How to disappear completely

Hannah Arendt and the European Union's politics on migration

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Content

"The spectre of authoritarianism, verging on totalitarianism, is all over Europe – as hapless politicians are struggling to impose impossible policies upon Europe's disheartened peoples"
(Europe in Crisis, 2020)

Introduction

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Totalitarianism, Rights to have rights, Hannah Arendt, differentiated (or graduated) citizenship, confinement, invisibility, seen or not seen, bare life, surveillance, the European Union, migrants, statelessness

Approximately 12 million people around the globe live without citizenship in one way or the other[1] and are considered stateless people. Many of these people are on the move from their native habitat, where they, in some cases, had a citizenship and consequently rights. By given up one's rights stemming from one's place of origin, one often finds oneself in a sort of vacuum – in between citizenships, with no rights at all. The academic debate of rights and citizenship has been spearheaded by Hannah Arendt who from different perspectives discuss the concepts of rights and citizenship and how it affects people migrating or fleeing. The concept in itself has been raising question of how to obtain rights, who hands it to you, how you as a person uphold the rights and makes sure they do not get violated etc. It is still to this day a very relevant ongoing debate especially in regard to refugees and migrants moving towards places such as the continent of Europe.

The enormous influx of migrants, illegal as well as legal, into Europe in the last couple of decades has created a new structure of both border control and access into the mainland of the European continent and judicial approach to this group of people. Access is granted through the gift of either asylum or citizenship, but the frontier is placed far away from the countries that migrants are migrating towards. The EU has created an armlength principle by establishing borders at the outer rim of the EU in Italy and Greece. The structure of admittance and the gaze upon outsiders has taken a turn with privatized border control, and a body of law that decides whether or not

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[1] http://reporting.unhcr.org/population

certain people of different cultures and origin countries have the right to access the EU. The dominating discourse as of now focuses on the word 'crisis' and further express notions of 'pressure on the EU'. These notions, more often than not, creates extraordinary judicial situations and can potentially lead to countries, as well as the institution of the European Union, claiming a state of emergency, enabling the possibility of enforcing new laws, or being able to change the laws of either the countries in question or the EU, under the excuse of an extraordinary situation. Along with the physical borders and judicial system in place, the attitude in Europe towards refugees and migrants in general, has a connotation of being problematic for the European continent. From a systemic level, all of this point towards a strategy and structure of keeping people at bay and controlling large groups of people from different backgrounds, nationality, ethnicity etc.

The perspective offered by Hannah Arendt in her work from the mid-twentieth century, has a focus of defining both what makes us all human being in the way of pinpointing the elements that constitutes a modern human being as well as portraying what makes a totalitarian regime and how such a regime is the antimatter of the human being in the way of stripping people of their rights and taking away the essential parts that makes up an individual.

From a theoretical standpoint in Hannah Arendt ideas, both in "The Origins of Totalitarianism" and "The Human Condition", this thesis is centered on conducting an analysis of how the European Union and thereby its member states are operating in regard to migrants This leads me to problem formulation:

How can the institution of EU and its approach to migrants be understood in the view of Hannah Arendt's theory on totalitarianism?

Are migrating people becoming superfluous? Is the loss of right removing what it means to be a *human* from human beings?

Two actors: the people and the state – the relation between illegal migrants and the supranational state of EU

The European continent has a vast history of being a place of migration – both from and to. In the last 20 years, the focus on migration into the EU has been a focal point of discussion regarding European politics and European law. The reason for this, is often based on the notion that the influx of refugees and migrants, illegal and legal, has been increased enormously: "The large-scale,

uncontrolled arrival of migrants and asylum seekers in 2015 has put a strain not only on many Member States' asylum systems, but also on the Common European Asylum System as a whole" (European Commission, 2016)

Whether this is true or not has little relevance in the context of migration towards Europe, compared to the fact that Europe is geographically located in the vicinity of both the middle east, Africa and to some extent Asia and desirable due to the high degree of welfare and job opportunities. These factors make Europe an optimal recipient of migrants and refugees from all over the world, seeking a better life and a safe haven for them to stay. Since the birth of the Universal Declaration of Human Rights of 1948, the states of the world and its bureaucratic systems has abided by rules that favors the individual in need of protection. This focus has changed the dynamic of the relationship between state and the people of the world somewhat, in the sense that every individual of the world has declared rights, agreed to by most of the worlds state. The Human Rights is key to how modern global politics and bureaucracy is understood and practiced in institutions such as the EU and the UN. The relationship between states and institutions, and the people of the world is bound to the notion and fact that the people have certain rights that states has to abide to.

At about the same time as the birth of the Human Rights, the European Union was formed in an attempt to bring peace across the European continent. Over time it developed from being a trade union to be an almost all-encompassing bureaucratic network for 27 member states (The EU in brief - European Union, 2020). The European Union operates on many levels designing a judicial system of cooperation within the member states, ensuring, among other things; movement across borders, trade and jobs. The goal: a stronger Europe, collaborating across borders for the benefit of the European states and its citizens (The EU in brief - European Union, 2020). The EU can be defined as a supranational state - an institution that operates on behalf of the states it represents and makes decisions on behalf of its population within the EU parliament. So, the EU protects its citizens, and its citizens can potentially affect the decision-making process as in they would be able to in their own state's democracy. The protection and the general make-up of the Union is therefore entirely made of the people that has their citizenship in an EU member state. The protection of one's own lies within the very foundation and build-up of states, and especially nation-states, and therefore the EU, which is the mirror, of its states operates in the same way.

The pressure from the outside constitutes a self-declared problem for Europe. Within the framework of the bureaucracy of the EU, rules and law has to be put in place to control the influx of people into Europe. Therefore, there is a right- and a wrong way to enter the continent according to the EU. There are the ones who are allowed in and the ones who are not. This divides people into groups; illegal and legal immigrants, which also encompass people who are fleeing from their place of origin and claim refuge. From the individual's perspective the main objective is a claim to rights. A question of reaching your destination and then claiming the right to reside in that setting and claiming your own "right to have rights"[2].

From the EU's perspective on the other hand, multiple arrangements have to be put in place in order for the institution to control how many people enters the European continent but at the same time also establishing *who* enters: "The State, which ought to constitute the very space of public life, instead has made the citizen into the suspect par excellence to the point that humanity itself has become a dangerous class" (Agamben and Murray, 2008).

There is a distinction and evaluation been done at the borders of Europe for the purpose of making sure that law and rules are being followed: "The European Council, at its special meeting in Tampere on 15 and 16 October 1999, acknowledged the need for harmonisation of national law governing the conditions for admission and residence of third-country nationals" (European Commission, 2011)

The EU wishes, first and foremost, to integrate within the boundaries of their own judicial framework. This has made way for the implementation of biometric scanning and has made the EU hire private partners to handle the control of the influx of refugees and migrants along the European borders. This leads in some respects to a discrimination of people and raises the question of what the rights of human beings really are: "I am concerned with how border controls raise the question of who belongs to the polity; marking a line of distinction between what Agamben (1998) famously terms zoe (bare life) and bios (the biological life of the society)" (Aas, 2011).

The question is raised in direct reaction to the surveillance initiatives instigated by the EU. Surveillance, not a new thing but rather just in a new format of biometrics and digital footprints, nonetheless questions the rights of human beings: "Refugees are able to rely on digital networks to both communicate with distant family members and locate the resources they need. Yet, those same tools are increasingly also used to exploit their vulnerabilities" (Latonero and Kift, 2018).

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[2] The concept of "Rights to have rights" was introduced in the essay *Rights of man: What are they* and later in *The Origins of Totalitarianism* both by Hannah Arendt.

For migrants, the movement across borders from homeland to the unknown is rooted in the claim for rights. But in the process the loss of rights is unavoidable. Not only do you have to let go of the rights you had (if you had any) in your country of origin, but you are also subjected to surveillance that challenges you basic rights as an individual: "Surveillance is the technique that opens up this potentiality, which allows for the normalization of the exception" (Douglas, 2009 p. 37). What Douglas refers to in this context is the notion that a state has the potential to enforce new rules and legislation in the case of crisis and state of emergency, that then can become the new normal and these newly installed rules again has the potential stripping people of some of the rights (Brinham 2019) or at least it makes it possible for states to change rules that benefits the state's own population. That leaves people who are without the proper citizenship, outside the system: "Documents are crucial tools for states to build and maintain power by establishing a monopoly on the control over freedom of movement and access to rights and benefits. States embrace particular populations while also excluding or 'Othering' in ways that produce noncitizens" (Brinham 2019, 159). It is then not only physical borders or digital and biometric monitoring that hinders people in movement and in obtaining rights, but also documents and the bureaucratic systems in themselves that becomes part of the obstacles facing migrants and refugees. From the perspective of the people on the move these obstacles are incredibly problematic to overcome.

Theoretical foundation: Hannah Arendt's Human Condition and The Origins of Totalitarianism

When approaching the question of rights of human beings, Hannah Arendt's main works; 'The Human Condition' and 'The Origins of Totalitarianism' stand out as beacons within the discussion of humans and his/her relation to society.
Being from Jewish descent, Hannah Arendt experienced and survived World War II in the harshest of conditions. She later defined and analyzed the state of Nazi Germany during World War II as a totalitarian regime which became the benchmark from which the theory was formed and created (Young-Bruehl, 2006).

'The Human condition' was published in 1958 and is a philosophical dive into the question of what makes us human. Hannah Arendt presents the human being from the perspectives of work, action and labor in the context of the realm in which one enters into, either the public or private (Arendt, 1958). In the question of private and public realm Arendt debates what the different spaces do to the individual - what one's worth is in these spaces (Arendt, 1958). As Arendt argues, the public realm (=spaces) are establish or introduced on the expense of the private realm in that human beings had to enter into the public space in order to make his or her voice relevant in the political space that is the public realm (Arendt, 1958). The family structure, the safe space, is therefore put in the background of a political and public space for human beings to operate in: "To leave the household (..) demanded courage because only in the household was one primarily concerned with one's own life and survival" (Arendt 1958, p. 36). The reason for humans to do this might be, according to Arendt, to better one's life beyond sheer survival (Arendt, 1958). It is in the public life that human beings find trade and thereby the possibility of expanding one's wealth and life in general: "Neither education nor ingenuity nor talent can replace the constituent elements of the public realm, which makes a proper place for human excellence" (Arendt 1958, p. 49).

What is interesting from our perspective of the migrant and the institution of the EU are two main components: power and having a meaningful life.

The definition of power and the subsequent use of it, relies on the relation between humans (Arendt, 1958). It exists in the public realm, but more importantly it is what support the reality of the public realm: "Power is what keeps the public realm, the potential space of appearance between acting and speaking men, in existence" (Arendt 1958, p. 200). Power between humans is therefore an unavoidable aspect of interacting within the public realm – a realm that has grown and increased in size and meaning since the creation of 'The Human Condition'. It is a chicken and egg situation; has the public realm grown or is it the concept of power that has overtaken humans, and thereby has created a need for a stronger and sizeable public realm to operate within?

In a modern and globalized world as we arguable live in as of now, power has close to ideal conditions in that power in the public realm works better with rules and bureaucracy and has done so since the ancient Greeks that are the focus of Arendt's study. The question of power is further defined in the context of public space by stating that it is a potential strength, a potential strength that is depending on the interaction of men: "While strength is the natural quality of an individual seen in isolation, power springs up between men when they act together and vanishes the moment they disperse" (Arendt 1958, p. 200)

The interactions between humans in the public realm becomes the struggle for power – elaborated on later in the century by scholars such as Michel Foucault, Norman Fairclough etc. But from Arendt's perspective there are additional important struggles to account for in the public realm. In the 'Human Condition' she also addresses all the things that gives human beings meaning, how we through our labor and work can find what makes us human (Arendt, 1958). But although there is a meaning to be found through labor and work, it becomes complicated in the public realm, where rights of humans and trade are being performed (Arendt, 1958). It is within this realm people are to lose their rights; they are in a realm where things can be taken from them.

As stated also in Selya Benhabib's book 'The Rights of Others' where she quotes Hannah Arendt: "The right to have rights can be realized only in a political community in which we are judged not through the characteristics which define us at birth, but through our actions and opinions, by what we do and say and think" (Benhabib 2004, p. 59) Our political life is therefore at the very core of how we obtain rights in the public realm – we have to express ourselves in order to be heard and interact in the public realm. Unfortunately, the reality of the public realm is such, that we are being judged by our background and if people are unable to speak or not allowed, they either end up outside the system or in a position of which they have no control or influence over the public realm. This principle is also pointed out by Benhabib, who focuses on the right to have rights and the structures that allows for them to exist: "the having of rights depends on receipt of a special sort of social recognition and acceptance - that is, of one's juridical status within some particular concrete political community" (Benhabib 2004, p. 56). The notion of the public realm constituting certain rules for acceptance forces people who wishes to operate within this realm to abide by these rules. These rules have become rights of citizenship, human rights and laws in general that is created for the purpose of controlling and sustaining the public realm and its government. The system is not necessarily put in place to protect people, but rather the citizens of the state and the state itself. The word citizenship is key since it is the way for governments to uphold their own laws over a specific group of people. To know who is entitled to what, but also a way to punish if the rules are not followed: "Citizenship then is understood as 'the right to have rights', whereby a lack of citizenship leads to a depletion of many other human rights" (Brinham 2019, p. 163). This statement is further amplified by the words of Benhabib, who draw up the dire consequences in the case of a loss of citizenship: "The loss of citizenship rights, therefore, contrary to all human rights declarations, was politically tantamount to the loss of human rights altogether" (Benhabib 2004, p. 50). The question remains how this is relevant for people on the move. In the case of

migrants, the movement from point A to point B is often equal to leaving you citizenship behind - moving into a class of statelessness attempting to find a space, a public realm, where you are able to enter and find safety. But when entering point B, or any of the other public realms along the way, you do it without any immediate claim to citizenship. Ergo, the consequence being that you are left without any claims to rights. Benhabib further quotes Hannah Arendt in a way of underlining the consequences and problems migrants and refugees are faced with in this system:

"We become aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerge who had lost and could not regain these rights because of the new global political situation" (Arendt in Benhabib 2004, p. 55)

The problem is in this understanding a modern problem, modern in the sense that in Arendt's perspective this awareness has risen first and foremost in the twentieth century. In this modern context the moving people themselves acknowledges their own agency in this system, seeing that their own option is to fully embrace the citizenship in the country their arrive in even though it cost them their inherited citizenship in their homeland: "It is not surprising, therefore, that recent surveys indicate that many immigrants are not as anxious as they once might have been to embrace the citizenship of their new countries, thereby compromising their right of return" (Appadurai & Holston 1996, p. 190). The paradox then arises; the states of the world has created systems to protect their citizens and uphold the laws they have put into place but at the same time it is within these systems that migrating people, illegal or not, are able to be acknowledged as citizens. Two movements can be found according to Arjun Appadurai and James Holston; a reactionary movement that aims to deny social services to noncitizens to keep the undesired out, the other movement tries to make citizenship more inclusive, more supranational, human rights based, trans-nationalistic and continental rather than based in a certain nation-state (Appadurai & Holston 1996). From these two movements the former is further argued by Asad L. Asad who in his studies of the American immigration system find that people attempt to avoid the American immigration system altogether. As he argues, it is better not to be seen than to be perceived and detected by a system that is mostly punitive: "Perceived legibility to the US immigration regime's formal records can represent a source of risk and can have long-term consequences for noncitizens and for their children (Asad 2020, p. 160). From the latter the intriguing aspect is that of whether or not a transnational system and organization makes way for a more inclusive system.

Beside 'The Human Condititon' that deals with what constitutes a human being in the different realms of life and what rights and possibilities we as humans have, Hanna Arendt adds to this understanding but from a more state-centric perspective in 'The Origins of Totalitarianism' from 1951. The book is a philosophical investigation into the government form of totalitarianism, and how Hannah Arendt defines it, in relation to the Nazi Germany and its actions during World War II. Hannah Arendt tells us how totalitarianism is completely different from other generally suppressing forms of government such as tyranny and dictatorship: "This new form of government, without political opposition or traditional forms of community to check it, reaches into every facet of life with institutions of total terror, among them secret police and, especially, concentration camps" (Young-Bruehl 2006, p. 38). From the perspective of Arendt there are certain boxes that must be checked for a state to be considered a totalitarian state. First of all, relating to her work on 'The Human Condition', Arendt argues that a trademark of a totalitarian state is to strip people of their rights and the human aspect of being alive, leaving them in a state of bare life[3]. This is again seen in the consequences of concentration camps during World War II, but also found by Elisabeth Young-Bruehl in the context of post 9/11 USA, where the war on terror gave way for a prison system and foreign policy that has very little regard for anything else than bare life which also points towards a relevance of this theory in relation to the world of today (Young-Bruehl, 2006). A totalitarian state, in Hannah Arendt's definition, treats certain groups of people, either the enemy or people that are outside of the state's own system, in a way that not only strips them of their rights, but also strip them of their possibilities in life. It has a tendency to take away all the aspects that makes people more than just pieces of meat: "people were dominated, terrorized, deprived of their rights and their 'right to have rights' of their capacity to act, and finally of their now completely devalued lives" (Young-Bruehl 2006, 37).

Arendt also recognized that the totalitarian state also breaks private bonds in families by denying certain marriages but also by making family members spy on one another (Young-Bruehl, 2006). The modus of the totalitarian state is multifaceted and one of the keywords is destruction. Destruction of property to remove and reset the buildings and symbols surrounding a population, to make sure that people will lose hope and believe in the previous system and accept and put total trust in the totalitarian regime (Young-Bruehl, 2006).

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[3] Bare life: "Bare life refers then to a conception of life in which the sheer biological fact of life is given priority over the way a life is lived, by which [Giorgio] Agamben means its possibilities and potentialities" https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095446660

The same goes for the political system. The success of the totalitarian state rests on the fact that the legibility of the state cannot be put into question, and the totalitarian state therefore has to remove the openness of democracy and in addition the freedom of speech among other rights: "Totalitarianism, she [Arendt] argued, is the disappearance of politics: a form of government that destroys politics" (Young-Bruehl 2006, p. 39).

The structure of a totalitarian state is further made in a way that makes it incredible complex (Young-Bruehl, 2006). As oppose to other forms of government such as tyranny and dictatorship, the totalitarian state does not operate with one leading person, a leader at the top of the structure that is irreplaceable, but rather a complex bureaucratic system consisting of smaller segments and individuals that can be replaced if need be, without the structure falling apart (Young-Bruehl, 2006). The structure is complex and consisting without political opposition as in many other systems of suppression, which makes it almost impossible for the people, both in- and outside the state, to fully comprehend the decisions being made and be able to question the system in general.

Government by bureaucracy was a fourth element of totalitarianism that Arendt identified, tracking its history from the nineteenth-century imperial regimes and examining its assault upon individual judgment and responsibility as it became, in Germany and the Soviet Union, "government by nobody" (Young-Bruehl 2006, p. 54).

Another element that is key is using terror as a natural element of totalitarianism - as a tool, as a means to gain control:

"But no matter what the form, it is the total in total terror that is key. Once willingness to persecute and sacrifice huge numbers of people, whole subpopulations, to the logic of an ideology (that is, for no practical or strategic rea- son) had appeared in history, it could not go away (..) Total terror or total war has been with us, a disease in uncertain remission, for more than fifty years" (Young-Bruehl 2006, p. 51).

Another core element of the totalitarian state and regime is the removal of religion (Young-Bruehl, 2006). In a state where ideology is everything, as it is in a totalitarian regime, religion as a concept is in the way: "The totalitarian denial of any laws other than ideological dictates coincided with (but was not caused by) the collapse of belief in any source of rights or actual laws outside of human nature itself" (Young-Bruehl 2006, p. 49). Arendt acknowledge that religion has the potential to become powerful tools for any state or institution but in case that happened religion

itself transformed either into an apparatus or an instrument for political use or even into being a foundation or outer face of the totalitarian state thus becoming totalitarian in its construction (Young-Bruehl, 2006). Examples of this are to be found, though it can be argued, in a country such as Israel that in its core is built upon the Jewish religion but at the same time suppress the Palestinian people. The same can be said about religious states such as Iran and the Cristian crusaders of America (Young-Bruehl, 2006).

All these are part of the blueprint that makes up a totalitarian state in the perspective from Hannah Arendt. A state that exercises terror on certain groups of people, dividing them, stripping them of their rights and leaving them only in a bare life condition. It creates a class of people that can be regarded as superfluous (Young-Bruehl, 2006).

The case: The European Union's bureaucratic- and judicial approach to migrants

With the establishment of the Common European Asylumn System of 1999 the European nation states passed parts of their sovereignty in the judicial aspect of migration to the European Union (European Commission 2020). The European Union has introduced several legislative initiatives in order to create a judicial framework for its state to abide to. The EU has become a supranational institution not only in terms of labor and trade, but also when it comes to the question of citizenship and in effect rights of human beings. The Court of Justice of the European Union (CJEU) consist of two separated courts, the General Court and the Court of Justice lead by 2 judges from each member country and 1 judge from each EU country including 11 advocates general respectively (European Commission 2020). It is within these two courts matters between countries, companies, organizations and, most importantly from the perspective of the migrant, individuals and the EU. The court, its members and the judges abide by the rules put forth and decided within the European Parliament and is in effect therefore the very bureaucratic system that individuals both within and outside the EU has to apply through if they wish to be granted citizenship and rights within the walls of Europe. The rights to have rights go through the EU judicial system.

Looking more closely at the directives regarding migrants that is put forward by the EU will, together with the structure of the EU itself, provide the empirical data for discussing how the EU operates and if it can be regarded as a form of totalitarian systemic approach towards migrants. The process of document analysis will be applied when looking at several different documents that has a common denominator of being in direct relation to migration into Europe and how the European Union operates in legislating immigration into the continent. The documents chosen, are all furthermore selected on the basis that they represent different types of documents that which the institution of the EU produces, and that many of the documents refer to one another within the documents referencing. One approach could have been that of putting an emphasis on one specific case, but in order to understand how a supranational state such as the European Union operates in a modern global context, there is an urgency of examining the different outputs, separately and in accordance with one another, in order to understand the actions of the organization.

The EU has produced an enormous number of documents relating to migration. The result of these documents is a framework and bureaucratic system put in place to control migration and divide people into a binary code – irregular- versus regular migrants. From the pool of documents, the empirical scope of this study is focused on the 'European Agenda on Migration of 2015', 'Qualification Directive of 2011', 'Council Framework Decision of 2002', '2016 Migration Directive' and the concrete case of 'M.N. and other versus the Belgian state'. These documents represents different formulation and structures of EU documents relating to migration in order to understand how different structured and formulated documents can be used in different ways creating this, from the perspective of the migrant, murky bureaucratic system that is complicated to understand and operate within for an individual, without rights, on the move. The objective is to compare the text and the wording of the text to Hannah Arendt's definition of the totalitarian state.

The 'European Agenda on Migration of 2015' is a statement document from the EU setting forth the plans for migrants going forward. The document is divided into two main sections: Immediate action and four pillars to managing migration better (European Commission, 2015). The introduction focuses on the status of Europe and migration into the continent and already from the beginning there is a focus on the binary, by dividing migration into problems and opportunity: "This Agenda brings together the different steps the European Union should take now, and in the coming years, to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration" (European Commission, 2015, p. 2). Not only does

the introduction divides people into either benefits or challenges, problems or potential, but also there is an immediate approach to this specific group of people, migrants, as seeing them as things rather than human beings by noting that they can either add value to society or be a cost. The introduction has elements of humanitarianism, but it is used as a means to an end, a way of justifying the European agenda for migrants going into the future. By having a focus of humanitarianism there is an argument for having a structure, a system put in place to create best possible circumstances for migration, both for the migrants but even more so for the European Union that has a need for systems and structure. When addressing the loss of life during migration, the agenda in question focuses on the "root causes of migration" (European Commission, 2015, p. 2) noting that these causes are because of "globalization and the communication revolution (..) Others are the consequence of wars" (European Commission 2015, p. 2). Why there is a need to address these causes is questionable since there is no further explanation to what the EU is attempting to do, rather than to acknowledge that there is a heightened migration to Europe. This may be precise the reason since it lays the foundation for why the EU see the necessity for this agenda, and thereby have grounds for creating this document.

In the first main section, 'immediate action', the first initiative is to "Triple the budget for the Frontex joint-operations Triton and Poseidon" (European Commission 2015, p. 3). These operations are carried out by the institution of Frontex which is the "the European Border and Coast Guard Agency, promotes, coordinates and develops European border management" (Origin & Tasks, 2020). Frontex is to be considered the policing system of the EU operating at the borders of Europe and is therefore, in the perspective of Hannah Arendt and the totalitarian state, an important element in defining the EU as such. Before even looking at the operations, the institution itself shows that the EU is to be viewed as a state. Supranational yes, but still a state. The two operations Triton and Poseidon are technical and identification assistance for Greece and border control and surveillance assistance for Italy respectively (EU operations in the Mediterranean Sea 2016). Looking at these operations from the perspective of Hannah Arendt's theory on the totalitarian state, we can see these as being part of the element of the division of people into classes. A system put in place to survey and control the European border in order to make sure the *right* people get in and the *wrong* stay out. To ensure proper immigration into Europe for the sake of migrants but also as a controlling unit managing the influx and amount of people entering the continent. They are the extended arm of the EU by making sure that the system put in place is to be upheld by keeping certain people at bay. This is underlined by the use

of wording in this section where the EU uses the phrase "frontline" (European Commission 2015, p. 4) when describing countries such as Greece and Italy, thereby evoking a sense of wartime by the geographical edge of the European Union. Not a war in the traditional sense but rather against an enemy that is difficult to detect and pin down and has many faces. One of the faces that are mentioned are the smugglers. The smugglers become the face of illegality, and in effect an enemy of the European Union. It is an easy target in the context of migration in the way that the smugglers are doing everything outside the judicial and bureaucratic system of the EU. They are one of the key problematic elements facing the EU, but there is a contradiction between viewing the smugglers as the problem but not, in a practical way, addressing the root causes of migration and thereby the need for smugglers in the first place. This underlines the aspect of the EU creating their own worldview; their own ideology and systems are the truth and thereby supporting the argument of a singular ideology of the totalitarian state as defined by Hannah Arendt.

An interesting aspect to the first section is found in relation to what goes on the outside of the EU: "Common Security and Defence Policy (CSDP) missions already deployed in countries like Niger and Mali, which will be strengthened on border management" (European Commission 2015, p. 5). This section is interesting not only as it once again brings forth the question of strong border management but even more so by the fact that the EU has deployed missions in African countries. This element is in the view of the Arendt theory on totalitarianism important, as it bears a resemblance to the previous imperialistic actions by European countries done in the past (Young-Bruehl, 2006). Where the previous reasons for doing so was rooted in nationalism (Germans in Libya and Egypt around World War II), the protection of the people of the home state now is placed in a different state, for instance Africa, rooted in an ideology, the idea of the EU. The idea and belief in Europe must be protected, and if that is threatened by the outside, the EU must go to the outside in order to protect itself equal to the actions of previous totalitarian states (Young-Bruehl, 2006).

The last part of the 'immediate action' section focuses on: "swiftly identify, register and fingerprint incoming migrants" (European Commission 2015, p. 6). This has been vocally critiqued by the Giorgio Agamben in 'No to Biopolitical tattooing' where he states: "This relation no longer has to do with free and active participation in the public sphere, but instead concerns the routine inscription and registration of the most private and most incommunicable element of subjectivity the biopolitical life of the body" (Agamben and Murray 2008, p. 202). Agamben is arguing that biopolitical tattooing, the idea of registration of people via biometrics, is attacking the basic elements of the human being, the bare life, and not only reducing individuals to things but even

categorizing them through scanning of the bodies. Removing all elements of humanity from the humans themselves and reducing this group of people to superfluous organic matter in a statistical system.

The second section of the European Agenda on Migration is the section named 'four pillars to managing migration' that again starts off by underlining the importance of the fight against irregularity, the fight against the pressure that is put on the European system. The initial statement in the sections clearly states that: "Those who fail the test of asylum face the prospect of return" (European Commission 2015, p. 7). Now, it is not only the smugglers that are targeted, but once again the migrants themselves, people that has fled their own homeland, potentially stripped of their own rights and have become stateless has to adhere to the system and the rules of the EU in order to be granted the potentiality of asylum. To refer back to Hannah Arendt's perspective rights are given as a gift and cannot just be claimed by people with no rights (Benhabib, 2004).

The sections delve into the question of root causes raised earlier by stating the importance of cooperation between countries in the region where people are moving from initially. No apparent plan of action is presented apart from the rather vague and non-specific notion of cooperation. And underlining element of this notion is the former mentioned approach to the outside world from the perspective of the EU. The notion that cooperation can also be viewed as interference by the EU into sovereign countries' and states' political and practical approach to migration.

The action on border control and management is further elaborated and argued: "The reinforcement of Frontex and the setting up of new forms of cooperation with Member States should be seen as a level of support and solidarity which is here to stay" (European Commission 2015, p. 11). What is striking in this specific statement is the fact that it is apparently "here to stay", thereby saying that the EU does not necessarily see the migrant situation of today as a problem they believe is going away. Rather, the importance of the border control and the system in itself has to be in place no matter the actual pressure on the borders.

The third subsection of the chapter in question elaborates on the process that just within the borders of the EU; the question of having a strong common asylum policy and surveillance (European Commission, 2015).

In the context of surveillance this means the biometric elements of surveillance such as fingerprint and facial recognition. This, once again, underlines the element of reducing people to bare lumps of meat, to the animal-like status of an individual human being (Young-Bruehl, 2006).

In view of the totalitarian theory of Hannah Arendt in relation of the European Union, there is a notion of the presence of secret police terrorizing the public, or sections of the public (Young-Bruehl, 2006). Whereas this is far from the reality of the modern-day European Union the question can be raised whether or not this has taken a new form in the way of EU operated personnel conducting systemic surveillance on a mass scale at the borders of Europe.

The Common European Asylum System (CEAS) that are being put in focus in this section, is a project that the EU has been working on in an attempt to homogenize the asylum process in the EU since 1999 (Common European Asylum System - Migration and Home Affairs - European Commission, 2020). The agenda reads: "This will be supported by a new systematic monitoring process, to look into the implementation and application of the asylum rules and foster mutual trust" (European Commission 2015, p. 12) which points towards a strong trust in the EU and its system relies on a homogenization of protocols and procedures. The imperative to fall into line and becoming homogenized is important for the belief in the EU agenda and ideology.

The final subsection of the chapter 'four pillars to managing migration' is called 'a new policy on legal migration'. The goal of the section is rooted in attracting the right kind of people, for the sole focus of labor, into the EU (European Commission, 2015). The text acknowledges that there a need for skilled workers in specific markets of labor and the EU wishes to fill these gaps by attracting the right kind of people to Europe: "It is important to have in place a clear and rigorous common system, which reflects the EU interest, including by maintaining Europe as an attractive destination for migrants" (European Commission 2015, p. 14). The phrase of "EU interest" is key since it marks that individual immigrants will be, when approaching Europe, divided into useful and useless to the European labor market. There is once again a clear division of people by the institution of EU: "Not aspiring to rule governmentally over the indigenous populations (..) aspire instead to exploit their overseas resources and cheap labor" (Young-Bruehl 2006, p. 75).

Going further into the bureaucratic system of the EU, the gaze turns towards the '2016 migration directive'. According to the EU, a directive is: "(..) a legislative act that sets out a goal that all EU countries must achieve" (Regulations, Directives and other acts - European Union, 2020) and must be understood, in the context of this analysis, as a concrete tool for the EU to use in order to enforce its politics.

This directive builds upon the previous mentioned agenda of 2015 and in the first section it reads: "Those who seek, or have been granted, protection do not have the right to choose in which Member State they want to settle" (European Commission 2016, p. 3) which clearly shows not

only the rules of which the European member states has to follow but also remove the choice from the hands of the migrants i.e. removing them from political life and public space (Arendt, 1958). The directive also states that an objective is to "reinforce the EURODAC[4] system" (European Commission 2016, p. 6) further strengthening the element of surveillance and consequently detection of people with the objective of a division of people into those who are accepted and those who are not. This part of the directive is supported by the next priority in the same section called "preventing secondary movement within the EU" (European Commission 2016, p. 6) stating that: "The Commission will include strengthened procedural measures (..) to discourage and sanction irregular moves to other Member States" (European Commission 2016, p. 6) in other words; the system is put in place and both the member states and especially the migrants have to abide by the system. EU raises its hand by imposing the threat of sanctions against member countries thereby making sure that the EU is the dominating institution in Europe. The next section of the directive goes further into procedural details by stating as to how the member states should operate when approaching migrants. The initial response is that: "Member States of first point of entry should identify, register, and fingerprint all migrants, and return those not in need of protection" (European Commission 2016, p. 7) where it is evident what the EURODAC and other biometrical systems are put in place to do; detecting those who are not welcome which is further elaborated by the statement that the EURODAC system is to be used as a "fight against irregular migration" (European Commission 2016, p. 9). Another direction that shows the will of the EU to fight irregularities in the migration system is that CEAS will "reduce incentives to move to and within the EU" (European Commission 2016, p. 10).

This directive supports the European Agenda on Migration of 2015 and is in return supported or linked together with the Qualification Directive. The Qualification Directive of 2011 (a revised edition of the 'Qualification Directive of 2004') sets the rules for member states to follow in order to determine whether or not a migrant meet the criteria for being offered asylum (European Commission, 2011). It is therefore a crucial element to the Migration Directive of 2016 and migration directives and regulations in general. The directive, in comparison to the Migration Directive of 2016, is written not as much as a coherent text but rather more specific rules, orders, articles etc. making it on the face of it more clear cut and specific in terms what the rights of the migrants are and what the rights of the EU member states are (European Commission, 2011).

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[4] EURODAC: EU's fingerprint database established in 2003 (https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en)

In the introduction and first chapter 'General provisions', there are initial sections dealing with definitions of certain words and wording in the Directive as well as the scope of the directive (who it relates to and does not relate to) and what treaties, regulations or directives this particular directive might be in accordance with (European Commission, 2011).

What is striking going through these initial provisions is the paradoxical connection between the stateless migrants in question and the nation-states of the EU: "The 'best interests of the child' should be a primary consideration of Member States when implementing this Directive, in line with the 1989 United Nations Convention on the Rights of the Child" (European Commission 2011, p. 10) and "The notion of national security and public order also covers cases in which a third-country national belongs to an association which supports international terrorism or supports such an association" (European Commission 2011, p.11) showing the element of human rights throughout the initial provisions at the same time respecting the member states possibility and opportunity to analyze individuals and their potential threat level. The example of the "best interest of the child" shows the emphasis that is put on human rights, and rights in general, if a stateless person is processed and found worthy of asylum. It shows the rights and benefits that are to be found inside the protective arms of the EU whereas it can easily be made undone by the state assessing the threat level, which leaves the beholder with the question of which of the two statement has precedence over the other.

In the second chapter the directive is presenting the different provisions for how to asses people approaching Europe among other one of the core elements of the Human Rights, the concept of 'Well-founded fear'[5]. The initial sections of chapter II are putting the asylum seekers on the spot by stating that: "Member States may consider it the duty of the applicant to submit as soon as possible all the elements needed to substantiate the application for international protection" (European Commission 2011, p. 14) thereby enrolling the migrants into the bureaucratic process right away and demanding all relevant material and personal data about the applicant: "all the documentation at the applicant's disposal regarding the applicant's age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes, travel documents and the reasons for applying for international protection" (European Commission 2011, p. 14). Migrants then, is not only asked to

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[5] "The fear of persecution experienced by an applicant for international protection that is considered both genuine and objectively justifiable (e.g. because the person concerned has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, and there is no good reason to consider that such persecution or serious harm will not be repeated)." (https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/well-founded-fear-persecution_en)

present the reasons for claiming asylum and the national background, but also rather personal information as a more specific presentation of background and family information. Member states can demand a full presentation of both background and how migrants have arrived at their current destination and what has happened during their travels. Information is key, and the EU countries are making sure to screen all migrants in order to know everything in case something sounds threatening in regards to the nation state and its population: "The notion of national security and public order also covers cases in which a third-country national belongs to an association which supports international terrorism or supports such an association" (European Commission 2011, p. 11).

The directive continues to produce other ways in which the EU is able to deny asylum and citizenship. Besides the statement that states can deny asylum in the case of protection by other states and/or international organizations (European Commission, 2011) the directive also has important subchapters in chapter III and V called 'Exclusion'.

In chapter III that deals with the act of persecution of migrants, thereby setting some rules for how one can be regarded as being in favor of receiving asylum or at least being processed in the system as such, the exclusion section outlines what might remove the right to enter the application system. In paragraph 2 section A the directive states that if a migrant has "committed a crime against peace, a war crime" (European Commission 2011, p. 17) one is excluded from the asylum process. Whereas this makes a lot of sense seen from the perspective of the EU in order to avoid trouble between migrants, since the innocent people applying at the same time might have been the ones on the other end of those crimes and the fact that crime against peace is in direct opposition to the foundation of the European democracy it is problematic when looking at the following statement: "committed a serious non-political crime outside the country of refuge prior to his or her" (European Commission 2011, p. 17). What is meant by this statement and provision is not further elaborated and it creates a potential problem in the way of who decides this to be a crime if it for instance is committed in the country one is fleeing from. The EU might choice to turn their blind eye to this fact, but at the same time complex global politics might force the EU to cooperate with states that view their own migrants as being criminals: "Practices of transnational surveillance - unlike more inward directed national surveillance - revolve around alliances between 'states like us', and protecting the public which is no longer defined exclusively as the citizenry of the nation state." Aas 2011, p. 343).

The exclusion section in chapter V has the same provisions as previous mentioned in relation to what the EU have named "Qualification for subsidiary protection" - protection for people that

does not qualifies as refugees (European Commission, 2011). In addition to the provisions of not having done harm or crime there is further vague provisions that makes it possible for the member state to avoid having to provide protection for migrants. In section three of this chapter's exclusion section, it is stated that if a person constitutes a danger to the member state in which they arrive in or attempt to apply for asylum in, the state is not obliged to offer protection (European Commission 2011, p. 18). The ending of the directive in chapters VIII and IX is related to member states and focuses on cooperation between the member states and the EU as well as ordering the member states to implement this directive and to continuously report back to the EU in regards to how the implementation is going and whether or not the member states are doing it within the time frame (European Commission, 2011).

The Qualification Directive of 2011 shows great attention to the rights of the people implemented in the asylum process of the EU system at the same time as putting an emphasis on the fact that not everyone is welcome. The member states of the EU have the possibility of declining certain people from a lawful definition that is vague. By creating these "way outs" for the member states, and thereby the EU, within the directive itself but not defining it clearly, the governmental system of the EU stands tall. The bureaucracy becomes impenetrable and complex at the same time as being the only truth and the only lawful way into the EU.

From the perspective of being acknowledged as a person that can apply for asylum or citizenship in the EU, we now turn the gaze towards the penal element of breaking the aforementioned rules within the EU judicial asylum system. The 'Council Framework decision of 2002' is a EU document made for the purpose of handing the EU member state's tools to punish those who breaks the rules, those who are caught operating illegally in and around the European borders: "On the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence" (The Council of the European Union 2002, p. 1). As it states in the initial segment of the framework the point of the whole document is to "combat" (The Council of the European Union 2002, p. 1) the illegal immigration into Europe and subsequently the networks that makes this possible (The Council of the European Union, 2002). The framework clearly points towards the EU defining the legal and illegal, the right and wrong of the world of migration effectively defining the real world that migrants live- and move in. Firstly by defining what constitutes illegal migration and secondly setting the penal parameters: "defining the facilitation of unauthorized entry, transit and residence and, on the other hand, minimum rules for penalties, liability of legal persons and jurisdiction, which is the subject of this framework Decision" (The Council of the European Union 2002, p. 1).

Article one in the framework decision is named 'penalties' and outlines the specific measures the EU and its member states are to use in the case of punishment. The direct penal actions presented are: "confiscation of the means of transport used to commit the offence (..) a prohibition on practicing directly or through an intermediary the occupational activity in the exercise of which the offence was committed (..) deportation" (The Council of the European Union 2002, p. 2) showing elements of totalitarianism according to Arendt by removing physical objects, here vehicles of transportation, and direct deportation. Whereas it is not a question of destruction of property, it has a resemblance in the way of removing property from individuals. The strength of the EU is again showed in the section regarding implementation of this framework in that it states: "This framework Decision shall enter into force on the day of its publication in the Official Journal" (The Council of the European Union 2002, p. 3) thereby forcing member states to accept this framework decision and implement immediately into a national setting.

In the case of Case of M.N. and others versus the Belgian state we see how the bureaucracy put in place by the European Union is being used as a practical tool in relation to migration control.

The actors at play in this case are the Belgian state and its different sub-divisions, in this specific case the Belgian Aliens Office that deals directly with applications of asylum in the Belgian state, the Brussels Court of Appeal, the Belgian embassy in Beirut and the Deputy Minister for Asylum and Migration (M.N. and Others against Belgium, [2020]). The other two main actors in this case are an unnamed Syrian family also known as the applicants represented by the lawyers and the European Union, in this case the Court of Justice of the European Union (M.N. and Others against Belgium, [2020]). In addition, other specific member countries have a say in the ruling of this case, named third-party actors. These are the governments of Croatia, the Czech Republic, Denmark, France, Germany, Hungary, Latvia, the Netherlands, Norway, Slovakia and the United Kingdom (M.N. and Others against Belgium, [2020]).

The case revolves around three main elements: the application for asylum by the applicants and the timing thereof, the location of the case national or international and the application of the International Human Rights (M.N. and Others against Belgium, [2020]). The Belgian state claims that the application filed was the wrong type of application since it referred to short-term stay where they applications should have applied for long term stay: "The Aliens Office indicated that the visas requested by the applicants were intended only for persons wishing to travel for a short period to the territory of a Schengen State for reasons beyond their control, such as the illness or death of a relative, and who had no intention of settling permanently in the State in question" (M.N. and Others against Belgium [2020]), p.4). This shows clearly the complexity of the European

state's asylum application system, and in consequence hereof the Belgian state denies the request immediately. The response to the claim of asylum based on humanitarian grounds the Belgian state responded: "Article 3 of the Convention [could] not be interpreted as requiring States to admit to their territory all persons living in catastrophic situations, at the risk of requiring the developed countries to accept entire populations from the developing world, countries at war or those ravaged by natural disasters" (M.N. and Others against Belgium [2020], p. 5) thereby revoking the potentiality of directly receiving visa from the Belgian state, since the state itself will not recognize the "risk of persecution" as it is stated in both the European Agenda on Migration and the Migration Directive of 2016. Furthermore, the Belgian state also refers directly to the ruling of CJEU by stating that: "It based its decision on the interpretation given by the Court of Justice of the European Union ("CJEU") to Articles 1 and 25 of the Visa Code (..) and that it could not therefore be applied in the context of an asylum request necessarily implying a longer stay". Since the applicants are claiming humanitarian visas on the background of what they have went through in Syria, the case ends up in the present setting of the CJEU. At this moment in time international law is brought into the context of the specific case by a referral to Convention on the Status of Refugees (M.N. and Others against Belgium [2020], p.12) in an attempt to establish the right of the applicants to apply for humanitarian visa. A caveat is presented; the Charter of Fundamental Rights of the European Union contains an article 18 stating that at the same time as respecting the Convention on the Status of Refugees it has to be done in accordance with EU law and thereby its member states (M.N. and Others against Belgium [2020], p. 13), meaning here that the EU and its legislation has to be taken into account in this case asylum case and not only what is laid out in the Geneva Convention on Human Rights. As previously mentioned, Third-party actors, here specific member states of the EU has a say in the matter and notes interestingly: "(..) However, it was also important to protect those who might need to seek refuge from persecution and not to disrupt the system by introducing the factors of disorder and instability that would inevitably result from a decision by the Court to accede to the applicants' claims" (M.N. and Others against Belgium [2020], p. 20) showing an interest to uphold the immigration system of the EU and believe in the judgement done by the EU and its member states, avoiding case-by-case and instead trust bureaucratical procedure.

The CJEU eventually declares the case inadmissible on the grounds of the applicants not being in Belgian territory at the time of application: "The Court notes at the outset that the applicants have never been within Belgium's national territory and that they do not claim to have any pre-existing ties of family or private life with that country" (M.N. and Others against Belgium [2020], p. 26).

The court also base its ruling on the fact that the applicants free and willingly approach the Belgian embassy in Beirut and the Belgian government consequently turned down their request (M.N. and Others against Belgium, [2020]). They could have chosen any other embassy but went to the Belgian, and Belgium decided to turn down their visa application, therefore they have in effect played their cards: "States Parties, subject to their treaty obligations, including the Convention, have the right to control the entry, residence and expulsion of aliens" (M.N. and Others against Belgium [2020], p. 29). The member state of the EU, here Belgium, is part of building the judicial system put in place in the EU and the laws that follows, makes an executive system based on the rules that are put into place in an European setting which is then uphold by the Court of Justice of the European Union creating a sort of merry-go-round where all governmental bodies supports one another. To further see the extent of the bureaucratic process of an asylum case, it is evident to point towards the fact that this case lasts from August 2016, where the first application is being filed, up until this CJEU ruling is done on May 5th 2020 – almost 4 years of legal procedure.

The European Union and its approach to migrants in the view of Hannah Arendt's theory on totalitarianism and the human condition

"A crime against humanity is one that assaults the right to belong to a human community: the right not to be reduced to a mass, not to be made superfluous, not to be stateless and rightless"
(Young-Bruehl 2006, p. 59)

From looking into how the EU operates via documents on migration a picture is forming as to whether the EU is functioning as a totalitarian supranational institution based on the theory of Hannah Arendt on totalitarianism.

From the onset, the world has changed in many ways since Hannah Arendt initially formed her ideas of what constitutes a totalitarian state and in addition the idea was formed to understand and explain not only the theory itself but especially Nazi Germany. Be that as it may, the argument can be made that EU, being a highly influential state in itself in the 20th and 21st century, can be looked at from the operating perspective of totalitarianism in relation to how it views and controls flows of migration to the European continent.

Initially the most evident fact is that there is a clear division of groups of people when it comes to migration into the EU which is one of the key elements of a totalitarian government (Young-Bruehl, 2006). In the initial theory of totalitarianism, the idea was that some people, and/or races, was viewed as being better than others and where treated as such (Young-Bruehl, 2006). Within the frame of modern-day EU, the division of people is conducted in a much more complex manner but equally as thorough and extensively. The EU conducts its division of people based on statistics and data that pull apart all the components that makes a person from family background, place of origin, routes, collaboration, former political affiliation etc.

Based on the results stemming from these sets of data, the operational personnel as well as the court of justice in the EU and its member states, are able to analyze and determine what constitutes the *right* kind of migrant and what should be viewed as a threat to the system and the supranational institution of the EU, and thereby being deemed not fitting the bill of a future European citizen. The judgement being made is based on bodies of law created by the EU itself. Being that it is the only governing body in this setting, it is at the same time a possibility for the EU to create the most beneficial judicial foundation for the EU. This goes to show when looking at for instance the Migration Directive of 2016, where there is a focus on strengthening the EU workforce with people from outside the continent (European Commission, 2016). The EU then, form its body of law, in this case in form of an directive to fit the specific needs of the EU and its member states, and are combining the human rights of the potentially threatened migrant with the aspect of the migrant having to be beneficial in order to enter the continent.

The construction of the European Union is another element that shows forms of totalitarian aspects. Since the very structure of the EU is made up of its own member states defining the politics of the union through different political tools, it makes it difficult to comprehend and the leader is not in the center as it would be in a dictatorship, but rather if removed, another would emerge: "A totalitarian regime, she [Arendt] explained, is like a many-layered onion with an empty center where the leader is located" (Young-Bruehl 2006, p. 43). This many-layered onion in question is in the same way as previous totalitarian regimes without a clear leader in the sense that whoever is placed in the empty center is de facto operating at the willpower of the member states and its representatives in the EU. The structure spreads like a spiderweb where decisions on the direction of the union is being made in various location such as the national level where governments enforce their will on certain matters and in conference rooms within the EU where representatives from different parties across Europe negotiate regulation and new laws for passing in the European Parliament. For the migrant, and the citizen of Europe, this structure

makes it nearly impossible to question or to oppose in the way that institution in itself has grown huge and encompass almost every aspect of an individual's political life: "This new form of government, without political opposition or traditional forms of community to check it, reaches into every facet of life" (Young-Bruehl 2006, p. 38). An element of previous totalitarian regimes is the disappearance of politics (Young-Bruehl, 2006). This is not the case when it comes to the EU, rather the opposite since the whole construction is made up of politics – it is the very foundation. But put into the perspective of Hannah Arendt's theory on totalitarianism, the politics of the EU is not necessarily a democratic setting when it comes to the legitimacy of the very institution. Here, those opposing the EU are faced with battling nation-states across the continent that has put their belief and faith into the European Union, therefore politics in relation to this is the matter of what the union should do and not whether or not it should exist in the first place. Politics then exist in case of the EU, but it is restricted to a certain form of politics that still upholds the very idea of the EU. Another aspect that faces those who chose to oppose the system and the institution of the European Union is the question of funds. Going up against a system such as the EU that has a GDP of €15.3 trillion (The economy - European Union, 2020) demands an enormous support and funds to do just that. In the case of DiEM25 (Democracy in Europe Movement) that is an organization spearheaded by the former minister of economy of Greece Yanis Varoufakis and supported by the likes of Julian Assange, Slavoj Žižek and Noam Chomsky, the battle is an uphill one. Their mission statement: "DiEM25 is a pan-European, cross-border movement of democrats. We believe that the European Union is disintegrating. Europeans are losing their faith in the possibility of European solutions to European problems" (What is DiEM25? - DiEM25, 2020) is been carried out through debates and public awareness in general. But the fight is an uneven one even with the support by donors, the organization are faced with the enormous budget and strength of the European Union, which, on the face of it, is not an easy institution to change from the outside. The movement is still present in the European debate regarding how the EU should be structured, but the belief and trust in the system is stronger than the pressure from the outside to change.

This touches on another important aspect of a totalitarian form of government. The aspect of believing fully in the government and its ideology without any restrictions (Young-Bruehl, 2006). There has to be support of the system by the citizens of the state, in this case the European Union. The system is not open for debate or discussion and should be regarded the only truth. In case of the EU, the trust in the system is not at a hundred percent as a totalitarian regime demands, rather it is a constant debate whether or not the EU is working properly or not. That being said, the governments of Europe, the bureaucracy and the operational personnel working within the

system keeps on moving forward. It is an immensely dense and huge system that will keep on moving forward no matter what.

In the case of a totalitarian regime the element of concentration camps has a huge importance in the way of the regime controlling the population an keeping these specific groups, in Arendt's case race, subdued (Young-Bruehl, 2006). When it comes to the EU as of today, there is no concentration camps. But what is present in Europe as of now, is refugee camps. Where the concentration camps of the Nazi regime where created to eradicate the Jewish population and make them work in slave condition, the refugee camps of Europe are created as a placeholder, a place designed for people to stay in within a timeframe that ends at a certain point. In some cases, though people end up spending considerable time in these camps, extending the stay beyond what was the plan. That might be due to the fact that these people have had their cases rejected in the court of law, but at the same time they might not be able to return to their home country (Asylcentre i Danmark, 2020). Consequently, the end up living in a state of flux, derived from rights and possibility to act making it impossible for them to make plans for the future, which according to Hannah Arendt is one of the necessary elements of the human condition (Hannah Arendt 1958). The current refugee camp of modern-day Europe cannot be further from the concentration camps of Nazi Germany, but it is interesting to note that as an operational facility it nonetheless is used as a placeholder of people creating a vacuum of nothingness for people on the move. The consequence becomes the lack of potentiality in life, a corner stone of the human condition.

Another aspect of our human condition is that of power. The element that makes us interact in the public space and thereby making us human. Migrants outside the bureaucratic walls of Europe are stripped of that possibility. The element of power is what upholds the public realm or space such as the democratic institution of EU. It is, according to Arendt, the very foundation on which the institution is build – the struggle for power and the potentiality of having power over others. In the case of migrants, it is evident that this power is nowhere to be found. The only way to be powerful in the public realm is by having rights and/or citizenship. Only then are you able to be a part of the struggle and negotiation of power. It is a central element in being human, but in this case, it has to be handed to you for you to be able to engage.

The loss of rights is unavoidable when on the move. When leaving your place of origin, one also leaves behind the potential rights one had to begin with. In the process of obtaining new citizenship and the rights that consequently follows that citizenship, one has to abstain from the previous rights one where given. So, in this case the consequences are two-fold: the migrant is left without rights and it is therefore up to the EU to offer them citizenship and thereby rights and the

other element is that the migrant has agency. Migration is a choice and therefore leaving behind one's rights and background and pursuing a better life, better possibilities and more beneficial rights is a choice. On the other hand, do you have a choice if you had nothing in the first place? If the alternative of staying put is to be without any rights at all and without any possibility for survival at all, your only alternative is to move. And if rights indeed are universal, it is every person's right to have rights as Arendt puts it. This leads back to the question of the other consequence: it is the EU's job to offer rights, to give the possibility of rights. In a totalitarian regime the government would strip people of their rights (Young-Bruehl, 2006). In the EU, people are denied their rights. The power of giving rights is placed within the EU, and its therefore also the right of the EU to deny the gift of right to people. The process of obtaining rights within Europe comes through a division of people first, and then bureaucratic system that determines whether or not you have the right to be offered these rights through asylum or citizenship. Therefore, it can be argued that the EU both gives but also very much deny people of rights in the same process.

In the 'Origins of Totalitarianism' Arendt speaks of the tools that a regime uses to control the population of the state - both friend and foe (Young-Bruehl, 2006). Terror, suppression of religion, secret police, denial of religious belief and concentration camps where all tools used by the Nazi regime and totalitarian regimes of the like (Young-Bruehl, 2006). In the democratic union of EU these instruments are not present, but some might have taken new forms or new has emerged. If the objective is to suppress and control the population, there are other ways to do just that. One of the newly emerged tools can be documents and bureaucracy.

This has been found in other cases such as in the case of the Rohingya people where Natalie Brinham has analyzed how both the state of Myanmar uses documents as tools and how documents are viewed from the perspective of a Rohingyan family. The focus of the paper is of the case of Mohammed who has inherited, at the time, valid document from his own father called a National Registration Card (NRC) that becomes nullified, a second document that Mohammed himself has obtained called a Temporary Registration Card (TRC) that also becomes invalid during his lifetime and lastly a National Verification Card (NVC) that is to be enforced on him by the government and in Mohammed's mind this card is issued to eventually destroy his ethnic group since it: "It singles his people out as foreigners who need to apply for citizenship" (Brinham 2019, p. 162). Mohammad endures through his life how the state of Myanmar changes the rules of his stay, thereby keeping him in a state of uncertainty. As explained by Brinham: "Their problem was not that they were 'undocumented" or "unregistered'; they were 'redocumented' and

'recategorized'" (Brinham 2019, p. 165) in essence being shuffled from box to box making uncertainty a way of life. From the perspective of the state, documents can be used as a tool to suppress the population by continuously changing the rules of the game, and the only way to be able to obtain rights in a society made up of these rules is by accepting the game in the first place. Outside of the game is nothingness, it is a place of invisibility: "Documents and registration procedures can move individuals from a state of invisibility into one of visibility" (Brinham 2019, p. 163). In the case of Mohammed and the Rohingya people, these documents are part of a process of destroying their ethnic group not far from how previous totalitarian regimes operated in previous history: "Mohammed's story is not so much one in which his statelessness precedes the physical destruction of his ethnic group but one in which the production of his statelessness accompanies his group's symbolic and physical destruction" (Brinham 2019, p. 167). In the case of the European Union there are no signs pointing to the fact of systemic destruction of a certain ethnic group of migrants, but it is worth noting how documents can be used as tools to suppress people and be a way to not only offer rights but removing them as well: "Documents do not merely prevent and reduce statelessness; they also produce and reproduce it in multiple ways" (Brinham 2019, p. 168). The key for governments is to be able to see the people and being able to control them via documents. As it was evident in the case of 'M.N. and others versus the Belgian state' documents are direct tool to control restrict people. The lack of the right documents at the right time can prove critical in the way in which a nation-state of the EU is able restrict migration and possibility of gaining citizenship or the right to stay in a certain country. In the case of this Syrian family, documents does not help them gain citizenship or rights, rather it restricts and deny them in all aspects from the documents relating to the Human Rights Convention, the documents that defines the structure of the judicial system put in place in relation to migration into the EU and the aspect of filling out the right applications at the right time. The tool of documents is being used in a very effective manner.

There has to be visibility for the state to be in control: "They can enable people to access freedoms, rights, and benefits, but they are also crucial tools available for states to exert (excessive) control and implement systems of surveillance over populations" (Brinham 2019, p. 163). The key here is how governments, through documentation are able to survey populations. In the case of the Rohingya people, the National Verification Card operates as just that. A document, that from the perspective of the government can be used to single out the specific groups of people they wish to remove from the public space or in any way suppress. Surveillance then is an undeniable tool for governments, such as the EU, to monitor and control populations. By being

surveyed, you enter into the eye of the public space, a space where documentation is key to have the rights to have rights. Without the right papers one is viewed illegal, against the system, a potential threat. By this argument, it is not a question of what the full collection of data necessarily tells about you, but rather a screening process that puts you in either one or the other category: "(..) an illegalized global underclass, whose control is a driving force behind the formation of many of the transnational surveillance networks" (Aas 2011, p. 337). These transnational surveillance networks are a way, according to Katja Franco Aas, to protect a larger group of people than just those within the nation-state (Aas, 2011). Bigger populations such as the Euopean Union and its citizens. A way of conducting transnational surveillance is through border control that has evolved to a point that includes biometric scanning. This scanning effectively turns the body into a passport, the body has become the document itself (Aas, 2011). Where Mohammed of the Rohingyan people talks about avoiding the National Verification Card, this is impossible when it comes to the way into Europe that scan individual migrant's bodies, iris', etc. and thereby has complete control of the movement of migrants and reducing to the bare minimum of a human person.

The tools applied by the European Union has an important additional aspect to it. Not only can the documents be used for control, differentiation of people and in general totalitarian use, but it is important to note that on the other hand these tools such as the documents created by the EU, is also based on a humanitarian foundation. It has elements that have a humanitarian purpose, which in its core is created and uphold for the purpose of protecting people and create a promise of rights. But the problem lies in the promise. As it is shown, the bureaucracy and legislation create a promise, but it is a promise not easily kept. The element and backbone in a humanitarian belief is an attempt of making sure that the world does not fall into chaos and that people are treated in a proper way according to the humanitarian belief. Whereas the terror of the Nazi-regime is far away from the world of today, the rights and living condition of marginalized people are still in question.

Beyond normality lies exception, and therein lies totalitarian governance. When a modern totalitarian regime uses documentation and law for the purpose of dividing, controlling and ruling people, they have to create a world that fits this purpose. Seen from the perspective of the EU and other states and institutions operating in totalitarian manner, the beauty lies in the fact that such a world exists if you create it. By making the bureaucracy, the judicial system of the EU immigration system, the EU have created a way in which the real world that migrants are faced with, is a world created on paper. Citizenships and the rights that consequently follows are all

elements of a world created by bureaucracy, which therefore makes it something that can just as easily be taken away. What is interesting is that the potentiality of this perspective. Whenever the inner world of an institution is threatened, the government has the possibility of passing laws that fits the purpose of the government in that given situation: "for example, the UK and the US have normalized the exception through the passing of 'laws' (Terrorism Act, Patriot Act, etc.) that essentially nullify the application of normal laws protecting human rights, while still holding them technically 'in force'" (Douglas 2009, p. 33). The examples of the Patriot- and Terrorism Act here shows exactly the way in which government can create a world their objective, by changing laws and enforcing a discourse that can support these extraordinary measures and changes to foundational law in a certain country or state. By naming an enemy, extraordinary measures can be taken, and public opinions and the judicial system can be swayed one way or the other. Whether it is terrorism, the climate or a migration crisis, it is all a matter of naming an enemy.

Conclusion

The two main actors in this thesis, the European Union and migrants attempting to enter the European continent, are opposites pulling in separate directions. From the theoretical perspective of Hannah Arendt, presented in 'The Human Condition' and 'The Origins of Totalitarianism', these two actors are at the very polarized ends of the spectrum. For the migrants, power in the public space is taken from them. One of the core elements of being a human being in a civilized world has to do with the possibility to plan ahead and be able to operate in the public realm (Arendt, 1958). Migrants arriving at the doorstep of Europe is being deprived of this by not only leaving the rights and potential behind as they leave their homeland, but it is difficult task obtaining rights at as they arrive at the footsteps of Europe. The power of operating in the public realm, which is quintessential for being a human being in the modern world (Arendt 1958), is also problematic in the sense that in order to do that you have to have the rights that comes with society – all lies within the rights to have rights.

When the gaze turns to how the institution of the European Union acts and operates in comparison with the theory of totalitarianism put forth by Hannah Arendt in 1958, similarities arises albeit in new forms and ways. Concentration camps, destruction of physical elements in public space and terror as a tool is not a part of the machinery of the European Union of today.

Different tools and actions are prevalent, but the outcome resembles. In the case of camps, we now see how European countries are setting them up as placeholders, keeping people in a state of flux where no future is on the horizon. Terror and destruction are not in the toolbox, but the structure of bureaucracy of the European Union with no visible leader, the use of documents and legislation to keep people at bay and asses and diverse people into groups that are welcome and groups there are not along with constant surveillance of movement are all new tools that, when it comes to outcome of these applied tools, resembles that of a totalitarian regime. The world has changed since Hannah Arendt forged the idea of totalitarianism and the human condition and so has the look of a totalitarian state.

The institution in itself forged on the backend of World War II, was created somewhat to stabilize Europe and therefore the backbone of the operations of the European Unions has a humanitarian and peace-keeping element to it. To compare the EU to the very totalitarian state (i.e. Nazi Germany) that it was created in reaction to, is a tall order and can be viewed as somewhat of a paradox. But foundations change over time, and so does the operational character of institutions in new settings. As a state that has grown to become the center of Europe, the European Union finds itself protecting its borders and spreading its arms further out of its territory. This is not done in the way of conquering countries and planting the Union flag, but rather from the argument of stabilizing migration from across the globe into Europe. A new enemy has risen, new threats have been assessed and the humanitarian and/or peacekeeping backbone of the European Union has transformed, and new agenda has been formed as well as a shift in priorities. These priorities are now closer to protection of the European Union, its agenda and its citizens, rather than upholding rights of every human being no matter the cost. And it is from this that the new face of Europe has emerged. A face that in its actions, its use of bureaucracy and the form of the system are applying methods that resemblance that of a totalitarian regime where individual human beings are being assessed and processed by looking at the bare minimum of what constitutes a human being, human beings with no rights and potentially no outlook into the future.

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