2016), and incarceration is an increasingly common practice in immigration policing. As such, an entire field of cross-disciplinary research is developing under the heading "crimmigration," which examines the increasing crossover between immigration law and the criminal justice system. In the last twenty years, Western governments have been punishing what used to only be immigration violations (crossing the border without or with fake documents, overstaying a visa, working without proper permission) with time behind bars and criminal convictions (Gordon 2006; Bosworth 2011; Bhui 2013; Bosworth 2016; Bosworth et al. 2016). The criminalization and securitization of immigrants in the public mind has created "enemy migrants," which partially explains the rise in detention of foreign nationals (Palidda 2009; Bhui 2016). In the United Kingdom 80 new offenses were created as routes to incarcerate migrants from 1997 to 2010, and since 1997 the foreign-national prison population has increased by 250 percent (Bhui 2016). For the past two decades, Europe and North America have been specifically targeting immigrants and foreigners. Statistics alone speak to the trend of criminalizing immigration. In Europe, foreign-nationals make up an average of 20 percent of the prison population, and in five European countries, foreign-nationals make up more than half of the incarcerated population (Walmsey 2016). While Europe boasts more equitable, rehabilitative prison policies and a lower reliance on incarceration than the United States in general, these statistics draw into question the moderation of European penality and suggest that those human rights principles applied to prison policy are less available and salient for immigrants (Van Zyl Smit and Snacken 2009; Bosworth 2011; Bosworth et al. 2016). While it reveals the increasing punitiveness of

immigration policing, detention is not the only method of social control and marginalization used against immigrants. Hate speech, discrimination, and tightening of border controls all create lines of exclusion. Kogošek Salamon and Bajt (2016) note that the definition of refugee under EU and international law has become too narrow to protect many people seeking protection from violence, threats, or exploitation. As a result of both this narrow legal definition and the EU's determination to protect its borders, "...most people are forced to try to access the territory of the EU member states by using irregular means. Legal access to the territory is now virtually impossible" (Kogošek Salamon and Bajt 2016, 10). As a consequence, refugees trying to enter the EU are routinely perceived as criminals and security threats. Research on the government's response to the refugee crisis in Slovenia shows that both in its action and rhetoric the government promulgated a security discourse that rhetorically vilifies refugees and practically fosters criminalization of migration (Ladič and Vučko 2016; Bajt 2016a; Pajnik 2016). Pajnik (2016) points out the oversimplification of migration in the media discourse, as migrants are described only as victims or threats. The media discourse follows "the discourse of the political actors oscillating between the alleged solidarity with migrants and viewing them at the same time as those potential culprits for the many problems in Europe" (Pajnik 2016, 63). Scholars elsewhere in the field of crimmigration see that a new European identity, often referred to as Fortress Europe, has been formed in opposition to other nations (outside of Europe). As a result, in almost all European nations over the last ten years, popular sentiment and government officials have attributed most of the social problems to immigration (Palidda 2009). The response to the refugee crisis in Slovenia is no different.

1.3 Background: The Government's Crisis with Refugees in Slovenia

In the fall of 2015, nearly 400,000 asylum seekers arrived in Slovenia en route to Europe from the Middle East. Escaping war, instability, and danger in Syria, Iraq, Afghanistan, Northern and Eastern Africa, these individuals traveled the so-called Balkan route, which included Slovenia after Hungary closed its border in the summer of 2015. Slovenia was woefully under-prepared to receive and accommodate refugees despite warnings from neighboring countries and relevant non-governmental organizations that the country's proposed reception plans were inadequate. As such, Slovenia's initial response to large numbers of refugees arriving at the borders included "deploying riot police, closing the border, detaining people in the Aliens Centre, and/ or holding them within guarded fenced areas" (Kogošek Salamon and Bajt 2016, 8). Eventually Slovenia developed a "humanitarian

corridor," as was already practice in Macedonia, Serbia and Croatia. Most people arriving in Europe do not wish to stay in Slovenia, meaning it is a transit country on the way to refugees' preferred destinations. The corridor meant that Slovenia would provide basic reception facilities and then allow people to continue their journey to Austria. According to the Slovenian non-governmental organization the Peace Institute, not even a month after a large number of refugees starting arriving to Slovenia, the government's narrative changed from one that at least talked about the humanitarian aspects of the crisis to one in which "the protection of national interests" and "security of people and their property" became predominant discourses (Kogošek Salamon and Bajt 2016, 8). Kogošek Salamon and Bajt (2016), editors of the Peace Institute's volume *Razor-Wired*, discuss both 1) the inhumane reception facilities in which people were forced to sleep outside in unhygienic conditions and freezing cold temperatures with little or no access to food and 2) the militarization and securitization of the border. Refugees were stranded in 'no man's land' ('between Croatia and Slovenia'); left on trains for hours at a time with no food, water, or medical assistance while they waited to be accepted at Slovenia's accommodation centers; and greeted at reception centers by demands to wait to register which often left people with no access to hot water, limited access to filthy toilets, and cold food provided sparingly (Mirovni Institut 2015a; Mirovni Institut 2015b; Mirovni Institut 2015c). Securitization and militarization became an increasing trend in Slovenia's response to refugees entering the country. Most notably, in October 2015 an amendment to the Defense Act was fast tracked through the government to give police powers to the army "to protect the state border if the security situation so required" (Government of the Republic of Slovenia 2015). And in November 2015, the government erected a razor-wire fence on the border with Croatia under the justification that it needed to "direct refugees" to the appropriate border crossings, though no illegal crossings outside the marked entry points had been reported and the arrival of refugees was already decreasing at the time the government began erecting the fence (Ladić and Vučko 2016).

When refugees protested against these conditions, they were on occasion tear gassed; when they sought to cross the border in places other than the checkpoint, which was leaving them abandoned in no man's land, they were detained (Ladić and Vučko 2016). Even when people were not detained, the government used fences as a method of restricting refugees' movement and access to humanitarian aid inside accommodation centers, and refugees were surrounded by police armed with teargas and weapons, creating a threatening environment and an impression of "an extraordinary security situation" (Ladić and Vučko 2016, 25). At reception and accommodation centers in Slovenia, police treated refugees with disrespect,

including yelling them in Slovenian, pushing them, and cursing at them (Ladić and Vučko 2016). The sheer inhumanity of the conditions that the government and authorities created for refugees upon their arrival at the Slovenian border suggests that neither the government, nor Europe, see refugees as equals.

Slovenia's response to the refugee crisis left refugees in a state of exception (Agamben 2005), a place where the de-facto practice became abandonment of established law and humanitarianism. The border is not only the boundary of the state, but also a demarcation of the boundaries of the nation. Borders are "a fortress, with rigid boundaries and borders that mark who belongs and who does not" (Razack 2008, 6). The state's reliance on de-facto detention and securitization parallels the state's expression of power through the creation of prisons, which Foucault (1977), in his work *Discipline and Punish*, explains always marked the moral and political boundaries of the nation. Taken together, incarceration and border patrol reveal that national identity is founded on systematic exclusion of groups and individuals. In this paper, I examine these spaces of exclusion using Foucault's concept of heterotopia.

2 Research Objective

States' first act as sovereign powers is to create a police force to protect borders and prisons to keep enemies (Bosworth 2009). Both draw the lines of a nation-state, where belonging fully to the nation begins and ends. Understanding both prisons and borders as what Michel Foucault deems heterotopias, other spaces that have a connection to all spaces, reveals an intimate connection between both institutions and nationalism. In this thesis, I examine two modern crises of the state, the mass incarceration crisis in the United States of America and the refugee crisis in Slovenia, and their relationship to the conception of the nation-state in these two nations. I will examine how prisons and borders are used as national tools to shape belonging and lack thereof.

This research is informed by work in criminology, immigration, cultural studies, and nationalism studies. Criminologists have tended to focus within the nation-state and, with notable exceptions (i.e. Bosworth et al. 2016 who put together a detailed volume on how citizenship and migration change our understanding of prison), have paid little attention to the relationship between prison and nationalism. The emerging field of crimmigration, again with exceptions (i.e. Bhui 2016), leaves analysis at an observation that immigrants are increasingly treated as criminals, without looking systematically for a connection between immigration, "being criminal," and nationalism. All in all, there is little research that explores the

connection between borders and prisons as systems (and spaces) of state social control. In this thesis I attempt to fill a small part of this hole by examining two states with vastly different nation-building projects and looking at how they create foreign and domestic "others" through the creation / use of heterotopias and the discourse of crime, war, and control. This research is heavily informed by Bosworth's work on prison and nationalism, which contends that "nations construct specific ideas about race and identity over time and those are in turn used to justify methods of social control" (Bosworth 2004, 223).

I seek to answer the following research questions: firstly, how did the discourse and policy that led to mass incarceration in the United States create the prison as a racially defined heterotopia? Secondly, what does the prison as a heterotopia reveal about the American national project? Thirdly, what were the predominant discourses used to discuss the refugee crisis in the fall of 2015 in Slovenia? How does discourse about the refugee crisis create the border as a heterotopia in Slovenia? What is the role of race, ethnicity and religion in this process? Fourthly, what does the border as an ethnically defined heterotopia reveal about the Slovenian national project? Lastly, what does this mean for the connection between these two systems of control with 1) each other and 2) the formation and foundation of the nation-state? Throughout this thesis, when I discuss the border I do not limit my analysis to just the geographical border of the state. Dorsey and Diaz-Barriga (2015) explain that in the United States the border is not an actual line but rather is an elastic, internal archipelago of immigration agents, detention centers, checkpoints, and suspended rule of law. The same is true of Slovenia, as reception centers, accommodation centers, and the entirety of the humanitarian corridor (to say nothing of the asylum centers where people wait for their case to be heard while in the country) operate as a border that follows refugees throughout the country. All of these spaces are part of what I refer to as the border. In answering these research questions, I intend to show that Foucault's concept of heterotopia is a useful theoretical frame for discourse analysis and studies of the nation-state.

3 Theoretical Background

3.1 Heterotopia

The basis of the theoretical framework that shapes my research is Foucault's concept of heterotopia, which I use as a guide for understanding the nation, detention, and borders. Foucault's heterotopia, as explained in his essay *Of Other Spaces*, is an exploration of spaces that have a direct or inverted relationship to other spaces in society (Foucault 1986; Ismail et al. 2017). He uses a mirror and the reflection seen in it as an example. A mirror is a placeless

place. It is both a real physical space and a space which, through reflection, "a person reconceptualizes his understanding of himself" (Ismail et al. 2017). A person understands what is being reflected (himself/ herself) through the reflection. The mirror helps us understand the relationship between two types of spaces that Foucault explains – utopias and heterotopias. Utopias are not real spaces but rather ideal spaces constituted by "present society itself in a perfected form" (Foucault 1986, 24). Heterotopias are real spaces that Foucault describes as "counter-sites" (Foucault 1986, 24). They reflect, represent, and juxtapose utopias. These places have a real physical location but are outside of all places. They are spaces that are both real and unreal, far away (either physically or because we cannot understand the experiences of them) and near (because they reveal something about the rest of the world around them). A prison for example, is both physically far from other spaces because it is walled-off and guarded and also experientially far away because most of us cannot understand what it means to be inside. At the same time, the existence of the prison, the people it contains, and the practices inside it reveal a truth about all of society and make it near to all of us. Heterotopias consequently shape our understanding of utopias. Foucault explains that "the present epoch will perhaps be above all the epoch of space. We are in the epoch of simultaneity: we are in the epoch of juxtaposition, the epoch of the near and far, of the side-by-side, of the dispersed" (Foucault 1986). In other words, the world is now about "different sites and our places in them" (Johnson 2016).

Foucault argues that heterotopias "have the curious property of being in relation with all the other sites, but in such a way as to suspect, neutralize, or invent the set of relations that they happen to designate, mirror, or reflect" (Foucault 1986, 24). In other words, heterotopias are "a range of different spaces that challenge or contest the space we live in" (Johnson 2016). So, a heterotopia is both real, as the space itself is real, and unreal, as it reflects and illustrates a utopia that is not real, at the same time. As I see it, we can here make a connection with Agamben's notion of oblivion, that real spaces lose their realness (absolve into oblivion) by being reflective of something unreal (Agamben 2005).

In his essay, Foucault outlines the various principles that constitute heterotopias. First, heterotopias are present in all human cultures and societies. Here Foucault talks about two different types of heterotopias, heterotopias of crisis, which he says existed in primitive societies but have disappeared, and heterotopias of deviation. Heterotopias of crisis were places where people were in a time of crisis, i.e. having experiences that were known to happen but supposed to happen "nowhere" (for example, adolescent girls experiencing menstruation, honeymooning couples having intercourse for the first time) (Foucault 1986,

24). They were simultaneously real places and not because they were removed, out of sight, nowhere. Foucault explains that these crisis heterotopias are being replaced by heterotopias of deviation, which are places "in which individuals whose behavior is deviant in relation to the required mean or norm are placed" (Foucault 1986, 25). Prisons and psychiatric homes are the clearest examples. He uses a retirement home as an example of a place in between a heterotopia of crisis and a heterotopia of deviation, because old age is an experienced crisis but it is also a heterotopia of deviation because idleness and leisure are deviant behavior in modern society (Foucault 1986, 25). I will explore how the border during the refugee crisis can also be understood as an intersection of these types of heterotopias, as refugees are in a time of crisis and their behavior (crossing borders and seeking asylum) is viewed as deviant. The second principle of heterotopias is that they are culturally situated, that is, that "a society, as its history unfolds, can make an existing heterotopia function in a very different fashion; for each heterotopia has a precise and determined function within a society and the same heterotopia can, according to the synchrony of the culture in which it occurs, have one function or another" (Foucault 1986, 25). We cannot understand and analyze a heterotopia outside of the culture in which it is situated. Third, "the heterotopia is capable of juxtaposing in a single real place several spaces, several sites that are in themselves incompatible" (Foucault 1986, 25). Foucault here uses the Oriental garden as an example, as it was a place that brought together many unassociated plants and objects and connected them. Fourth, heterotopias are temporally situated and "linked to slices in time" (Foucault 1986, 26). He discusses numerous examples, such as cemeteries which are a permanent place associated with disappearance (loss of life); museums, which accumulate time by collecting in order to represent all times and epochs in one space; and also places like fairgrounds which are completely temporal and impermanent. Heterotopias thus function according to different rules of time and are therefore also heterochronies. Fifth, heterotopias "always presuppose a system of opening and closing that both isolates them and makes them penetrable. They are generally not freely accessible to the public, and entry is either compulsory, as in the case of entering a barracks or a prison, or else the individual has to submit to rites and purifications. To get in one must have a certain permission and make certain gestures" (Foucault 1986, 26). And sixth, heterotopias relate to all other spaces in one of two ways. Heterotopias either "create a space of illusion that exposes every real space, all the sites inside of which human life is partitioned," or they "create a space that is other, another real space, as perfect, as meticulous, as well arranged as ours is messy, ill constructed, and jumbled" (Foucault 1986, 27).

3.2 Race Thinking

As another guiding theoretic principle, I use Hannah Arendt's concept of race thinking (Arendt 1973), explained and elaborated on by Sherene Razack (2008). Race thinking uses ancestry or descent (and its expressions in race, ethnicity, and often religion) to create social hierarchies and categorize people as deserving or undeserving. David Goldberg (1993) elaborates on four features of race thinking: the rhetoric of descent, claims of common origins, a sense of kinship and belonging, and the naturalization of social relations. Using this frame, Razack (2008) uncovers the hierarchy that terms like "American values" and "Canadian values" actually express. She explains, "these statements simply reinstall bloodlines through the idea that some groups have a greater innate capacity for rationality than others" (Razack 2008, 8). In Slovenia, blatant hate speech towards migrants, refugees, and Muslims spread on social media during the refugee crisis. When this blatant xenophobia, racism, and Islamophobia was called out, the messages changed to an anti-immigrant sentiment about protection of "the nation, 'our' language, culture, women," a contemporary tactic to disguise racism and anti-immigrant sentiment in patriotism and safeguarding the country (Bajt 2016a, 54; Bajt 2016b). Such rhetoric employs the standard orientalist logic of "Us, Europeans" being under attack by the cultural impurities of "Them, Muslims, Africans, and Middle Easterners." The narrative of anti-immigrant Facebook groups became predominately about creating distinction between Slovenians/ Europeans and refugees and protecting the "Slovenian nation" and/ or "European values." References to cultural differences create a racial hierarchy where culture becomes an immutable characteristic associated with a racial group. For Muslims, for example, Islam becomes a mark that a person possesses something innate that justifies expelling them from the political community (Razack 2008; Bajt 2008).

Edward Said's seminal work *Orientalism* (1979) not only establishes an Otherization of the East but critically details that the West's understanding of itself as "forward-looking," "progressive," "rational," etc. relies on the degradation of the East. The West is only rational and progressive in relation to what and who it deems barbaric and irrational. Bajt furthers that the very functioning of national institutions in the modern nation-state relies on an interdependence between the dominant nation and minorities who are "marginalized and excluded through the nationalist [and racist] logic of non-belonging" (Bajt 2016b, 52).

According to Arendt, race thinking becomes racism when it is used as a political weapon. The threat of racism and totalitarianism arises from the combination of race thinking and bureaucracy as a way to institutionalize racism, a connection Arendt explored in her

examination of imperialism (Arendt 1973). Jopkke (2010) marks the "re-ethnicisation of citizenship," as countries implement more rigorous and restrictive integration policies for migrants (such as mandatory integration courses, more rigorous language requirements, etc.) and sees a trend that "the ties of territory and socialization are downgraded while the ties of blood and descent are upgraded" (Jopkke 2010, 64). Bhui (2016) explains the application of such a theory to detention. His examination of race in the detention of foreign nationals and immigrants explains the political process of racial marginalization, subjugation and exclusion. He argues, "xenophobia and racism start with fears emanating from a variety of uncertainties and insecurities (e.g. economic, social, cultural), and not knowing how to deal with those feelings; the next stage is the identification of the 'other', the repository for that fear; then comes the stage of dealing with the concretized feeling, embodied in human form (e.g. the asylum seeker, the Jew, the foreign prisoner); the best way to do that is to exclude, and this is where detention and deportation become important" (Bhui 2016, 275). Racial otherness and prison are linked in complex and lasting ways (Foucault 1977; Hurtwitz and Peffley 1997; Bosworth 2004; Bosworth 2009; Alexander 2010; Bosworth et al. 2016). Bosworth (2004) looks at how historical conceptions of race determine how a state defines the Other and then incarcerates people who meet that definition. In other words, nations construct specific ideas about race, identity, nation-building and nationalism, and those conceptions are then used to justify methods of social control. A nation's ideas of race, difference, Other, and belonging play into strategies of how to shape and respond to crime and often legitimize the institution of prison. Bosworth examines historical and contemporary notions of race in France, England, Wales and the United States in order to explain the prison population in each state. Rather than merely documenting the over-representation of racial minorities and foreigners in prisons across the Western world, Bosworth critiques the structures of race and punishment that she says are rooted in colonialism and slavery. In other words, "the rise of the prison was part and parcel of the building of the early modern state…" (Wacquant 2010, 45). Race thinking and securitization are an integral part of the nation-state. Franz Fanon's essay (1967) on imperialism's lasting psychological effects explains that "racist demonization of colonial subjects is necessary to maintain the justification for colonial oppression" (Bhui 2016, 269).

It is the *feeling* of fear, which is over-exaggerated, that justifies the state's disproportionate response. Feelings are more relevant than actual socioeconomic analysis (Bhui 2016). Post-9/11, Arabs and Muslims are not individuals but rather "understood only as a group with the group characteristics of violence" (Razack 2008, 33). Evidence of

wrongdoing becomes less important than the belief that "they" are different from "us" and pose a threat to "us." Razack (2008) illustrates this reality in her description of Canadian security certificate procedures. The procedures look not for actual wrongdoing but instead evidence of 'extremist ideology.' "The 'crime' in security cases is not a crime but something born in the blood or the psyche, a hidden indicator of a latent capacity to be violent" (Razack 2008, 35). Islamic extremism for Muslims and 'the criminal element' for African Americans is, in this way, depicted as someone's very essence, which can show itself at any point in time.

When race thinking and bureaucracy are combined, race thinking becomes an organizing principle of society, not just a prejudice. The result is a securitized state, a racial hierarchy "maintained without requiring the component of individual actors who are personally hostile towards Muslims [and other minorities]," and scores of people who are cast out of the political community through legal and bureaucratic means (Razack 2008, 9). In the War on Terror, race thinking makes us accustomed to the suspension of rights for security; and in the War on Drugs, it makes us accustomed to the suspension of rights for safety. It is a legally guided principle, which means claims of rule of law, secularism, and rationality are all valid and bolstered by the legal exclusion of others resulting from race thinking. Race thinking, in this way, justifies the existence of a permanent state of exception (Agamben 2005; Razack 2008).

An important part of the Orientalist frame in the post-9/11 world is the "good Muslim/ bad Muslim" discourse. It sets secular, Western-influenced Muslims apart from "pre-modern" ideological Muslims and makes the West the rational determiners of who falls into which category. Bad Muslims require incarceration and military action, but good Muslims can be "assisted into modernity" (Razack 2008, 49). This sorting of good versus bad fulfills the West's belief in its own civility and humanity since it provides people the opportunity to be sorted into good aliens and bad aliens (Engle 2004). However, to be sorted into the "good" and acceptable category, a Muslim needs first to accept the Orientalist logic of being sorted by default into these categories – a logic which misrepresents entirely his/ her own history, culture, and people – and then demonstrate to the West his/ her patriotism and appreciation (Engle 2004). Razack (2008) therefore argues that the possibility of being labeled as "good" is increasingly closed off for all Muslims, and the collective punishment of minorities is deemed necessary for protecting the West's way of life. The depiction of Muslim men as dangerous "monster terrorists" legitimizes the necessity of the culture of control. Similar race logic is seen in the white perception of blacks in the United States. The incredible success of

a few people is used to paint success as an individual responsibly, therefore enabling ignorance of larger systemic racism that maintains a racial under caste (Entman 1990; Alexander 2010). The American discourse around welfare, poverty, and crime reveal that race thinking is the predominant metric of delineating between the deserving and undeserving poor through racial depictions of welfare recipients and drug offenders (Hurwitz and Peffley 1997; Gilens 1999; Gilliam and Iyengar 2000; Alexander 2010).

Race thinking "usually comes clothed in an 'aura of rationality and civilization'" (Razack 2008, 9). When we look for signs of racism, then, we have to look for evidence of the state arguing that it must protect itself from people who do not have the same values, ideals, and virtues (Razack 2008). Silverbatt (2011) notes the bounded nature of race thinking in a world organized by nation-states and explains that "nationalist ideologies… have veiled our origins in a globalized, hierarchical world—and as a consequence, have veiled our origins in race thinking" (Silverbatt 2011, 132). That is to say, race thinking has always been a nation-building project. Gilroy (2000) importantly expands that race thinking combines with nationalism to create a "biocultural kingroup" that securitizes and militarizes itself to protect against racial and cultural others. As explicit racial discrimination becomes unacceptable, Bhui (2016) notes a shift towards culturally based discrimination (notably, anti-Muslim) and the rise in discourse that minorities present a threat to "our" culture. In the same way, Alexander (2010) points out that discrimination and exclusion of African Americans persists despite the unacceptability of explicitly racist language. She explains, "rather than rely on race, we use our criminal justice system to label people of color "criminals" and then engage in all the practices we supposedly left behind" (Alexander 2010, 2).

Using examples of both military prisons and the domestic prison industrial complex, Gordon (2006) explains that race thinking not only determines who becomes a prisoner but also forms the prisoners as part of "an inferior race in and of themselves" and the guards and everyone who participates in the practice of their incarceration and inferiority, "become the superior race" (Razack 2008, 61).

4 Research Methodology

I rely on discourse analysis to analyze the language used to discuss the refugee crisis and the incarceration crisis in Slovenia and the USA, respectively. Specifically, I follow the theoretical assumptions of critical discourse analysis, a methodology that "relates structures of discourse with structures of society" (Van Djik 1985, 135). Critical discourse analysis assumes a dialectic relationship between discourse and other aspects of society (Jorgenson

and Phillips 2002). In other words, discourse both creates and reflects the relationships and structures of society.

While news media is not the only possible source for discourse analysis, I choose the news media (i.e. as opposed to social media) because of its connection to government and state sources. From the twentieth century, the media has increasingly adopted the discourse of the political elite. Beckett (2000) explains that fact-gathering in the media has become a reprinting of information promoted by government officials. Pajnik (2016) too notes a turn in the twentieth century where media "became the space for elites to show power to the people" (Pajnik 2016, 64). Discourse operates and is given meaning largely for the maintenance of social order and existing power structures, and Foucault (1977) assesses that "power is productive and constitutes discourse, knowledge, and bodies" (Jorgensen and Phillips 2002, 13). In other words, discourse is both constitutive and constituted. The media's pursuit of 'objectivity' leads to a reproduction of the frame of those in power, and, consequently, that frame is propagated (Beckett 2000). Pajnik (2016) gives a salient example of the refugee crisis in Slovenia: "if the Prime Minister says migrants are a threat that needs to be controlled... the media follow and repeat the speech: migrants are a threat" (Pajnik 2016, 65). Analyzing the media discourse reveals power structures, not only those being (re)shaped through discourse but also those already in place.

Since discourse creates unequal power relations, vis-a-vis ideology, critical discourse analysis is, by its name, critical, meaning it sets out to analyze power relations. My analysis is not objective or value-free, but rather I intentionally critique the systems of social control reflected, created, and reproduced in the media discourse. Van Djik suggests, "…critical discourse analysis should deal primarily with the discourse dimensions of power abuse and the injustice and inequality that result from it" (Van Djik 1993, 252). Therefore, I begin with an explicit acknowledgment that both the border regime in Slovenia and the penal regime in the United States are systems of racial social control. By using Foucault's concept of heterotopia to analyze both spaces, I attempt to understand the assumptions of and justifications for such systems and what they say about the nation-state and national identity in these two countries.

My research is comparative; I look at two nations with vastly different conceptions of national identity and at two different spaces (the border and the prison). I note MacLure's point that discourse analysis is not intended "to get the text to lay bare its meaning (or its prejudices), but to trace some of the threads that connect that text to others" (MacLure 2003, 43). My investigation looks specifically at the continuities between discourse about crime and

about asylum seekers and between prisons and the border. Different countries could have been chosen for this analysis. In all Western countries, racial minorities and foreigners make up a disproportionate percentage of prison populations (Bhui 2016), and Slovenia was not the only country to respond to mass migration with militarization. I chose Slovenia and the United States so I can present the most holistic analysis because they are the two countries with which I am the most familiar.

I follow Fairclough's (1992) model of discourse analysis, which breaks discourse analysis into three parts. According to Fairclough's model, discourse analysis should focus on: "(1) the linguistic features of the text (text), (2) the processes relating to the production and consumption of the text (discursive practice); and (3) the wider social practice to which the communicative event belongs (social practice)" (Jacobsen and Phillips 2002). All three levels should be included in a particular discourse analysis.

Text analysis focuses on linguistic features, such as vocabulary, grammar, and syntax. The analysis of discursive practice is an analysis of how discourse is used. It focuses on how both authors and consumers of a text draw on other existing discourses to create or interpret the text being analyzed. And, lastly, analysis of the wider social practice must entail investigation beyond discourse analysis. Therefore, I rely not on only on linguistic textual analysis but also on macro-sociological work in the fields of criminology, nationalism, and cultural studies, namely that of Michel Foucault, Mary Bosworth, Michelle Alexander, Hindpal Singh Bhui, and Veronika Bajt. The model is not rigid because we cannot separate the linguistic features of the text, its production and interpretation, and its place within a wider social context. Jacobsen and Phillips (2002) draw from Fairclough's work to explain: "The relationship between texts and social practice is mediated by discursive practice. Hence it is only through discursive practice – whereby people use language to produce and consume texts – that texts shape and are shaped by social practice. At the same time, the text (the formal linguistic features) influences both the production and the consumption process" (Jacobsen and Phillips 2002, 69). In my analysis, I look for predominant discourses, or what Fairclough (1992) calls orders of discourse, that are used to talk about refugees and the refugee crisis in the selected news articles (which Fairclough would term communicative events). The relationship between the orders of discourse (themes) and communicative events (news articles) is dialectical, that is, the news articles draw on a specific theme and at the same time constitute that theme. For instance, when the articles use nationalist discourse, they also take part in defining nationalism.

First, I rely on the discourse analyses of other researchers to analyze prisons as heterotopias because there has been a significant amount of work done to analyze the discourse related to the War on Drugs. Using secondary sources allows a greater breadth of material. Second, I conduct my own discourse analysis of all articles about the refugee crisis produced by the Slovenian Press Agency in October and November 2015. Altogether, I analyze 965 articles. I chose news articles from this outlet because the Slovenian Press Agency is the predominant source of news for mainstream media in the country. Moreover, the outlet summarizes and reprints popular news articles from mainstream sources across the political spectrum (*Delo*, *Večer*, *Dnevnik*, *Reporter*, *Finance*, *Mladina*). Lastly, the Slovenian Press Agency prints all of its articles in English, which was necessary for me to conduct a discourse analysis given that Slovenian is not my native language. I integrate linguistic analysis and analysis of discursive practice together in the discourse analysis of each crisis (mass incarceration and the refugee crisis) and then specifically focus on analysis of social practice in the discussion sections where I directly apply Foucault's concept of heterotopia to prisons and the border.

5 Part I: Mass Incarceration and Heterotopia

I begin my exploration of heterotopia by looking at mass incarceration in the United States. I will explore how prisons as a heterotopia reveal the national character of the United States and how that character is intimately connected with race. Firstly, prisons are a direct representation of state power (Foucault 1977). I believe that looking at the U.S. prison system through the lens of heterotopia creates a space to explore nationalism and nation-building. The nation is a political utopia, and prisons reveal a dark side of the reality of such a utopia. I will begin by making the case for the connection between prisons and nationalism, using a large amount of analysis from Mary Bosworth (2009) in her book *Explaining U.S. Imprisonment*. Then, I will look at various discourse analyses of the War on Drugs and creation of mass incarceration as a way to better understand the racial construction of the prison system and nation-state. Here I rely heavily on analysis by Michelle Alexander (2010) in her book *The New Jim Crow: Mass Incarceration in an Age of Colorblindness.* Next, I will explore how the figurative War on Drugs turned into a literal war against inner cities and African Americans to understand the explosion of the prison system and its tie to making enemies of citizens. Lastly, though Foucault (1986) himself already uses prison as an example of a heterotopia in *Of Other Spaces*, I will explain how the prison is a heterotopia and what that says about the nation-state as a utopia. The central tenet of my analysis is that

the U.S. penal system is a system of racial and socioeconomic control (Foucault 1977; Bosworth 2009; Alexander 2010) and that examining the prison through the lens of heterotopia reveals that system. The creation of the prison reflects predominant racist and nationalist thinking and juxtaposes the national ideal of self-sufficiency, individualism, and racial equality. Prisons are a nation-building project, and the mass incarceration crisis is nation defining.

5.1 History of American Prisons

There are many ways to understand prisons as an expression of national identity. Bosworth (2009) provides a few poignant examples to demonstrate that prisons have always been part of the national project. For example, political prisoners including POWs from the Revolutionary War through the War on Terror have been held in domestic prisons and camps later converted into prisons. People who disagree with the national expression of power, including conscientious objectors and individuals deemed a national security threat, are put into prison. By locking up those who are directly against the national project, either ideologically or in combat, prisons are a direct tool of sovereign power. Foucault's (1986) explanation that heterotopias "have the curious property of being in relation with all other cites" (Foucault 1986, 24) makes sense as the nation itself relies on prisons for its wars, be they literal military conflicts or metaphorical wars launched for domestic social control and restriction of rights. Bosworth (2009) provides numerous other examples of the connection between prison and the national project. For example, in the mid-1940's, women's prisons taught classes in nationalism, or "Americanization," as a way to teach proper American behavior. Well known cases like internment camps for Japanese Americans (as well as Austrian, German, and Italian Americans) while the United States was fighting a war with Japan and the Third Reich show the racial and ethnic construct of such a national project. These individuals were labeled as internal enemies and their movement and rights were restricted (Bosworth 2009). According to Foucault (1986), heterotopias are culturally situated. The prison as heterotopia of deviation in the United States is a racial system of control, which Alexander (2010) argues is used to maintain a black under-caste in American society. Following the emancipation of slaves, prison became the tool through which slavery was perpetuated in the United States. Arbitrary laws, such as vagrancy laws, were enforced selectively against black former slaves, and they were put in prison to do slave labor in often worse conditions that slavery itself (Alexander 2010). Michelle Alexander (2010) and Bosworth (2009) trace racial systems of control throughout American history, eventually

arriving at mass incarceration as the modern system of control used against African Americans. Incarceration is connected to slavery by a straight line. A black under-caste has always been part of the American nation, and being black in and of itself is seen as a deviant behavior warranting incarceration. Control of crime and drugs became the predominant language used to justify mass incarceration following slavery.

5.2 Discourse Analyses of the War on Drugs

The stereotypes of black people as aggressive and dangerous go all the way back to the Reconstruction era when former slave owners, no longer in direct contact with slaves and thus not able to supervise and discipline them, became fearful of a mass insurrection. Alexander (2010) explains, "whites feared that an angry mass of black men might rise up and attack them or rape their women" (Alexander 2010, 28). However, after the success of the Civil Rights movement, reactionary thinkers and leaders could no longer use explicitly racist language to enact policies that created racial inequality. Instead of "segregation forever," the call became "law and order," and the system of control imposed on African Americans became officially race-neutral (Alexander 2010, 40). Southerners first used this discourse of law and order in the 1950s in response to the Civil Rights movement. They portrayed the Civil Rights movement as a breakdown of law and order and civil rights progress was deemed "rewarding lawbreakers" (Alexander 2010, 40). They argued that the Civil Rights movement was a leading cause of crime in the United States and that protests were criminal rather than political. Politicians referenced black unlawfulness and the need for policies to combat it. The following are a few examples: Barry Goldwater's election announcement: "Choose the way of the Administration and you have the way of mobs in the street, restrained only by the plea that they wait until after election time to ignite violence once again" (*New York Times* 1964); a quote from Senator Robert Byrd: "If (blacks) conduct themselves in an orderly way, they will not have to worry about police brutality" (*U.S. News and World Report* 1967); and a quote from former presidential candidate George Wallace: "The same Supreme Court that ordered integration and encouraged civil rights legislation" is "bending over backwards to help criminals" (Beckett 2000, 34). It was plainly admitted by Republican strategists that they were attempting to break any alliance between blacks and working class whites by appealing to racism among white voters. President Nixon's campaign team acknowledged "go(ing) after the racists" for votes and that a "subliminal appeal to the anti-black voter was always present in Nixon's statements and speeches" (Ehrlichman 1970, 233). Republican strategist Kevin Phillips (1969) described "building a Republican majority by

campaigning based on coded anti-black rhetoric" (Phillips 1969; Alexander 2010, 44). This strategy remained through the 1980's and was adopted by the Democrats in the Clinton era (Alexander 2010; Alexander 2016).

Numerous discourse analyses of the War on Drugs explain its racial subtext. Pictures of and stories about black "welfare queens" and "predators" accompanied articles about the War on Drugs and crack (Entman 1990; Entman 1992; Entman 1994; Gilens 1999; Gilliam 2000) including at-that-time First Lady Hillary Clinton's comments about inner city kids that "they are not just gangs of kids anymore… they are super-predators" (Alexander 2016, 14). Katherine Beckett does an extensive analysis of crime, drugs and race in her book *Making Crime Pay: Law and Order in Contemporary American Politics* (2000). Her analysis examines the impact of official sources (elites, government officials) on shaping crime news between 1964 and 1974 and drug-related news between 1985 and 1992, at the height of the War on Drugs. She analyzes the *New York Times, Washington Post,* and *Los Angeles Times* in that time period. Beckett outlines four interpretive packages for understanding crime in the media. The first frame, 'respect for authority,' portrays law as having "broken down because individuals are not being held responsible for their behavior" (Beckett 2000, 66) and emphasizes the importance of respecting law and order and enhancing law enforcement. The second frame, 'balance needs,' portrays a "need to respond to the fear of crime while simultaneously addressing its causes" (Beckett 2000, 67), which means increasing law enforcement in the short term "so people can live safe and secure lives" but "long-term solutions, aimed at addressing the deeper causes of crime, are also needed" (Beckett 2000, 67). The third frame 'civil liberties under attack' focuses on violations of civil rights and due process and was sponsored largely by lawyers and civil rights activists. And last, 'poverty causes crime' focused on the socioeconomic causes of crime and reducing socioeconomic inequality. Beckett outlines the following as interpretive packages for drug-related news stores: get the traffickers, zero tolerance, need more resources, and war fails. The first, 'get the traffickers,' emphasizes preventing drug-traffickers "from harming our people, especially our young people" (Beckett 2000, 72). The 'zero tolerance' frame makes drug users criminals, not victims. She cites an example: "Drug abuse is not a so-called victimless crime… (T)he victims of this terrible crime… are countless. They're the people beaten and robbed by junkies. They're the people who pay higher insurance rates because of such robberies. And they're the people who pay higher prices for good of all kinds because drugs in the workplace have undermined worker productivity. The victims of drug abuse, in short, are you and me, our friends, our families – all Americans" (Beckett 2000, 72). Society

became victim writ large, in need of protection enforced by incapacitation (Bosworth 2009). The third frame, 'need more resources,' emphasizes that the government needs a sufficient number of resources to fight to the War on Drugs and includes stories about "how to ensure politicians live up to their commitment to fighting drugs" and "about the administration's unwillingness to commit (enough) funds" (Beckett 2000, 70). And lastly, the 'war fails' frame is the counter-frame to increased policing. It asks whether "the prohibition of drugs and tough law enforcement lesson or increase the harm caused by drugs" (Beckett 2000, 73) and talks about root causes, civil liberties, socioeconomic status, and health. For crime news stories, Beckett finds a "near hegemony of the 'respect for authority' package in the news" (Beckett 2000, 76). She shows that state-sponsored media (meaning news items that were directly attributed to a federal government official) were more likely to use this 'respect for authority' frame, which Beckett says explains its predominance. In drug-related stories, 76 percent of the stories were state-sponsored and 'get the traffickers' and 'zero tolerance' were the predominant frames. State-sponsored news was significantly less likely to use the 'war fails' frame. Beckett concludes: "First, crime- and drug- related news stories drew heavily on official sources. Second, officials were able to promote favored issue frames through the mass media and thereby affect the framing of crime and drug issues in the news" (Beckett 2000, 77).

Importantly, from the end of the Civil Rights Era through the present, politicians still paid lip service to racial equality and civil rights, despite coded language and systematic voting against racially progressive policies. The reference to crime, as is evident above, was on the surface "race-neutral" though it tapped into the anti-black frustration of white people across the country. Entman (1990) outlines various components of modern racism (one, "anti-black affect," a general white animosity towards blacks; two, resistance to political demands made by black people; and three, belief that discrimination no longer inhibits black achievement) and local television news' contribution to them. He explains that the portrayal of blacks in local TV news "stimulates whites' animosity toward blacks" and "TV's constructions of black political activities bolster … opposition" (Entman 1990, 332). Importantly, he explains that the tactics and images used to suppress old-fashioned racism may in fact sustain modern racism. He points to black journalists being used as authority figures in reporting about African Americans on TV, and Alexander (2010) explains the same phenomenon by pointing to Oprah Winfrey and Barack Obama, that the colorblind rhetoric "afforded the racial nature of … coded appeals a certain plausible deniability" (Alexander 2010, 48). The news media contributes to racism in the United States by "reinforcing

impressions of blacks as overly demanding and undeserving" (Entman 1990, 335). Further, the news media portrays black crime suspects and white suspects differently. In his study of local Chicago news, Entman (1990) finds that television news reports about crimes committed by a black person with mug shots and footage of them being taken into custody, while those tactics are not used to report on crime committed by whites. Entman believes part of this bias can be a class bias, but class bias compounds and contributes to modern racism. Crimes with black suspects and white victims were also covered more than other crimes, and whites' perspectives of events dominate stories. Crime reporting makes black people look particularly threatening (Entman 1990). Network news is less likely to offer any pro-defense sound bites when the suspect is black as opposed to white and stories are more likely to show black people engage in drug-related activity than white people (Entman 1994). Local TV news is more likely to report violent crime with African American suspects than non-violent crime with African Americans suspects or violent crime with white suspects (Gilliam and Iyengar 2000), and there is a predominant "us versus them" narrative of suburban white America against black drug users in television news (Jernigan and Dorfman 1996). Across the news, "there is a dearth of blacks in stories that have their central theme either blacks as positive contributors to American society, or blacks as human beings whose racial identity is incidental" (Entman 1994). As has been repeatedly found in discourse analysis, the discourse of crime and drugs is fundamentally about race, even as the media and political elite claim race neutrality and non-discrimination. Gilliam and Iyengar (2000) use a social psychology approach and find that a majority of participants in their research who watched a crime report that did not include a suspect (which is usually a typical part of the crime-report script) falsely recalled a perpetrator being in the story and that perpetrator being black. A 1995 survey found that when asked to picture a drug user, 95 percent of Americans pictured an African American, despite the fact that the majority of drug users are white (Burston et al. 1995).

It is in the race-neutral creation of a system of racial control that the relationship between prison as heterotopia and the national utopia is most clearly demonstrated. At the same time that the government and society at large lauded racial equality, prisons were filling with black people targeted by the police and charged with low-level crimes. The progressive, racially equal society that existed in the national utopia was instrumentalized to create a criminal justice system and prisons that in reality inverted such a utopia.

5.3 Drugs and Crime: All Out War

Since the first prisons in the early 1800's, prisons in the United States were explicitly a national project. They were thought to embody the brute strength of the state but also its wisdom and humanity (Foucault 1977; Bosworth 2009). From the onset of the crisis of mass incarceration, they more often embodied the former. There is a vast amount of research documenting the militarization of the U.S. criminal justice system. Both in discourse and in action, war and defense became the justifications for the system of incarceration. The rhetoric of war was employed for domestic issues like drugs and crime, and through the War on Drugs, drugs and drug users became "public enemy number one" (Nixon 1971). Crime was shaped as a threat to national security as real as any foreign threat and combating it became a national and patriotic call. The threat of crack cocaine in the inner city specifically was sensationalized in the media. In the 1980's, the war on drugs was reported as out of control, 'an epidemic,' and especially dangerous (Reinarman and Levine 1995; Alexander 2010). The government pursued a discourse of loss of control of the crack problem, and the media followed suit. Consequently, the public viewed those who the media portrayed as responsible (black inner city Americans) in the same light (dangerous, dirty, out of control).

For the media, "crack was the hottest combat reporting story to come along since the end of the Vietnam War" (Stutman 1992). References to war were cited in Supreme Court justices' opinions, Congressman and presidential candidates used the language of war in their political speeches, and the media invoked the language of combat against cities and their residents. The following are a few examples. First, Justice Stevens dissents in *California v. Acevedo:* "…On the contrary, decisions like the one the Court makes today will support the conclusion that this Court has become a loyal foot soldier in the Executive's fight against crime" (*California v. Acevedo* 1991) Second, in the early 1980's, the National Security Decision Directive made drugs "a threat to U.S. national security" (Alexander 2010, 77). Third, the racist media narrative fueled the perception of a real war. Jimmie Reeves and Richard Campbell (1994) conducted a comprehensive study of media narratives surrounding the use of cocaine and crack at the start of the War on Drugs. They find that the media narrative drastically changed from one about white drug users with rehabilitation facilities and personnel as experts to a siege narrative about black users with law enforcement as experts peddling a law and order narrative.

In order to "make the rhetorical war a literal one" (Alexander 2010, 74), the United States government has spent massive amounts of money to give weapons to state and local police. At the beginning of the Reagan administration, anti-drug funding skyrocketed in all

drug related federal agencies and in the Department of Defense. In 1981, the Military Cooperation with Law Enforcement Act was passed to give police access to military bases, intelligence, and weapons to fight the War on Drugs. Aircrafts, Blackhawks, Huey helicopters, M-16 rifles, grenade launchers, night vision goggles, tanks, and bazookas were all offered and given to state and local police to wage the War on Drugs (Towhey 2000; Egan 1999). SWAT teams conducting military-style raids became the go-to method for searching a property and making a drug-related arrest. Alexander (2010) describes the grueling details of such raids: "…police ransacking their homes, handcuffing children and grandparents, putting guns to their heads, and being verbally (and often physically) abusive" (Alexander 2010, 75). Police are granted an incredible amount of discretion in the United States, and "few legal rules meaningfully constrain the police in the War on Drugs" (Alexander 2010, 61). Bosworth (2009) makes the connection to war and nationalism explicit, drawing parallels between drug-era raids and police confiscation of property with victorious pillaging of towns in pre-modern warfare. During the Reagan era, militarization of the police became law. Once started, this blurring of lines between the military and the police only continued under subsequent administrations, and lack of control of the "criminal element" and "the drug problem" portrayed in the media made measures of control of African Americans more easily accepted as the appropriate response.

The black criminal label is key to making the system of social control work. "It was the conflation of blackness and crime in media and political discourse that made the drug war and the sudden, massive expansion of our prison system possible" (Alexander 2010, 207). Indeed, Wacquant (2010) argues for a change in terminology regarding the U.S. penal system, from mass incarceration to *hyperincarceration*, which more accurately shows that incarceration and penal control are not "far flung and wide across social and physical space" but rather are "finely targeted" against lower-class black men in the ghetto (Wacquant 2010, 41). In his examination of the concomitant scaling back of the welfare state and scaling up of the penal state, he sees these policies as driven not by crime or poverty rates, but rather by "a politics of resentment toward categories deemed undeserving and unruly…" (Wacquant 2010, 35).

The logic of race thinking, when it becomes an organizing principle of society, creates a securitized state that is upheld without individual acts of blatant racism (Razack 2008). Black people are cast out of the political community legally and bureaucratically, and dissent is lax because of the racially framed reporting of drugs and crime. Once a felon, they face further marginalization and stigmatization in society. Wacquat (2000) coins the phrase

"closed circuit of perpetual marginality." Once convicted of a felony, often for low-level drug crimes, a person is marred with that label for life. They are barred from civic participation through voting and serving on a jury; restrictions are placed on their travel and associations (for example, prohibiting any association with another felon); they are discriminated against for housing, employment, welfare programs, professional licensing; and they are required to meet stringent guidelines for probation and parole, and if they fail to meet any of those requirements, they are sent back to jail (Wacquant 2000; Hull 2006). Even if they are not sent back to jail, formerly convicted drug criminals face paramount limitations of full participation in society. It is in the cycle of marginality that we can fully understand the racial relationship between prison as heterotopia and the state as utopia. The heterotopia reflects the race thinking of society at large and is created in that image. Consequently, it invents relationships with all spaces in society that reinforce the original designation. The deviants in the heterotopia are racial, not criminal. But becoming criminal marks them as deviant, thus stuck in the space of opening and closing, in and out of society and prison.

The rhetoric of war employed in the government response to crime and drug use in the United States shows clearly the racialized nature of American national identity. Arendt's (1973) concept of institutionalized racism, as the combination of race thinking and bureaucracy, depicts the national project of the Drug War.

5.4 Discussion: The Racial Heterotopia and Utopia

Foucault cites prisons as an example of heterotopias in his original lecture on the topic. Nonetheless, I will go through the principles of heterotopias that he outlines in order to better interpret the connection between prisons and the national utopia. Firstly, heterotopias are present in all societies, and prisons are the prime example of heterotopias of deviation. However, analyzing the War on Drugs reveals that prisons are not only places for people who are deviant in terms of the law but also who embody an affront to the national character. Throughout American history, the imprisoned enemy was racial. During the Reagan era, in the heat of the War on Drugs, criminals become unidentified, unspecific, black "others" threatening the law abiding white "us". The prison and those it holds have a direct relationship to the state. They are a public enemy, un-American, and "deserved to be excluded" (Bosworth 2009, 154). As such, race thinking is maintained as an organizing principle in society through the use and expansion of prisons.

The second principle is that heterotopias are culturally situated. That prison became the "new Jim Crow" (Alexander 2010) or system of racial social control for African

Americans is connected specifically to the racial and economic history of the United States. The American fear of black unlawfulness drove the political project of mass incarceration and America's reliance on its prisons as tools of war. There is a direct connection between prison and national identity. In her discussion of the connection between race and punishment in the United States, Bosworth (2009) notes that while the U.S. has a heterogeneous model of nation-state, this means that citizens are asked to differentiate themselves as members of certain groups (African Americans Native Americans, Indian Americans, Italian Americans, Muslim Americans). As a result, "color, language, economics, and nationality act as seemingly impermeable barriers… keeping people not just in different categories in statistical instruments, but in different, jobs, houses, and schools" (Massey and Denton 1993). According to Bosworth, the U.S. emphasis on identity policies means difference becomes fixed and color becomes a determining characteristic of identity. The War on Drugs then equates race and criminality. It is racial stigma that makes African Americans more likely to be criminals, and "the process of making them criminals has produced racial stigma" (Alexander 2010, 197).

By analyzing the War on Drugs, we can understand the third principle of heterotopias, that they are "capable of juxtaposing in a single space, several spaces, several sites that are in themselves incompatible" (Foucault 1986, 25). Citizenship and enemy are generally two disconnected identities. However, through the War on Drugs, they become comprehensible and one in the same. The crisis of mass incarceration came to be through the creation of a nationalist crisis and war. As such, even American citizens in prison became enemies of the state. The utopian ideal of American citizenship pursued by those in power is thus narrower than the formal title of citizen, because black victims of the War on Drugs are clearly not entitled to the full benefits of citizenship. This reality is clear with an examination of disenfranchisement laws, welfare restrictions, employment discrimination, and a countless other barriers to full-fledged citizenship erected for anyone convicted of a drug crime.

The fourth principal of heterotopias says that they have a unique relationship to time. The American prison is a heterotopia connected to the loss of time. Prisoners in the United States spend incessantly long periods of time behind bars, particularly as a result of War on Drugs era sentencing reforms (Alexander 2010). Further, prison represents an inner heterochrony where prisoners lose all control over their own time and are subordinated into following the rigid and punitive scheduling regime of prison guards and government regulation. Finally, they face a lifetime of second-class citizenship that a drug conviction

guarantees. As such, who is in prison and for how long becomes a statement of American sovereignty.

Fifth, heterotopias have a system of opening and closing, and as Foucault explains using prisons as an example, entry and exit may be compulsory. The prison has stringent opening and closing restrictions. For prisoners, entry and exit into the entire institution are required but also access to any particular area within the prison is either prohibited or compulsory. Heterotopias are both isolated and penetrable, and the opening and closing restrictions also apply to anyone visiting or working in the prison. To enter or exit, they must have permission and adhere to certain procedures. The isolation of the prison allows it to draw "its legitimacy from the threat it poses to lawbreakers and the security that it promises to victims" (Bosworth 2009, 189). This security is not only a physical security. The crafting of the system of mass incarceration has created an emotional security, wrapped in calls for safety and patriotism as well. The construction of the racial, criminal other in the media and through government action has led to oversimplification of prisoners as "the worst of the worst" (Rieter 2016). The discourse of war makes prisoners traitors, political enemies, "outside the national polity" (Bosworth 2009, 130). As such, prisoners are not seen as ordinary people, and society outside of prison distances itself from those in prison, even though prison has become an increasingly common reality for African Americans. The prison is known about and physically near, yet it remains distant. It is both near and far.

The sixth principle of heterotopias is that they relate to all other spaces. The prison as a national, racial system of control enables the discourse on the progressive, efficient, super-power, colorblind American nationalist utopia. For example, the economic advancement of the nation, historic and modern, is tied to prison. Following slavery, the nation literally relied on black prison labor in the form of convict leasing to build its post-slavery infrastructure. In modern times, incarceration allows a faulty belief in economic advancement. The imprisonment of poor, African Americans enabled claims of employment and economic gains in the Clinton era. The widely held belief that for all the tough-on-crime policies, at least the Clinton era created higher employment for black Americans inverts the reality that "young black men weren't looking for work at high rates during the Clinton era because they were now behind bars—out of sight, out of mind, and no longer counted in poverty and unemployment statistics" (Alexander 2016, 14). The prison, in its perfected control of African Americans (not just behind bars but also on the streets through policing and after serving time through disenfranchisement) exposes the nation's racist structure and juxtaposes the race-neutral, racially equal utopia. The connection between the prison and the formation

of the nation state is racism in Arendtian form – race thinking (belief in inferiority) and bureaucracy combined.

There is an intimate relationship with the (physical and emotional) structure of American society and incarceration. The American utopia relies on prison as a heterotopia in order to shape the non-existent but sought after American dream, of colorblindness, progress, safety, liberalism. Of course, the very existence of the prison as heterotopia undercuts and inverts this perfected society.

6 Part II: The Border as a Heterotopia

As a way to understand the response to the refugee crisis and the creation of what I will argue is a heterotopia at the border, below are the results of my discourse analysis of the Slovenian Press Agency's reporting on the crisis in the fall of 2015. I find three predominant discourses: a discourse of management and control, a discourse of crime, and a discourse of war. In all three, there is a (ethno-religious) subtext of exclusion. The results are presented below.

6.1 Results: Discourse of Management and Control

During the fall of 2015, when refugees began arriving in Slovenia in large numbers, a discourse of management became a predominant frame for the media and politicians talking about refugees. Refugees were framed as a logistical challenge, a mass of numbers and nothing more, a burden, and a disaster. And the government's response was to manage, control, and deal with them. The reality that the challenge being managed was in fact people nearly always escaped the media and commentators. Below are a few examples:

> *While Slovenia has a plan for this scenario, Šefic said it would no longer amount to a normal situation in the country. All the efforts are focused on keeping the situation fully manageable, he said, adding that it is working to achieve this with political and security measures* (Slovenian Press Agency 2015i, 18 October).

> *Wire fences and other barriers for managing the crisis ... will not do as much for controlling the flow as agreements between the countries affected. In the absence of agreements, there is no wire fence to fully regulate the refugee flow* (Slovenian Press Agency 2015bc, 20 November).

The government has scheduled a meeting for the evening, with Foreign Minister Karl Erjavec saying beforehand the cabinet would adopt measures to protect the border… Janša, who held a press conference, also said that the only way to prevent border crossings of unwanted migrants was by erecting a fence along the border. Šefic meanwhile said that the government was not thinking about this possibility, labeling it as ineffective (Slovenian Press Agency 2015l, 19 October).

First, the emphasis on crisis management dehumanizes refugees and ignores their needs and circumstances. This line of reasoning can be seen in the first two quotes above which emphasize that government's focus on management and regulation. On October 18, refugees were just reaching Slovenia and the government was already suggesting that their presence was problematic and "not normal." Refugees become a faceless mass of logistical challenges. In the second quote, the discourse of control and management is the frame for solutions. The attention is paid to how to manage the situation, not how to help refugees in need. As such, the effectiveness of moving and processing refugees becomes the predominant measure of success. Without justification as to why this is the goal, the news media asserts that "regulating" the flow of refugees is the desired outcome. Whatever solution best provides this control is the best solution. The humanitarian, democratic, or international consequences of building a fence are not discussed. Rather, the fence is ineffective because it cannot control the flow of refugees alone. The same narrative is evident in the final quote above. When the state secretary dismisses the suggestion of a border fence, which was mentioned as a possibility only two days after refugees starting arriving in Slovenia, the dismissal is about a fence's ineffectiveness and inability to control the situation, not about its implications for human rights. In reality, the government dismisses the fence pro forma because the opposition proposed it, but political hedging is put aside only a few weeks later and the erection of the fence is supported across political parties.

A crucial aspect of the management discourse is that refugees are not referenced as individuals, but rather as a faceless mass of numbers, a situation, or a crisis. One dimension that emphasized that refugees were something to be effectively managed was the statistical reporting about the crisis. The paper presented refugees as if they were, most importantly, something to be counted. For the entire two months of my analysis, the number of arrivals, time of arrivals, method of arrival (i.e. on train, by foot) was reported every day. In November, arrivals were also regularly totaled to report the number of people that had transited the country since mid-October. For example:

So far more than 232,000 refugees have been registered, more than 158,000 have been photographed and 34,995 have been fingerprinted, according to him (Slovenian Press Agency 2015bh, 23 November).

At the centre of the ministerial [meeting] will be the EU's plan to distribute across the bloc some 160,000 refugees in order to aid countries facing the biggest number of asylum seekers. The implementation of this plan is going rather slowly, as only 135 people have so far been redistributed (Slovenian Press Agency 2015ax, 9 November).

The larger European narrative mirrored Slovenia's, as is illustrated in the second quote above. The talk of redistribution of refugees is 'matter of fact' and void of empathy for what that means when humans are the things being moved. Further, the redistribution plan is described as set in place to aid "countries facing the biggest number of asylum seekers," with no mention of aid to those "being redistributed." When statistics are used as the only metric to talk about people, those people lose their voice, individuality, and humanness. Refugees became merely numbers of movable things that the country has to deal with because of its European Union obligations. Moreover, the European Union's focus on the enumeration is crucial to the process of forging a European identity of organization, progressiveness, and control. Through enumeration, immigrants are constructed as a population threat. The construction of that threat then justifies the securitization of European spaces and citizens. Banjac (2012) explains: "It may seem that statistics are merely an objective tool for measuring the phenomenon of illegal immigration, but in the political discourse, immigrants, particularly illegal and undocumented, are constituted through enumerative practices as a problem which needs to be addressed and resolved at the national as well as the European level" (Banjac 2012, 41).

Further, refugees are regularly referenced as if they are objects, not humans. Examples include:

The figure covers the costs of reception and accommodation, food, and the lease of tents and toilets for the 217,000 migrants that crossed into Slovenia until 15 November. It does not however include regular labour costs, only per diem payments and bonuses for field and night work, Mramor told parliament during a Q&A session

for the cabinet members. The figure will be higher once the costs incurred by local communities are taken into account. Mramor said the state will compensate municipalities for all eligible costs (Slovenian Press Agency 2015bm, 24 November).

Croatia continues to spread the refugees along Slovenia's southern border; the refugees were brought to Dobova and supplied there. Police show that of the first 2,300 processed on Saturday, most were women and the bulk came from Syria, Pakistan, Afghanistan and Iraq… (Slovenian Press Agency 2015i, 18 October).

Horvat said that Slovenia had failed to take into account NSi's warnings that refugees, who are fleeing war and should he helped, and economic migrants be "separated" (Slovenian Press Agency 2015bf, 21 November).

The authorities are attempting to ensure balanced pressure on all links in the logistics chain that has been involved in accepting and moving refugees - border crossings, transport capacities and accommodation centres (Slovenian Press Agency 2015, 18 October).

Refugees became objects to be supplied, dispersed, and divided into pieces. In the first quote, refugees are costs to the state and nothing more. In the second, refugees are objects to be moved, manipulated, and counted. The paper uses the phrase "Croatia… spread(s) the refugees along Slovenia's southern border," and refugees are things to be placed where countries deem they should. Importantly, Slovenia here also portrays itself as only a receiver and a victim of Croatia's logistical choices. Later in the quote, some refugees are not referred to using the normal countable noun "people" but rather they are a bulk, equated with a dividable object. The next quote uses the same rhetorical tool, making refugees a mass of something that should be sifted through to find the acceptable and unacceptable parts. The narrative of delineating between "good migrants" and "bad migrants," or as Razack (2008) would argue "good Muslims" and "bad Muslims," is an attempt to justify the state's actions since it provides the chance for deserving refugees to be sorted as such. But the process of sorting dehumanizes (Arendt 2006). In the final quote, the acceptance and processing of refugees is portrayed as a conveyor belt, being moved from one place to the next. Through a narrative of bureaucratic organization and management, refugees are dehumanized (Arendt 1973). It is through bureaucratic actions that race thinking becomes an organizing political

and social principle, because the small and banal actions of dehumanization that are necessary for the functioning of the system of control become acceptable and normalized (Arendt 2006). Portraying refugees as a bureaucratic challenge to be managed and controlled is a method that attempts to afford deniability to everyone involved in the process of dehumanization. Not only are refugees portrayed as object to be moved, this logistical chain is always on the verge of breaking and the situation is depicted as extraordinary and burdensome. Below are a number of short excerpts to illustrate:

> The "pressure on Šentilj," "reduce the burden on the police, civil protection and the army," "helping police cope with the migrants," "dealing with the refugees," "how long the country will be able to withhold the pressure," "Slovenia faces a massive burden," "alleviate the pressure on the local population," "to disburden Dobova and Brežice," "to alleviate the pressure on the tiny village of Rigonce," "As Slovenia grapples to manage the surging wave of refugees pouring into the country from Croatia, the European Commission has indicated it is willing to help all member states facing migration pressures" (Slovenian Press Agency 2015p, 20 October; Slovenian Press Agency 2015v, 21 October; Slovenian Press Agency 2015w, 22 October; Slovenian Press Agency 2015x, 22 October; Slovenian Press Agency 2015ae, 24 October; Slovenian Press Agency 2015af, 24 October; Slovenian Press Agency 2015ai, 26 October; Slovenian Press Agency 2015ak, 27 October; Slovenian Press Agency 2015al, 27 October; Slovenian Press Agency 2015q, 20 October)

> *Procedure by the book is impossible at the moment, the minister said, adding that this was confirmed by practice not only in Slovenia but also in countries such as Austria and Germany* (Slovenian Press Agency 2015bm, 24 November).

> *Today it is Šentilj's problem, tomorrow it could become a problem of all municipalities, said Šentilj Mayor Štefan Žvab. According to him, the burden on Šentilj would have to be alleviated if the scope of migration is not reduced* (Slovenian Press Agency 2015am, 2 November).

> *Cerar suggested Slovenia's deliberation was motivated by the prospect of Austria and Germany starting to "narrow the reception" of refugees, in which case Slovenia could*

soon face an "unmanageable number of migrants" (Slovenian Press Agency 2015an, 3 November).

Prime Minister Miro Cerar is warning that Europe will not withstand pressure of the refugee crisis, while the people of Rigonce have shown they can pull through and help (Slovenian Press Agency 2015aj, 26 October).

He said any wavering in this regard would be "irresponsible." Slovenia becoming a pocket would "turn a humanitarian crisis into a security crisis" as the authorities would struggle to cope, refugees and migrants would become restless, and "concern among our population would probably be too deep to normally manage the situation" (Slovenian Press Agency 2015au, 5 November).

In these few examples, Slovenia portrays itself as heavily burdened and under pressure, though the plight of refugees is ignored. The fear that Slovenia will become too pressured and burdened by refugees creates a narrative of the country as the victim of the refugees' presence, rather than an actor at least partly responsible for their plight. An important part of this narrative of being under pressure or facing burden is the foreshadowing to a situation in which the crisis is out of control and Slovenia is overwhelmed. Notably, the government never admits to not being able to handle the situation at present despite reports by humanitarian organizations about the violation of refugees' rights in the country. Rather, the fear of potentially losing control more powerfully justifies harsher regimes of control and management. By emphasizing that Slovenia is under pressure by this faceless disaster, the newspaper and its commentators justify a managerial response that makes controlling the disaster, not helping refugees, a priority. According to Arendt's conception of race thinking, it is in these subtle abuses of language, which dehumanize through bureaucratization, that racism becomes institutionalized. The state need not talk blatantly about racial superiority (the same way the Nazi's did not talk about genocide, killing, or extermination) to carry out a system based on that premise (Arendt 1973; Razack 2008; Pajnik 2016).

Another way the media emphasized the burden on the state and need to manage refugees was through equating refugees with a natural disaster such as a flood or a wave such that Slovenia was at risk of "sinking in this migration wave" (Slovenian Press Agency 2015r, 20 October). Examples of references to a disaster include: "stream of refugees," "Refugee

wave will not let up," "large groups of migrants keep pouring into the country," "Slovenia grapples to manage the surging wave of refugees pouring into the country," "unyielding inflow of refugees," "Second wave of refugees hits SE Slovenia," "thousands of refugees spilled into the country," "the first refugee wave to spill into the country" (Slovenian Press Agency 2015j, 18 October; Slovenian Press Agency 2015k, 19 October; Slovenian Press Agency 2015o, 20 October; Slovenian Press Agency 2015q, 20 October; Slovenian Press Agency 2015t, 21 October; Slovenian Press Agency 2015c, 13 October; Slovenian Press Agency 2015ag, 24 October). Refugees amounted to a natural disaster that hit the country.

The government responded in kind, by referencing a state of emergency and the need to control the disaster. The government regularly cited the potential for a state of emergency, in which their powers would be increasingly expanded and democratic principles walked back, as a way to ensure people that the situation was severe.

> *The government is working at ensuring that the police get sufficient support at the border from the army. The new powers will allow the army to assume some police duties in protecting the border. The set deadlines in the Constitution prevent this from taking effect before early next week in order to protect democracy and the separation of power. While the aim is to prevent a state of emergency from having to be declared, the MP said that the government would move in this direction should there be a drastic deterioration in the situation. "In the event that the deadlines are too long, we will have to invoke Article 92 of the Constitution on a state of emergency," she said. The article in question states that a state of emergency is declared when there is a great and present danger to the country. It is declared by the National Assembly at the proposal of the government. Parliament also decides on the use of the army* (Slovenian Press Agency 2015w, 22 October).

> *Cerar emphasised that Slovenia's plans did not resemble Hungary's but were only designed to ensure that the admission of refugees is controlled so that the country does not end up becoming inundated by tens of thousands of refugees in the event Austria and Germany start restricting entry* (Slovenian Press Agency 2015av, 7 November).

In the first quote above, the threat of a state of emergency is used to justify expanded military presence at the border. The fear of losing control or of the "situation deteriorating"

makes the situation seem severe, and then justifies expanded military presence. The next month, the need for control and the possibility of losing control is again used to justify militarization, this time in the shape of a border fence. When people became a logistical challenge, "technical barriers" became an appropriate measure to "direct uncontrolled arrivals and prevent uncontrolled crossing of the green border" (Slovenian Press Agency 2015aw, 7 November).

The discourse of control and management was used to justify the expansion of military powers at the border, the erection not only of a border fence but also of "security fences" around the border area, accommodation centers, and reception facilities. Importantly, the government never defines what control of the situation actually means or looks like. Rather, the public is only informed that it is necessary and army is the appropriate actor for creating this control. Such a response aligns with Arendt's argumentation that control is achieved not through changing people's beliefs, but rather through changing reality such that alternative beliefs seem ludicrous (Arendt 1973). The presence of the army and erection of the fence made the need for control given.

6.2 Results: Discourse of Crime

Another predominant discourse present in the coverage of the refugee crisis is the discourse of crime. This discourse paints refugees as lawbreakers or potential lawbreakers. It uses references to law and order to walk away refugees' rights and humanity, and creates an image of the refugee as synonymous with the criminal. Further, this discourse employs terminology and rhetoric often used in criminology debates, such a deterrence and effectiveness. This discourse creates an "us versus them" narrative that relies on a victimization of Slovenia and Europe. Refugees are not only a cultural other, but also a criminal other. This criminality makes encroaching on their rights appear more justified and understandable.

> *Only a month after mass arrival of refugees at its borders, Germany is already faced with the problems that such an influx of migrants brings, especially when the cultural and religious differences are so great. The central European country is becoming increasingly aware of the gigantic task the people who stop at no border have laid before Germany: many of them will not only need to learn the language, but also adopt the culture, tolerance, working habit…The paper therefore concludes that Europe must use the situation to create a new common order. Perhaps it has never*

been so crucial for Europe to stick together and uphold its values (Slovenian Press Agency 2015a, 3 October).

The discourse of protecting Europe or Schengen is layered with race thinking. Wrapped in the package of different cultures, politicians and news media across the political spectrum employ race thinking to talk about the culture and values of refugees coming to Europe. They employ an "us versus them" narrative both to assert primordial differences and to suggest that these differences require that Europe protect what makes it different (its values, its community). The excerpt above is a typical example. Firstly, the arrival of refugees in Germany is implied as something that necessarily creates problems. There are no quotes by German people or references to incidents in which refugees created problems, but rather that refugees are a problem for Germany is assumed. Second, the paper references "mass arrival of refugees" without any sense of proportion as to the number of refugees in Germany as compared to total inhabitants. By the end of 2015, in Germany there were approximately 587 asylum seekers per 100,000 inhabitants, and the numbers in the whole of the European Union were even lower (260 asylum seekers per 100,000 inhabitants) (BBC 2016). The media choses to use statistics and enumerate refugees when doing so frames them as a threat but does not use statistics when they might suggest the soundness of less restrictive migration policies. Thirdly, referring to Germany as a "central European country" emphasizes Germany's location in Europe and also suggests similarities between Germany and Slovenia, as Slovenia considers itself in Central Europe. Moreover, the protection discourse is overlaid with a discourse of crime and deviation when the paper refers to refugees as "the people who stop at no border," implying refugees have no respect for migration law or European rule of law. Of course this is despite the fact that each of the countries they passed through explicitly did not want them to stop and stay. Next, the paper presents its Orientalist argument that refugees will have to "adopt the culture, tolerance, working habits…" of Germans. With such rhetoric, the paper crafts an image of refugees as lazy and intolerant and Germany (and Europe) as tolerant and hard working. Lastly, the negative portrayal of refugees is used to send a message that Europe must stick together and uphold its values, furthering a discourse of protection against encroachment on those values by refugees. In total, the article crafts and sends a classic "us versus them" message. First, they are different than us; second, they are causing us problems; third, we must stick together to defend ourselves from them.

Another tactic to associate refugees with crime is to refer to refugees as illegal migrants. For example:

The Slovenian prime minister said that he had also called at the summit for support for all countries on the Balkan refugee route which were trying to manage the refugee flow by checking on illegal migration. According to Cerar, Macedonia in particular is making a strong effort to prevent illegal migration on its borders. "I would be right to help them. Slovenia is ready to help, if needed also with a certain, smaller number of police officers who would provide expert assistance. Considering that Slovenia is trying to lead with an example when it comes to directing and preventing illegal migration flows, it is right to support every country which does the same," he said, adding that Macedonia needed support from other European countries too (Slovenian Press Agency 2015bq, 29 November).

The Slovenian Foreign Ministry responded that the fence was being erected bearing in mind the terrain and the purpose of the fence - to prevent illegal border crossings by refugees (Slovenian Press Agency 2015bp, 26 November).

The *measures would be intended to prevent illegal crossings of the green border and to direct a disorganised flow of migrants to reception points. Considering all the potential measures are of confidential nature, the government cannot explain them in detail. If a political decision is taken, technical means are at the ready, UKOM said as cited by 24ur.com* (Slovenian Press Agency 2015aq, 4 November).

The emphasis on illegal border crossings and illegal immigration, despite the reality that no strictly legal path existed for asylum seekers (Kogošek Salamon and Bajt 2016), creates a connection between criminality and refugees. Such language was a common discursive strand in my research. The rhetoric of criminality is used beyond referring to refugees as illegal immigrants. Politicians and the media use language typical of criminology and detective work to describe the events that take place and in debates about how to manage the crisis moving forward. Below is a collection of such quotes:

Returning migrants who are not eligible for international protection should act as a deterrent against illegal migrations (Slovenian Press Agency 2015b, 9 October).

*Meanwhile, large groups of migrants keep pouring into the country… A group of as many as 2,000 refugees was detected by the police in the vicinity of the Rigonce border crossing just after midnight after close to 8,000 migrants entered the country from Croatia on Monday alone (*Slovenian Press Agency 2015o, 20 October).

*Slovenian police caught around 700 refugees who crossed over near the Orešje area in the east in the evening and another 1,000 near Zavrč in the north-east (*Slovenian Press Agency 2015m, 19 October).

Indeed, several groups were reported breaking through the security fence in the past hour to head towards the Austrian border, where they were allowed to cross (Slovenian Press Agency 2015s, 20 October).

Apart from finding ways to cope with the influx in refugees, the EU is also facing issues related to illegal immigration, as many economic migrants mixed in with the refugees as they made their way across the Balkans. Moreover, many people do not want to be processed by transit countries and refuse to cooperate with the authorities until they reach the country of their destination. Interior ministers are thus expected to discuss ways to cope with people who fail to cooperate and refuse to be transferred to another country within the bloc. The EU is moreover planning a communication strategy to make it clear to migrants who is eligible for asylum status within the EU in order to deter illegal migrants from embarking on the journey and to prevent manipulation of migrants by human traffickers, the STA has learnt (Slovenian Press Agency 2015ax, 9 November).

In the above quotes, language associated with crime and criminality is used to describe refugees and their actions. Firstly, in a quote by the EU Home Ministers, the criminological logic of deterrence is used to propose possible solutions. Aiming for deterrence means attempting to prevent people from doing some unwanted, and generally illegal, behavior. The second quote reads like a police beat, talking about the place and time that refugees were "detected" crossing the border. Later in the same day, an article talks about refugees being caught by the police, conjuring an image of criminals attempting to skirt the law and avoid the police. Next, the explanation of refugees "breaking through" a security fence suggests their unruliness and disregard for the rules and laws established by the border

patrol. The November ninth quote that follows furthers this narrative, emphasizing refugees' unwillingness to cooperate with authorities and the challenges of coping with such people. Importantly, the paper reports these events with no larger context. For example, there's no explanation as to why refugees would be crossing near Rigonce and not cooperating with police registration (though there are plenty of reasons, for example, a securitized border, poor conditions of reception and asylum centers as compared to other European countries, lack of diversity in Slovenia, and poor conditions for asylum seekers waiting for their applications to be processed, to name a few). There is no further context given to "groups were reported breaking through the security fence…," where the illegality of the fence, long processing times, and reported racist treatment of refugees by Slovenian police were all perhaps relevant factors (Kogovšek Salamon and Bajt 2016; Ladić and Vučko 2016). The systematic reasons for certain actions are ignored and instead the media prefers the simplified narrative that suggests refugees are criminals that the police are diligently trying to protect the society from.

The rhetoric of law and order, again, without any reference to which laws are being broken, portrays refugees as having no respect for the rule of law. Such discourse fosters a fear of anarchy and lawlessness, a reality that was never a legitimate fear but nonetheless creates a strong narrative for expanding police and military power. Law and order and fear work together, for example in the following quotes:

> *They understand that Slovenia...would risk becoming a pocket for tens of thousands of refugees that we cannot provide for, even if we wanted to, he stressed. We have to accept the refugees humanely, but at the same time make sure our measures protect law and order* (Slovenian Press Agency 2015e, 16 October).

> *The NSi also called for consisted implementation of integration policy for persons with the international protection status who remain in Slovenia. They expect the persons to accept and respect Slovenian and EU law, culture and language, also with the help of the state, so they find the SDS proposals "appropriate." A less straightforward response came from the unaffiliated MP Bojan Dobovšek, who believes it is worth considering changing asylum legislation, which he said had been suitable for a security situation and threats that had since changed* (Slovenian Press Agency 2015bi, 23 November).

Slovenia's humane intentions are pointed out despite the reality that humanitarian considerations never motivated the government's actions. The vague reference to law and order paints refugees as inherent law breakers and Slovenians as needing to be protected and as protectors. This narrative that refugees are inherently violent and always on the verge of breaking the law was also employed by the European Union:

> *The European Commission meanwhile said in a statement that EU member states had the right to determine what means they use at borders, adding that it understood that a possible use of the army would only be to help with distributing aid to refugees and making sure there was no outbreak of violence… "We would not want the use of violence but it's very much the possibility within the EU law to deploy the army and police forces, it does not mean they are deployed to use violence"* (Slovenian Press Agency 2015y, 22 October).

Wrapped in a defense of national self-determination, the EU justifies Slovenia's proposal to use military forces to police the border, one, by ensuring the public that the military is there to distribute humanitarian aid, which Slovenia never publicly said was the purpose of deploying the army, and two, by suggesting that refugees are likely to become violent. Only with Orientalist logic and race thinking as motivating ideologies can it be concluded that refugees are likely to break out in violence but the military, which has its sole purpose in using violence, is not.

The logic of race thinking takes extraordinary incidents and makes them explanatory of an entire group of people (Razack 2008). In this case, race thinking fuels a crime discourse that cites one-off or extraordinary incidents as evidence and justification for expanding military and police power at the border. The expansion of army powers is justified with reference to vague incidents, suggesting there was violence or loss of control:

> *Although the authorities insist the situation is under control, there were incidents reported in several refugee centres. Under pressure to keep the situation in check, the government decided to give army limited police powers to protect the border* (Slovenian Press Agency 2015s, 20 October).

> *The surge has left Slovenia scrambling to provide for security, after several altercations between refugees and police at Šentilj, and the torching by refugees today*

of two dozen tents at the Brežice reception centre on the border with Croatia. The National Assembly has already changed legislation to allow the army to protect the border with limited police powers, but Šefic said today an urgent appeal would be addressed to the government to allow the activation of retired officers (Slovenian Press Agency 2015u, 21 October).

Politicians have been saying that Slovenia is among the safest countries in the world. But for how long? Police have long kept it concealed from the public that they found large quantities of knives of different sizes on migrants (Slovenian Press Agency 2015bj, 23 November).

Raising the stakes in recent days is the fear that the masses of refugees could be infiltrated by Islamic extremists (Slovenian Press Agency 2015bk, 23 November).

Another part of the discourse of crime is idolizing the police. Throughout the two months I analyzed, the police are praised for their hard work protecting Slovenia and its citizens. Amidst this praise, there is one article in mid-November in which the human rights ombudsman files a report that the police had been using racist language, shouting at refugees, and pushing them. This inhumane treatment of suffering people was easily glossed over with most articles praising the police's work. Police officers, and army officers at the border, are depicted as the gatekeepers of law and security in the country. As such, anyone who encounters them must be at fault, and refugees therefore become synonymous with illegality. Their encounters with the police are referenced in a way that justifies police use of force.

A report by TV Slovenija showed fighting breaking out among the refugees there, with police forced to use pepper spray. Pepper spray was also used in Šentilj, a town on the Austrian border in NE Slovenia that is home to the single biggest accommodation centre, for 2,000 refugees (Slovenian Press Agency 2015s, 20 October).

The refugee reception and accommodation centres around the country were empty as at 6 PM on Monday. There are only 14 migrants at the Postojna Centre for Foreigners, where asylum seekers are accommodated (Slovenian Press Agency 2015ay, 9 November).

Police are not ascribed any accountability for their actions, and are reported to have been "forced" to use pepper spray against refugees. In the second part of the first quote, the use of passive voice ("pepper spray was used") removes any agency by the police and instead the violence that police used against refugees is a truth without an actor. The incidents in which both Slovenians and refugees were peacefully protesting the militarization of the border are depicted as altercations in which the police had no choice but to respond violently. In the November ninth quote, the Center for Foreigners, which is an immigration detention center where detainees are not provided freedom of movement, is referred to as a place where "asylum seekers are accommodated." The paper neglects to acknowledge the criminalization of asylum seekers.

Lastly, crime discourse requires not just perpetrators, but also victims. A major part of the discourse is Slovenia painting itself as a victim of crisis, of Europe's inaction, of neighboring countries' unilateral decisions, and of a potential threat posed by the presence of refugees. Below are a few examples:

> *Even if it is clear that the fence will not stop refugee flows and that only a comprehensive European solution can bring results, we remain victims of national egotism… These countries are lucky that Chancellor Angela Merkel is still resisting increasingly stronger calls to realize her mistake and set clear boundaries. She is losing public support and is becoming a target of attacks from her own camp that she does not see some German towns are no longer able to cope with the refugees* (Slovenian Press Agency 2015g, 17 October).

> *Šefic accused Croatia of acting deliberately in such a way in order to shift the blame for the poor condition the refugees were in onto Slovenia. "Croatia is trying to discredit Slovenia in the international public"* (Slovenian Press Agency 2015x, 22 October)

> *Cerar said the current refugee situation was "absolutely unbearable" for Slovenia. We remain in control of our borders and try to be humane and show solidarity, but we will not be able to endure this for weeks if we don't get any help* (Slovenian Press Agency 2015ai, 25 October).

In the first quote, Slovenia is the victim of Germany's welcoming stance towards refugees. In the second quote, the Minster skirts responsibility for the country's response to refugees by blaming Croatia. Slovenia is framed as the victim of their mishandling of the situation and the real issue is not that Slovenia is then unable to take care of refugees, but rather their international (European) reputation is at stake. The third quote is a typical example of the Prime Minister framing the crisis in terms of its impact on Slovenia. The country is in an "unbearable" situation, with nothing to say of the trials and tribulations of refugees. Further, the self-victimization is then used to justify increased nationalism, by clear reference to the border and increased control of refugees. Already in October, the Prime Minster foreshadows more militarized actions, like the border fence.

6.3 Results: Discourse of War

> *The government has failed to protect our country and citizens, he said adding that the "scope of the migration crisis is much broader than we dare to admit"* (Slovenian Press Agency 2015be, 21 November).

> *The strike does not seem to be affecting security during the refugee crisis, as police officers are carrying out all urgent and security tasks which they are obliged to under the law even if they are on strike* (Slovenian Press Agency 2015ba, 19 November).

> *The refugee crisis was high on the agenda as the Austria-Slovenia parliamentary friendship group started a two-day official visit to Slovenia on Wednesday. The group's head suggested security and peace had to be achieved even if this meant erecting a fence* (Slovenian Press Agency 2015ar, 4 November).

> *The police checks personal data of migrants who are traveling without documents in all available registries, Šefic said, adding that they were also being checked for suspicion of terrorism* (Slovenian Press Agency 2015bh, 23 November).

Politicians across the spectrum used discursive strategies to paint refugees as a threat that Slovenia needed to be protected against. For example, before many refugees came to Slovenia in fall 2015, the paper reported the following: "Cerar warned that in such a case [Hungary closing the border] the refugee flow would head for Slovenia" (Slovenian Press Agency 2015e, 16 October). A warning implies something dangerous or negative, something

to be concerned or scared about. This narrative was furthered by images of refugees that most often depicted them as a large, dark, unified mass of sad, dejected, and sometimes angry people coming to Europe, inciting apprehension and fear of an invasion. Even before Slovenia was on the Balkan route, Slovenian leaders were employing the language of fear, portraying themselves as under attack and needing to defend themselves. For instance, "PM Miro Cerar commented on the escalating refugee flow into Slovenia for TV Slovenija last night by saying that the government will use all means allowed and necessary to protect the citizens and Slovenia" (Slovenian Press Agency 2015ab, 23 October).

This narrative was followed by action, including granting the army police powers at the border and erecting a razor-wire fence. In explaining such actions, Slovenian media and politicians employed an "us-versus-them" narrative that directly says Slovenia and Slovenians needed to be protected from refugees. Some example below:

> *Dejan Židan, the president of the coalition SocDems, said several scenarios had been prepared and would be adapted to the developments. "We're aware of our duties: to act in a humanitarian way, to protect the citizens and the state"* (Slovenian Press Agency 2015r, 20 October).

> *Mayor Ivan Molan said the government would have to decide whom to protect, locals or foreigners* (Slovenian Press Agency 2015s, 20 October).

> *We are not a country of great numbers and the migration wave is spilling across the Slovenian soil in thousands, so it's necessary to protect people as well as their property* (Slovenian Press Agency 2015r, 20 October).

> *In Brežice and the nearby settlements of Rigonce and Dobova locals have started demanding government action to protect them* (Slovenian Press Agency 2015v, 21 October).

> *His message came with a warning that the country was also preparing alternative solutions in the absence of the much-needed agreement. This would include urgent measures to keep Slovenia safe but which would not necessarily benefit the European project's aim of open borders. "We're not a supporter of fences...but if we are forced to step up measures on our own, we will consider putting up technical barriers to*

provide for security of Slovenia and its people," he said (Slovenian Press Agency 2015ac, 23 October).

Meanwhile, Tomaž Gantar, a senior MP of the junior coalition Pensioners' Party (DeSUS) commented that Slovenian citizens must be protected should bordering countries decide to close borders. "It's therefore right that we are prepared and that they've moved to buy fencing. This is a normal measure." Gantar, who believes the fence has been ordered, does not think it is a "magical solution" but may help the law enforcement in protecting the border in some segments, if Austria and Germany started closing their borders. "But we're only talking about being prepared, not about there being the need at the moment" (Slovenian Press Agency 2015aq, 4 November).

Slovenia was aware of security risks that any uncontrolled, mass and mixed migration flows would entail (Slovenian Press Agency 2015d, 14 October).

The first quote from the Social Democrats propagates the discourse that refugees pose a threat but packages that message with a hat tip to the need to be humanitarian. Nonetheless, refugees are still painted as something dangerous for the country. The reference to protecting citizens and the state, rather than people in general, creates a clear division between Slovenians and refugees and makes the mention of humanitarianism something for others and therefore less of a priority. The second quote by the right-wing affiliated Mayor of the small border town Šentilj creates a distinctive "us versus them" in which the government can either act militarily against refugees or it is failing to protect its citizens. The third quote is by the leader of the opposition, a notable right-wing political figure Janez Janša. He uses a reference to Slovenia's exceptionalism to justify expanding the military power used against refugees. By referencing the country's small size, the politician makes fear that it could be overwhelmed by an impending disaster more pertinent. This quote is laced with race thinking that again objectifies refugees by comparing them to some mass of water that spills into the country. Simultaneously, the opposition leader makes Slovenians' property more essential than the lives of non-Slovenian people. The quote that follows is the Slovenian Press Agency's own reporting of the situation. The paper reports that locals say they need protecting without opposing or qualifying that narrative. In the next quote by the governing SMC party, the country juxtaposes the European value of open borders with erecting a fence. Notably, the government aligns itself with Europe, saying it too embodies those values but

has been forced to abandon them by a threat to the country. The quote suggests a state of exception created by refugees in which the country has been forced to act outside of its normal values. The government takes no agency in putting up the fence, rather saying that its hand is being forced by the refugees who keep coming and the Europe Union that will not help Slovenia manage them. The last quote by the Pensioners' Party begins by stating plainly that Slovenians must be protected. The Member of Parliament goes on to explain that while these extraordinary measures may not be needed now, they could be needed in the future, and it is best to be prepared. This quote follows the government's general trend in responding to the crisis: the situation is under control, but we may need to be afraid for the future. In doing so, the government creates an exceptional state of fear that allows exceptional military and police measures at the border. A crucial aspect in all of these quotes is the absence of qualification of the threat. The language about what the threat actually is remains vague or is completely non-existent. Refugees then pose some abstract threat. Without specification, the very idea of refugees becomes associated with threat. In the final quote above, race thinking is a tool used to shape the response. The Interior Minister begins by acknowledging that immigrants can pose a security risk. Controlling the "migration flows" becomes the operative answer to protecting the country from this ambiguous risk. However, the identified threat is not just from immigrants but "mixed migration," a reference to the race or ethnicity of migrants. Refugees become something mixed together, where the threat is not from them as a whole (supposedly), but that they are mixed together, some good and some bad. This logic has become a standard part of modern race thinking (Engle 2004; Razack 2008).

The vagueness that politicians used to talk about the refugee crisis was compounded with secrecy about the plans to militarize the border. The approach became similar to the War on Terror era expansion of government. See below:

> *When quizzed by reporters if Slovenia already has the necessary materials to erect a fence, Erjavec responded: "Don't worry about that"* (Slovenian Press Agency 2015an, 3 November).

> *Boštjan Šefic, the Interior Ministry state secretary, would not comment on reports at a regular government briefing on refugees on Wednesday, saying that he could not detail concrete measures because they were labeled confidential. Nor would Defence Minister Andreja Katič confirm or deny the reports, saying she had no authority on*

the issue, which fell in the scope of responsibilities of the Interior Ministry (Slovenian Press Agency 2015aq, 4 November).

Asked about whether Slovenia has already obtained a fence for the border, he said that Slovenia is active in this regard but that he could not speak about it in detail since it is handled as confidential (Slovenian Press Agency 2015av, 5 November).

Erjavec referred to the refugee crisis in Slovenia, commenting that the number of refugees entering the country over the past month was a security issue and that measures taken by the government were right. "Just like [French President Francois] Hollande has ordered tighter control on the French border, so will measures need to be taken to tighten control of the Schengen border." Securing the external border is in his opinion also important to check where the persons suspected by France of being active in terrorist cells or of having contact with them will withdraw (Slovenian Press Agency 2015az, 14 November).

In the first three quotes above, the government invokes its power to keep information secret and confidential when asked about the possibility of a border fence. In the last quote, the Speaker of Parliament Erjavec is responding to a challenge by the opposition that the government has mishandled the refugee crisis. To defend the government, Erjavec references the tragedy in Paris in November 2015 and France's subsequent response as a justification for Slovenia closing its border. He weaves together the terrorist attack and Slovenia's militarized border to emphasize Slovenia's place in Europe (inside the Schengen border). With terror as a backdrop, he makes the link between the attacks in France and militarized control of all asylum seekers attempting to come to Europe.

Overall, the vagueness of language about the actual security threat the country is trying to protect itself from makes it believable that the refugee crisis can easily turn into something very scary and dangerous. The government and media rely on the suggestion of impending threat, in the absence of a real threat, consequently highlighting the government's efficiency at being on top of any situation and ready for any threat. As such, "migration challenges and reconstitutes the sovereign population control which functions solely through the identification and control of the individual subject's movements" (Papadopoulos and Tsianos 2008). Control of migration becomes a mechanism for the state to assert its sovereign authority by controlling threats posed by migrants even when such threats do not exist. The

narrative of impending threat then creates a situation at the border that is not governed by existing law but rather justified in the name of security.

> *If the refugee crisis started to turn into a security crisis due to Austria's and Germany's decisions, Slovenia must not delay with action, he added* (Slovenian Press Agency 2015af, 24 October).

> *Cerar was also asked to comment on a statement by German Chancellor Angela Merkel, who suggested there was a risk of armed conflict in the Balkans due to the ongoing refugee crisis. "I do not know what exactly she meant...I assume she is worried by the escalation of the refugee crisis," he said. But he pointed out that "individual conflict situations between these countries" might occur if the refugee crisis is not dealt with appropriately, which is why it is important to address this issue "together, in agreement"* (Slovenian Press Agency 2015an, 3 November).

> *Slovenian Prime Minister Miro Cerar also echoed the sentiment yesterday, saying that in the absence of control over the refugee crisis, individual fights could erupt in the region which borders on Slovenia* (Slovenian Press Agency 2015as, 4 November).

In the first quote, the president frames the arrival of refugees as a security-crisis-to-be. The warning that something could happen softens people to the idea of a security crisis. Without real evidence to point to, a potential threat serves the purpose of militarization just as well. The quote paints Slovenia as, on the one hand, powerful and ready to act rapidly, but on the other, powerless and only able to respond to what other countries decide. As such, the government attempts to absolve itself of responsibility for militarized action. In the second quote, the impending threat that the refugee crisis poses becomes some unexplained fighting in the Balkans. That refugees are somehow the spark for such fighting that is unrelated to them reveals that the refugee crisis relied on Islamaphobia and race thinking that "misrepresented all Muslims as directly related to the Ottoman invaders" (Bajt 2016a, 54) who have marred the Balkans. In the next quote, Slovenia's insecurity in the European bloc is evident when the Prime Minister urges that this fighting would take place in the region bordering Slovenia, emphasizing Slovenia's place in Europe, not the Balkans. The quote clings to the ideal of being an integral part of a united Europe.

The nationalistic narrative, discussion of protecting the state and border, and invocation of governmental secrecy create a discourse of war. Slovenia becomes a crusader against a threat that will make or break Europe, a discourse that traces back to Slovenia's historical collective memory as defenders of Europe from Ottoman Islam. A discourse of war fits with the reality of the army's presence at the border, army equipment being use, and fences being erected. Military terminology paints refugees as aggressors and an enemy to combat:

> *268 army vehicles have added 29,193 kilometres to their mileage as a result of the crisis, while the military has also been carrying out reconnaissance flights along the border with Croatia… In line with Tuesday's changes adopted by the National Assembly, soldiers will be allowed to warn, direct and temporarily restrict the movement of persons, as well as engage in crowd control* (Slovenian Press Agency 2015v, 21 October).

> *In a separate convoy, nearly a dozen buses arrived from Tovarnik at the Obrežje border crossing in eastern Slovenia on Saturday night* (Slovenian Press Agency 2015h, 18 October).

> *Frontex should urgently be deployed at the Greek and Croatian borders to stop the uncontrolled inflow of migrants into Europe across the external border. Slovenia won't be a hotspot as we're not on the external border* (Slovenian Press Agency 2015z, 22 October).

> *Members can also ask for assistance of forces for rapid intervention at the external border within the EU's Frontex agency for external borders* (Slovenian Press Agency 2015q, 20 October).

> *Nowadays countries are threatening each other with refugees, who have become collateral weapons - hence the appeal in the closing statement of the summit to a return to trust and the resolution of bilateral issues in a constructive way and in accordance with international law* (Slovenian Press Agency 2015bn, 25 November).

Marjan Dolinšek of the ruling Party of Modern Centre (SMC) said the changes were an urgently needed measure in the "changed security situation," because they allow for immediate and efficient action on all of Slovenia's territory (Slovenian Press Agency 2015ap, 4 November).

Despite a lofty public debate about giving the army police power, other military powers were deployed at the border without discussion. From early October, military personnel and equipment were deployed, and, as illustrated above, the border is discussed as if it is under siege by a foreign invader. In the first quote, a list of military equipment being used at the border and explanation of the army's powers reads like a laundry list of the country's fighting power. The term "convoy" in the second quote is typically used in settings like war and armed conflict but is instead used here to refer to buses of refugees near the Slovenian border. The next two quotes which talk about the urgency for the deployment of Frontex (the European Union's border patrol force) and "rapid intervention" suggest military-style tactics being used and available to be used against refugees. In the next quote, refugees are equated with dangerous weapons threatening the relationships among neighboring countries. Such an objectifying and dehumanizing characterization is followed by a call for bureaucratic solutions. In the final quote, a member of parliament from the governing party calls for urgency, increased security, and immediate and efficient action, which all conjure an image of a targeted military attack. The emphasis on "Slovenia's territory" further paints the situation in terms of war, which from its origins has been about winning and losing control of territory.

As in the War on Terror, when these military tactics were challenged, the government launched criticism that their challengers were being ideological and unpatriotic instead of practical. The two quotes below exemplify the discourse about expanding the army's power at the border. The first describes the initial law to such an effect and the second is in response to a referendum challenge to that law:

The coalition is thus seeking to expand the agenda on the emergency plenary on the security situation related to the refugee crisis scheduled for tomorrow… The changes to the defense act that would enable parliament to empower soldiers to help police patrol the border were endorsed by more than sufficient two-thirds majority in parliament last month (Slovenian Press Agency 2015ao, 3 November).

Parliament Speaker Milan Brglez urged the proponents to reconsider "whether they want to jeopardise community interests and security of Slovenia and its citizens over their partial interests." He expressed the regret that the proponents were not aware of the seriousness of the situation the country was facing and that they "are willing to sacrifice prosperity, human rights and security of the citizens to assert their ideological views" (Slovenian Press Agency 2015aa, 23 October).

The first quote asserts without qualification that there is a security situation as a result of the refugee crisis. Notably, only the security aspect of the crisis is discussed. Secondly, it emphasizes the urgency of the situation being dealt with in an "emergency plenary." The resulting law was passed in parliament through changes to the Defense Act, an area associated with war, not migration. Further, the language of expanding military power is granted a positive spin with terms like "empower soldiers" and "to help police." Importantly, the justifications given for an expansion of military power are not rooted in humanitarian concerns when they are announced. However, in the next quote above, security and human rights are blurred together as justification for military action. Starting from the beginning of the quote, the nation is invoked numerous times to create a strong Slovenian in-group, and thus a refugee out-group. The Speaker references "community interests," thereby excluding refugees and immigrants from the community, "Slovenia and its citizens," emphasizing citizenship to the state as a priority identifier, and "the situation the country is facing," making the country a marker of the in-group. He goes on to dismiss the detractors as having "partial interests" and "ideological views," and further to say that such detraction from the government plan will force the country to sacrifice. The Speaker reveals the Slovenian utopia as the protector of "human rights" and "prosperity," without any qualification as to how human rights are protected by militarization of the border and despite the emphasis on military and police power, not humanitarianism or rule of law, during the law's initial passing. The terms human rights, humanitarian, and prosperity become something thrown into speeches and statements to justify Slovenia's actions as righteous. The excerpt also suggests without explanation that refugees pose a security threat that must be met with military power if the country is to be safe. Further, the "seriousness of the situation" intends to justify exceptional measures despite their consequences for democracy and refugees. Race thinking creates an "us versus them" narrative that justifies military power in the name of the human rights of Slovenians while, consequently disregarding the human rights of refugees. Such a

narrative fits neatly into Slovenians' historical conceptions of national identity and rights, which was always based on a nationalist Slovenian "us" that was framed as only claiming rights against a foreign, enemy "them" (Toplak 2012). The frame of collective rights and pervasive racism towards ethnic and religious Others (Bajt 2008; Toplak 2012) has meant that collective rights of Slovenians take priority over individual rights, which can be seen, for example, in the absence of mechanisms to address and prosecute hate speech that was particularly rampant on social media during the refugee crisis (Bajt 2016a).

The narrative that Slovenia is a guardian of human rights is taken further as the government describes the country as a victim afflicted by the aggression of others. Such a narrative is a prevalent part of Slovenian nationalism, as "Slovenians have been unpleasantly restricted by the closeness of Others who were not necessarily hostile, but whose proximity made Slovenians project their own defensive hostility onto them" (Toplak 2012, 18). Being a righteous victim becomes a justification for using more police and military power against refugees:

> *The present dramatic migrants crisis poses an unprecedented challenge from both humanitarian and security aspects, requiring dialogue and agreement to better protect the EU's external borders and substantially alleviate migration pressure on afflicted countries, reads the statement* (Slovenian Press Agency 2015bn, 25 November).

> *Verhofstadt was critical of the way the EU is coping with the refugee crisis. The lack of common foreign and defence policies has led to chaos and amateur handling of the crisis on the bloc's borders. He believes the EU needs to set up joint protection of outer borders - both on land and at sea - and a new refugee recognition system, as well as a new asylum system, as the current Dublin rules place the brunt of the burden on only a few countries* (Slovenian Press Agency 2015bb, 19 November).

> *This would constitute an attempt by Slovenia to "direct the flow with technical obstacles." "We have to carry out [border] control, we are the guardians of the Schengen border," he said* (Slovenian Press Agency 2015an, 3 November).

The first quote is just one of many in which the countries on the Balkan route are

described as afflicted, burdened, or victimized. Rather, the narrative is that the Balkans are *re*-afflicted by Muslim invaders (Bakić-Hayden 1992; Toplak 2012; Bajt 2016a), this time by refugees instead of the Ottoman Empire. In this particular quote, the concepts of security and protection are portrayed as both the challenge and the solution to such affliction. In the second quote, a few countries are portrayed as victims, and the place of refugees in this "chaos and amateur handling" is totally ignored. Rather, nation-states are the victims of the poor coordination. Emphasizing that, defense and increased protection become the answer to ease this burden on states. References to the burden on Slovenia are used to justify militarization. Indeed, from the moment Slovenia was on the Balkan route, the discourse was about protecting the state and citizens of Slovenia, without real journalistic work as to what the precise threat to be protected against was. When borders are the lines of defense of the nation-state, where belonging is defined in racial and ethnic terms, modern migration becomes a threat to the nation. To maintain power, increased policing and militarization become seemingly obvious answers for the state.

6.4 Discussion: The Ethnic Heterotopia and Utopia

In this section, I will evaluate each of the discourses presented above in order to show how Foucault's concept of heterotopia applies to the border and what the border as a heterotopia says about the nation-state. Firstly, I need to make a case for understanding the border as a heterotopia. As mentioned earlier, Foucault (1986) outlines six principles of heterotopia, which I will explain in the context of the border. First, Foucault talks about heterotopias of crisis and heterotopias of deviation. Though he suggests that heterotopias of crisis have largely disappeared and have been replaced by heterotopias of deviation in modern times, I believe the border can be understood as a combination of both types. Firstly, the state responded to and referenced the migration of refugees as if it was a crisis, through references to natural disasters and in its rhetoric of controlling the flow. By using terms like "the floods of migrants," "a wave of migrants," "control the inflow," the media equated refugees with a natural disaster, reinforcing the idea that they are a threat and that their presence creates a state of emergency (Pajnik 2016). Further, refugees were literally channeled into the humanitarian corridor, like a flooding river that needed to be directed based on a fear of its dispersion. Foucault discusses heterotopias of crisis as places where people were in a time of crisis. These states of crisis are known to happen somewhere, but they are supposed to happen "elsewhere." Refugees, by their immigration status and need to seek asylum, are in a time of crisis, and the calls to humanitarianism speak to the impossible

difficulty of being an asylum seeker. However, Slovenia's cordoning off of refugees at the border (both with the razor-wire fence but also with other fences at reception and accommodation centers) while simultaneously making statements about humanitarianism and respect for human rights demonstrates that this crisis is not supposed to happen here, in Slovenia. The border then becomes an outside space, somewhere and nowhere. Refugees are at the physical border but the discourse erases their identity (by enumerating them, referencing them as an overwhelming mass, and comparing them to a water-based disaster) making the border a place where their distress and suffering are ignored. It is somewhere that refugees must be. Yet the discourse intends to keep this crisis at a distance, out of sight, nowhere.

Slovenia's response to the border is revealing of its national identity and utopia. The government and media responded to refugees' time of crisis with extreme measures of control. This is an explicitly nationalistic response. Bhui (2016) in his overview of racism in detention of foreign nationals concludes that "nationalism and nation-building are intimately linked to a racialized border control, and, at least for now, cannot be de-coupled from racism against citizens and foreigners" (Bhui 2016, 279). The emphasis on control and management reveals not only the ethnic definition of belonging but also the desire to control and manage efficiently. The border as a heterotopia reveals the psychological desperation of the state to be a nation of organization and efficient management. Ladić and Vučko (2016) point out the refugee crisis' triggering of this nerve of inadequacy that runs deep through the Slovenian national character, and they elaborate that the predominant attitude in Slovenia is: "we don't want them, but also don't understand why they don't want to stay" (Ladić and Vučko 2016, 27). Slovenians were offended when refugees continued their journey and therefore implied that Slovenia was not an adequate place for them to seek a new life.

The border is simultaneously a heterotopia of deviation, as refugees are portrayed as criminals and their behavior (attempting to cross the border) deviant. The emphasis on the illegality of refugees' behavior has to be understood ethnically. In a similar way that American politicians pay lip service to racial equality while crafting discourse and enacting racially-driven policies creating mass incarceration, Slovenian politicians, too, pay lip service to humane treatment and human rights while simultaneously crafting a discourse and a state action plan that treats refugees as criminals and enemies. In the same way that racism is disguised in the rhetoric of crime control in the USA (Alexander 2010), anti-immigrant and anti-refugee discrimination is subsumed in nationalist rhetoric and discourse against "economic migrants" (Fekete 2009; Bhui 2016). As such, references to illegal border

crossing, separating economic migrants and "real" asylum seekers, and protection of law and order are all in fact coded language for a form of social control used to uphold and reinforce established racial, cultural, economic, and religious power dynamics. Migration is deviation not only because it is conflated with illegality, but the ethnicity and religion of the migrants is deviant in a nation-state established on the basis of ethnic nationalism. This ethnocentricity manifests itself discursively beyond the refugee crisis. For example, the term "Slovenians abroad" and "Slovenians across the border" are normalized and used, crafting an ethnic Slovenianness. In parallel, Slovenian citizens of Roma origin are referred to without mention of their connection to Slovenia (just "Roma") and criminals of ethnic backgrounds other than Slovenian are referred to as "Slovenian citizens," not "Slovenians" (Toplak 2012, 15). Given the predisposition to ethnic nationalism, the influx of ethnically different, mostly Muslim immigrants into the country was deviant. Accepting refugees as part of Slovenia was never a dominant part of the narrative. The otherizing response to immigrants and Islamophobia are not unique to Slovenia. In the West in general, Islam is increasing conflated with deviance. As such, the anti-Muslim discourse and practice that arises after 9/11 creates a particular kind of nation-state: "what is born, or perhaps born again, is a national community organized increasingly as a fortress, with rigid boundaries and borders that mark who belongs and who does not. The national subject of this securitized nation state understands himself or herself as being under siege… we are witnessing the consolidation of a racially ordered world" (Razack 2008, 6).

Foucault's second principle of heterotopias is that they are culturally situated, and this is especially important for understanding the border as reflecting the national utopia of the Slovenian state. In this case, the border plays a specific regional and geopolitical function in Slovenia. Following its independence from Yugoslavia in 1991, Slovenian nationalism relied on 1) a self-identity as European and moving towards the European Union and 2) negative attitudes towards the Balkans and migrants from other former Yugoslav republics (Velikonja 2005; Bajt 2016b). As such, anyone coming from the regions south or east of Slovenia is defined as the Other (Bakić-Hayden and Hayden 1992; Bakić-Hayden 1995; Bajt 2016b). Despite Islam being the second largest religion in Slovenia, the perceptions of Muslims in Slovenia is still "racialized, gendered, and burdened by orientalist misconceptions…" (Bajt 2008, 53). The border as a heterotopia reveals this national project of moving away from the Balkans (which is burdened by Islam) in the constant references to Slovenia's belonging in Europe and as the protectors of Schengen. Slovenia, like most post-communist countries in Central and Eastern Europe, has few foreign-born citizens, small communities of religious

minorities (Muslims, Jews), and a "strong ethnicist understanding of their allegedly unique national identity as monocultural" (Bajt 2016b, 53). Because nationalism is defined in both ethnic and linguistic terms, Bajt (2016a) finds it no surprise the Central and Eastern European countries resorted to erecting fences on their borders. In Slovenia, the acceptable "us" remains the dominant nation, which is both an ethnic and a linguistic nation (Bajt 2010; Toplak 2012; Bajt 2016a). At the same time, Slovenia treated refugees like a criminal and security threat, with regular references to their cultural difference and inferiority. In her writing on anti-Muslim sentiment, Razack (2009) explains the connection between securitization and whiteness, arguing that violence and national identity are necessarily connected: "Security discourses are thus about becoming – a de-forming and re-forming of the white masculine face *through the absorption of the other*, a process… that is fraught with desire and ambivalence, an ambivalence that only violence against the Other can resolve" (Razack 2009, 816). The definition of oneself as racially superior is already a form of violence; it is no wonder it is often followed by real violence against racial Others (Fanon 1967; Arendt 1973; Razack, 2009). Security discourses make violence necessary; and "race makes this claim intelligible" (Razack 2009, 819). The discourse of crime and discourse of war employed by the government and media in the refugee crisis have to be understood as ethnic and nationalist violence. The regular use of an anti-immigrant us-them narrative is the beginning of this violence. Muslims across Europe believe they are discriminated against, and Muslim's are disadvantaged in Slovenian society as a result of ethnic prejudice and Islamophobia. They face discrimination in practicing their religion (including place of worship, religious holidays and following a religiously-condoned diet) and employment discrimination by relegation to low-skilled work and barriers to achieving promotions at work (Bajt 2008). There is no mosque in Slovenia and breaking ground on the construction of an Islamic cultural center sparked a flurry of racist and Islamophobic responses (Bajt 2016a). Muslims in Slovenia are associated with lower social socioeconomic class, so their position is an intersectional one of race, religion, and class (Bajt 2008). The ethnic nature of immigration and asylum policy in Slovenia are inherently connected to ethnic conceptions of national identity.

The third principle of heterotopia is that it is "capable of juxtaposing in a single real place several spaces, several sites that are in themselves incompatible" (Foucault 1986, 25). The border in the fall of 2015 was a place of humanitarian assistance by volunteers and non-governmental organizations and simultaneously a place of securitization and militarization. The border simultaneously represented the aims of European human rights and

humanitarianism (through volunteers and non-profit organizations on the ground to this ends) and Fortress Europe. Similarly, the border is both a rigid and secured barrier for refugees and a non-obstacle for anyone holding the right passport or credentials. Only at the border at this time, could various elements come together without question. In the discourse, the border is lauded as an excellent example of organization, European humanitarianism, upholding European values and international legal obligations; yet simultaneously, it is a place where the rule of law was not upheld, as the creation of the humanitarian corridor and practices within it were in fact not rooted in established law (Kogošek Salamon 2016) and where refugees were treated in a degrading and abhorrent manner (Mirovni Institut 2015a; Mirovni Institut 2015b; Mirovni Institut 2015c). For example, police treatment of refugees registering at or leaving reception and accommodation centers in Slovenia included yelling at them in Slovenian, pushing them, and cursing at them (Ladić and Vučko 2016). In parallel, the constant references to law and order exist at the same time that the government is operating the entire response to the refugee crisis in a legal vacuum. Razack (2008) discusses camps as states of exception where there is a legally authorized suspension of law. She talks about the War on Terror prisons, refugee camps, camps for migrant workers, and prisons themselves. These spaces create "communities of people without the 'right to have rights'" (Razack 2008, 7), and these communities are often tied to race or ethnicity. The references to crisis, crime, and security threat serve to justify this juxtaposition as acceptable because of how dire the situation was, and as such, the border as a heterotopia has a relationship to the entirety of the legal system.

The fourth principle of heterotopias is that they are temporal; they have unique relationships with time. Foucault explains that they "function at full capacity when men arrive at a sort of absolute break with their traditional time" (Foucault 1986, 25). Unlike other spaces, the border is always functioning and border control is 24/7. Simultaneously, while stuck in its security apparatus, refugees lose all control over their own time. At all the various points making up the border in the fall of 2015, their schedule and movements were regimented according to when authorities told them they could move from checkpoint, to bus, to accommodation center, to check point, etc. They ate and slept when possible or when told, but not otherwise. While there, refugees never knew and were never told how long they would have to wait at the border or whether they would be able to cross it and continue their journey or not. In the discourse, the media and government applaud this regimented control of time and the security figures who implement it.

The fifth principle of heterotopias is that they have a system of opening and closing;

they are isolated and penetrable; they are not freely accessible. The border created a Fortress Europe that was not freely accessible to asylum seekers. The border and humanitarian corridor itself became a fortress where only certain places were acceptable for refugees to go. When refugees arrived in Slovenia, the police practice was to issue some of them permission to remain in Slovenia for six months' time, a legal document that did not restrict movement in the territory of Slovenia. In practice however, refugees' movement was restricted to be only through the established corridor, a policy that Ladić and Vučko (2016) say "corresponds directly to the public's belief in the dangerousness of the refugees" (Ladić and Vučko 2016, 25). On the flip side, Pajnik argues state action creates a public belief in the dangerousness of refugees through government propaganda (Pajnik 2016). In analyzing the legal implications of Slovenia's response to the refugee crisis, Kogošek Salamon (2016) goes further to say that the restriction of movement to the corridor was in fact detention, because "their freedom of movement was in fact limited: they were obliged to stay in the premises (mostly fenced areas and tents) specifically designed for them by the state, they were obliged to use the means of transport when and where it was provided for them by the police, they had limited contact with the outside world, and they were not allowed to leave the fenced area, except in cases of justified medical emergency, when medical personnel and the police authorized their transfer to the hospital" (Kogošek Salamon 2016, 45). Police arbitrarily stopped certain individuals from passing through the humanitarian corridor to Austria and detained them in the Centre for Foreigners without justification for such actions. Not only was the border physically closed off, by equating refugees with criminals and enemies, it also became a place of psychological exclusion. In a similar way that Wacquant (2000) makes the case for the "closed circuit of perpetual marginality" describing convicted felons in the United States, Bhui (2016) argues that detention and deportation of immigrants and foreign-nationals is a manifestation of racism in which criminalization is used to embed marginalization through physical removal. Papadopoulos and Tsianos, in their reconceptualization of modern migration, explain the rigidity and porousness of borders. While the classical conception of migration is that it is a purposeful, unidirectional, and intentional process in which the migrant calculates costs and benefits and then eventually arrives at his/ her destination, the reality is rather that "migration is not an individual strategy nor does it designate the option "exit." Rather it characterizes the continuous shifts and radical re-articulations of individual trajectories" (Papadopoulos and Tsianos 2008). Migrants both encounter and must heed to a rigid security apparatus at the border but also manage to make it porous by crossing it in an act of resistance against state control (i.e. through established smuggling networks and falsified or destroyed identity

documents).

Lastly, the sixth principle of heterotopias is that they related to all other spaces. The border is a heterotopia of compensation, a space which Foucault describes as follows: "their role is to create a space that is other, another real space, as perfect, as meticulous, as well arranged as ours is messy, ill constructed, and jumbled" (Foucault 1986, 27). The discourses and practice at the border show a space in which all aspects of the border manifest an ethno-religious system of control – through crisis management, crime patrol, and military action. Simultaneously, the discourse and practices present the Slovenian political utopia of: ethnic nationalism that is "good" and righteous, a strong nation-state able to protect itself (and the continent) from invaders, and belonging in progressive Europe. For example, the focus on control and the discourses of crime and war that conflate ethnic Otherness and Islam with criminality and enemy siege reveal a nationalism formed through consolidation of ethnically based collective identity, largely by proving its progressiveness, organization, and righteousness in opposition to the Orientalist world (Bakić-Hayden and Hayden 1992; Bakić-Hayden 1995). However, the violations of refugees' rights and degradation of their humanity at the border undercut these national claims of righteousness and progress. The border is a space of nationalist compensation, where the collective "helplessness, inferiority, and even paranoia that strongly informed the Slovenian self-perception" (Toplak 2012, 18) manifests itself in a system of control masked under an official human rights and crisis management discourse.

Discourse analysis and examination of the border as a heterotopia reveal an ethnic system of social control instituted by the Slovenian government in response to mass migrations of asylum seekers in the fall of 2015, and consequently, the ethnicized definition of belonging in the utopic Slovenian nation-state. States play a strong role in "defining the symbolic boundaries" (Bajt 2016b, 62) of the nation and fences, even when only built on the border, often symbolically follow immigrants within the country. In the state's response to the refugee crisis, identity is achieved through rituals of ethnic violence. But it is "the white man who descends into savagery in order to establish his own civility" (Razack 2008, 71).

7 Part III: Prisons, Borders, Heterotopia

Sociologists and criminologists have long known that punishment by the state is primarily a form of social control and the severity and frequency of punishment is often unrelated to crime patterns (Foucault 1977; Tonry 2004; Alexander 2010; Wacquant 2014).

Here we can connect punishment to heterotopia, as its manifestations are used to shape feelings and forms of national belonging. The state's conception of nationalism is then critical to the punishment it pursues. The same is true of asylum policies and state actions at the border. State actions at the border are often not related to actual threat or even numbers of migrations. The fence in Slovenia, for example, was actually erected even after migration numbers were already decreasing. Rather, the fence, military, and tightening asylum policies are mechanisms of state social control. Social control is psychological. It creates a belief in what the state is like – secure, safe, progressive, etc. – without actual changes. In other words, systems of social control and their physical spaces create a utopia that is only psychological. Looking at race relations in the United States, when poor whites and poor blacks banded together to challenge economic oppression, for example during Bacon's Rebellion in 1675 and in the Populist Party in the 1890's, promises of gains for whites who abandoned the cause of racial unity created a rift that resulted in further subjugation of blacks. The race bribes, as these rifts are deemed by Alexander (2010), did not create real improvements for poor whites. Rather, "the racial bribe was primarily psychological" (Alexander 2010, 35). The same is true at the border in Slovenia. Refugees never engaged in violence against Slovenia and most had no intention of remaining in Slovenia. But the border fence created a feeling of security, of being on top of the situation, and of distance for Slovenian people.

The psychology of crafting a heterotopia relies heavily on the media and government discourse. In the United States, the government rhetoric reproduced by the media created drugs as an epidemic and a violent threat, so policy to crack down on drug use became natural. Fictional police dramas also shape people's perception of the criminal justice system in the United States, a perception that is far from the reality. The protagonist police officers catch the bad guys and, after being afforded a fair and lengthy trial to prove their innocence, the bad guys are sent to prison (Alexander 2010). These shows give us a glimpse into the American utopia in which criminals are always deserving of their punishment, the rule of law is upheld, and police are the good guys. A parallel is clear when it comes to the border fence and Slovenia's dealing with asylum seekers. The government started talking about erecting a border fence already on October 14, 2015, days before large numbers of refugees even began arriving in the country. The focus on an impending emergency and a criminal and security threat made excessive control and security seem justified. Before Slovenia was on the Balkan migration route, a newspaper poll showed that the public was strongly against the erection of a border fence (76 percent against) and largely did not view the refugee crisis as a security issue (only 11 percent of respondents thought saw it as a security issue). Two months later,

two separate newspaper polls indicated overwhelming public support for a border fence (79 percent in one poll and 71 percent in another) (Ladić and Vučko 2016).

In her analysis of the media's response to the refugee crisis, Pajnik (2016) argues that the Slovenian media follows the discourse of the political elites, a phenomenon Mazolleni and Schults (1999) called mediatisation of society. As Pajnik elaborates, "reporting about migration and refugees, the media largely turned on the microphones to constantly repeat the government discourse and agenda, reproducing migrants as a threat to the Slovenian nation and society" (Pajnik 2016, 64). In doing so, the media redefines the public (as merely recipients of the government's discourse) and redefines political (as party politics) (Pajnik 2016). This definition means that the media values the government and political parties as sources, rather than civil society and non-governmental entities, and therefore selects and re-selects these sources without reflecting on the content produced as a result. The Slovenian situation represents a larger trend in media: "[government] officials' public relations efforts are increasingly sophisticated and continue to serve as the basis of many news stories. For example, official news releases are likely to be published with only cursory checks on their veracity" (Beckett 2000, 65). Whitney et al. (2009) find that 72 percent of all sources for U.S. network television news between 1982 and 1984 were government officials or leaders of political groups and institutions. In the case of the refugee crisis in Slovenia, the media followed the government narrative and therefore produced a lack of critical discourse and a repetition of racist ideas (Pajnik 2016). The relationship between the media and the public is dialectic, though Fairclough stresses the causal effects of texts on beliefs, as they "contribute to establishing, maintaining and changing social relations of power, domination and exploitation" (Fairclough 2003, 9). While the media discourse about the refugee crisis and the War on Drugs clearly reflected the public's ethnocentrism and racism, it also impacted people's perception and hardened such attitudes.

Both the prison and the border exemplify the epoch of space Foucault discusses in *Of Other Spaces*. They are near to us. The crises are well known; the media heavily reported on both; they are physically near to the goings-about in our day to day lives. Yet, through discourses of crime, war, and control that rely on a narrative of "us versus them," both become inexplicably distant and incomprehensible. In his book *States of Denial,* Stanley Cohen explains the distance and the closeness of the results and consequences of our actions. He argues that denial is complicated and many people "know" and "don't know" about others' suffering at the same time (Cohen 2001, 4). Alexander (2010) explains further how this applies to the drug war and mass incarceration: "Denial is facilitated by persistent racial

segregation in housing and schools, by political demagoguery, by racialized media imagery…Those confined to prison are out of sight and out of mind; once released, they are typically confined in ghettos" (Alexander 2010, 182). The drug war has created a state of exception that African Americans spend their lives in as a result of a conviction. They are banished into a legalized oblivion. The same is true of the border, where the de-facto detention corridor which was established to facilitate refugees' transit through Slovenia was not grounded in any international, EU, or national law, meaning the authorities were responding to the situation practically on the ground without concern for legality (Kogošek Salamon 2016). The claims of otherness, which were crafted by referral to people as floods, emphasizing actuarial management of people, and creating criminals and enemy combatants out of racial and ethnic minorities simultaneously become justifications for punitiveness and lenses through which the nation crafts a positive self-image. In both the crisis of mass incarceration and the refugee crisis, management was touted as if it was a value-neutral response. Prisons in the late 1900's became just another institution to be efficiently administered, not a social or moral issue (Garland 2001). In order to create increasingly punitive prisons in the United States, prison administrators used language about probability, risk, management, and the existence of dangerous individuals who could disrupt the prisons to justify creating expansive and increasingly punitive prisons and policies (Feeley and Simon 1992; Harcourt 2007; Rieter 2016). The same discourse of need for control and management was used in the Slovenian media and resulted in militarization of the border through expanded military presence and border fences.

Prisons, war, borders, and race/ ethnicity have always been connected. Since the beginning of the nation-state, prisons expand in times of war to hold prisoners of war, enemy combatants, political detractors and refugees fleeing combat zones (Bosworth 2009). War is thus waged domestically, and police forces become increasingly militarized while military forces take on policing powers (Leymarie 2009). These tactics were used in the creation and response to both of these crises. Importantly, neither crisis took place in a time of war in either nation. Nonetheless, the discourse of war was re-purposed to expand the systems of social control.

8 Conclusion

"A nation is a choice" (Alexander 2010, 217). Nation-states define belonging through systems of control: migration policies, control over the pathway to citizenship, border policing, domestic policing, penal policies. These systems reveal themselves in the existence

of actual spaces. As Foucault explains: "This problem of the human site or living space is not simply that of knowing whether there will be enough space for men in the world—a problem that is certainly quite important—but also that of knowing what relations of propinquity, what type of storage, circulation, marking, and classification of human elements should be adopted in a given situation in order to achieve a given end" (Foucault 1986, 23). In both of the crises I analyze, the classification chosen is an ethno/ racial nationalist cordoning off of individuals not useful to the nation's conception of itself. By looking at these systems of social control and their heterotopic spaces, we can see the authority of the state in defining belonging in ethnic and racial terms. Bajt explains that in the nation-state system, national identity, though governed through access to citizenship, is an expression of belonging to a nation (a group sharing cultural or ethnic ties) not a state (political community). The values ascribed to belonging to (or in) a particular nation-state remain undefined, making ethnicized conceptions of belonging common and accepted. Integration of migrants necessarily suggests a defined community to integrate into, where the differences between that community and migrants are defined ethnically, culturally, or religiously (Bajt 2016b). In parallel, states define those who are wanted and those who are not by isolating the outcasts in removed institutions, like prisons and asylums (Foucault 1977). The prison as an institution was not established to fight crime, but to assert authority, morality, usefulness, and control over the dispossessed (Foucault 1977; Alexander 2010; Wacquant 2014; Bhui 2016). By their very nature as publicly controlled, borders and prisons reflect our national character. I believe the following quote from Michelle Alexander, though only talking about America's War on Drugs is also illustrative in the context of Slovenia's border crisis: "Numerous paths were available to us, as a nation, in the wake of the crack crisis, yet for reasons traceable largely to racial politics and fear mongering we chose war" (Alexander 2010, 52). In this thesis, I have sought to reveal the prison and the border as heterotopias, and in doing so I hope to have simultaneously revealed and contested the utopian image of the nation that is mirrored in the heterotopias' creation. A utopia is never real, yet in seeking one, there are less marginalizing, militarizing, and oppressive ways forward in criminal justice and immigration. I sincerely hope we choose them.

9 Summary in Slovenian

Raziskujem množično inkarceracijo v Združenih državah Amerike, za katero je po večini odgovorna vojna proti drogam, in begunsko krizo v Sloveniji. Teoretska okvirja, ki najbolj vplivata na mojo raziskavo, sta Foucaultov koncept heterotopije, ki ga uporabim kot vodilo za razumevanje naroda in pripora, in koncept rasne misli (Arendt 1973), ki ga še bolj razloži in razvije Sherene Razack (2008). Foucaultova heterotopija, kot je predstavljena v eseju *Of Other Spaces*, je razlaga prostora, ki lahko ima neposredno ali spreobrnjeno povezavo z resničnimi ali drugimi prostori v družbi (Foucault 1986; Ismail et al. 2017). Foucault razloži, da utopije niso resnični prostori, ampak idealizirani, konstituirani iz "sedanje družbe v popolni obliki" (Foucault 1986, 24), heterotopije pa so resnični prostori, ki so "proti-prostori" (Foucault 1986, 24). Reflektirajo, predstavljajo in primerjajo utopije. Uporabim tudi koncept rasne misli, ki ga je osnovala Hannah Arendt (Arendt 1973), še bolj podrobno razložila in razvila pa ga je Sherene Razack (2008). Grožnja rasizma in totalitarizma se pojavi iz kombinacije rasne misli in birokracije, kot načina za institucionalizacije rasizma, ki se zgodi tako preko ustvaritve nadzora na meji, kakor tudi v zaporih.

Zanašam se na številne diskurzivne analize TV-serij, medijskih informativnih oddaj, tiskanih medijev in govorov javnih vladnih oseb, o vojni proti drogam, ki mi pokažejo rasno naravo ameriške narodne identitete. Zapori so moderna orodja za posredovanje te identitete. Preko šestih načel Foucaultove heterotopije analiziram ameriške zapore in poskušam dokazati, da gre za intimno povezavo (fizično in čustveno) med strukturo ameriške družbe in rasno motivirano inkarceracijo. Ameriška utopija nujno potrebuje zapore kot heterotopijo, da lahko oblikuje neobstoječe, vendar tako želene koncepte ameriških sanj; barvne sleposti, napredka, varnosti, liberalizma. Seveda pa že sam obstoj zaporov spodbija in spreobrne to popolno družbo.V lastni diskurzivni analizi člankov, ki so bili napisani o beguncih na strani Slovenske tiskovne agencije (STA) v jeseni 2015, najdem 3 vodilne diskurze: diskurz vodenja in nadzora, diskurz kriminala in diskurz vojne. V vseh treh je prisoten etnično-religijski podton nepripadanja. Z uporabo Foucaltovih šestih načel heterotopije dokazujem, da je meja heterotopija, ki razkriva etnocentristično naravo slovenskega narodnega projekta (utopije). V želji po pripadnosti Evropi, zaščiti schengenskega območja, biti videni, kot humanitarni in hkrati kot da imajo stvari pod nadzorom, je narod ustvaril mejo kot kraj, ki popolno refleksira in spodbije ta ideal.

10 Literature

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