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Democratic Hospitalities: national borders and the impossibility of the other for democracy

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Introduction

This paper is concerned with the relationship between “democracy” and “hospitality.” In public discourse and political debates, democracy is often conceptually invoked in order to confirm the juridical, political or moral validity of a position or mode of action. [1] In relation specifically to understandings of hospitality at a national level toward “strangers”—refugee or otherwise—democracy is situated as both a “right” and a “responsibility” in the dominant liberal framework. [2] As will be made clear in this paper, the Howard Liberal Coalition government (1996 - 2007) aligned liberal democracy with the right to exclude those persons deemed to be “illegal” from the body of the nation-state, and to determine the conditions of entry into the nation-state via managed systems of immigration.

Framing hospitality in terms of rights has a long philosophical and political heritage. Concentrating on post-enlightenment literature, for example, Derrida informs us in *On Cosmopolitanism and Forgiveness* (2001), that Kant advocated the right of the “guest” to ask for refuge as a categorical imperative as a result of the “common possession of the earth” by all “rational” beings. Immediately however, he placed two conditions on this “right.” The right to ask for refuge could not be equated with the right to seek or demand permanent residence. Further, the entry rights relied upon the “hosts’ acceptance of the ‘guest’ and a special contract being drawn up for longer stays” (22). Abiding by this formulation of hospitality, democracy refers to the right to determine the border between “inside” and “outside,” “citizen” and “non-citizen,” and to actively patrol this border in the name of the security of the nation-state and this democracy. Those advancing the “human rights” of refugees have also operated within the same paradigm, arguing not against the logic of democratic state sovereignty itself, but rather that this democratic sovereignty entails ethical responses to asylum seekers and refugees that conform to normative universal rights discourse. Liberal-democracy practiced in Australia under a Howard Liberal Coalition government conceived of and deployed hospitality according to a logic that announced the “host” and knew the “guest” in advance of any visitation, reconfiguring the relation between “freedom” and “equality” (the democratic project) for xenophobic or neo-liberal agendas.

In this paper, I am interested in unpacking the logic underpinning “democracy” and the implications of this for conceptions and practices of “hospitality.” A series of questions motivate my analysis: how do democracy and hospitality operate together conceptually? How can we give something back to a hospitality and democracy that has been hijacked by neo-liberal, neo-conservative agendas and discourse? These questions will be addressed by looking at the work of two major figures in contemporary philosophico-political theory who have written equally compelling but different material on these issues: Giorgio Agamben and Jacques Derrida. As

such, I will firstly introduce, explain and draw out some of the implications of Agamben's work on sovereignty, democracy and rights discourse, before comparing and evaluating this with Derrida's work. Agamben and Derrida refuse in their writings to take democracy for granted, intervening to call it into question and challenge its legitimacy and implications, as well as possibilities. I will demonstrate how Agamben's theory of sovereignty in his seminal text *Homo Sacer* (1998) critiques both positions within a "rights" paradigm. In the second section, I will look toward Derrida's concept of "democracy to come" and ask whether or not, or how, it can help us to re-orient "democracy" in the name of the non-citizen/refugee. In what ways can Derrida's work intervene in debates about asylum seekers, refugees and immigration in Australia?

Sovereign Right: Agamben on democracy

There has been a growing literature on Agamben in recent times with much attention paid to his critique of modern forms of government as underpinned by "states of exception," and his contention that sovereign power leads to the condition of homo sacer, or "bare life," for its subjects (1998). [3] What this means is that the model of sovereignty operating in contemporary times has the final and absolute decision over the life and death of its subjects. The significance of Agamben's work for this paper rests in the manner in which he links the violence of sovereign power over "life" to the democratic paradigm of governance, and the implications this has for the possibilities of hospitality within democracy. In *Homo Sacer*, Agamben makes explicit reference to democracy as a philosophical concept that has cultivated biopolitical agendas and as such shares a "secret solidarity" with totalitarian forms of government (121). Central to his argument is the positioning of the individual biological body at the core of all political battles, and the work of sovereignty as making bare life out of such raw material. A major contribution Agamben has made to political thought revolves around his claim that biopower has been integral to western politics and philosophy since its inception, not, as Michel Foucault tells us, merely with Modernity; that there is a "hidden point of intersection between the juridico-institutional and the biopolitical models of power" (6). In other words, sovereign power is inherently concerned with the seizure of the biological life of the people. This seizure results in the condition of homo sacer, or "bare life:" life that can be killed but not sacrificed (1998). This life cannot be "sacrificed" because it does not count as significant to the nation in any way; it is life which does not matter. This has significant consequences for our understanding of democracy because it suggests that it is conceptually marked with the violence we normally associate with authoritarian forms of government. Authoritarianism, as a model of unified, centralised state power, strips its subjects of rights and reduces "being" to biological matter: the human is anonymous biological matter situated not "outside" the law as such but, according to Agamben, included in the process of violent exclusion, the law applying "in no longer applying" (28).

Agamben wants to critique modern democracy because of the faith the West invests in it as capable of creating a just system of government which privileges life and security, especially when coupled with liberalism. Agamben acknowledges that this critique should be exercised with "every caution" and duly recognises the "conquests and accomplishments of democracy" (10). The critique is twofold and encapsulates what he refers to as the aporia of democracy (9). Firstly Agamben attacks rights based systems as "offering a new and more dreadful foundation" for sovereign power to work with (121). In Agamben's view, rather than being liberatory, rights promise a subjection to the violence of sovereignty and create the conditions for "states of exception." Thus he contends that theorisations of the sovereign exception need to extend to democratic states as there is "an inner solidarity between democracy and totalitarianism" (10). Such an "inner solidarity" should not be confused with the conflation of historical differences between the two forms of political regime which would "authorise the liquidation and leveling of the enormous differences that characterise their history and their rivalry," but the affinity must be recognised "on a historico-philosophical level" (10). This affinity rests in the potential for sovereign violence in both forms of government. Therefore whilst there have been historical variances, underpinning both forms of political regime is a commitment to sovereign power, the

“state of exception” and consequently bare life. Thus the aporia we are asked to recognise is democracy invests the individual with power in the very same movement as it takes hold of the individual. Agamben:

Modern democracy does not abolish sacred life but rather shatters it and disseminates it into every individual body, making it what is at stake in political conflict. And the root of modern democracy's secret biological calling lies here: he who appears as the bearer of rights and, according to a curious oxymoron, as the new sovereign subject can only be constituted as such through a repetition of the sovereign exception and the isolation of corpus, bare life, in himself. (124)

For Agamben, the figure of the refugee exposes the fragility of the rights discourse and its overarching structure as being not merely complicit but absolutely invested in sovereign power. The refugee repeats the sovereign exception; or the possibility of being stripped of all rights. Drawing on Hannah Arendt, Agamben casts light on the concept of rights via an examination of the refugee and the conceptual crisis her dislocation provokes. The figure of the refugee signals the limitations of the concept of human rights (126). It does this in and through an acknowledgement that rather than constituting “proclamations of eternal, metajudicial values,” rights are historically contextual, flexible and intimately tied to the nation-state and as such “represent the originary figure of the inscription of natural life in the juridico-political order” (127). Agamben clarifies this by taking us through the popular mantra of blood and soil; a mantra which illuminates the connection between “the principle of nativity and the principle of sovereignty . . . now irrevocably united in the body of the “sovereign subject” so that the foundation of the new nation-state may be constituted” (128). The refugee exposes the “originary fiction of modern sovereignty” precisely because she resides outside of any naturalised relationship between soil or nation-state and blood and subsequently cannot confirm or reiterate the pairing of birth and nation. What is interesting here is that instead of defining new categories for belonging or entry, that is ways of including people (such as the “rights” a liberal democracy promises, because, as we have seen, these are subject to sovereign power), Agamben is far more interested in how the rupture resulting from the movement of the refugee brings to light “for an instant,” the constructed relationship between man and citizen and thus the relationship between sovereignty and bare life (131). This implicates democracy precisely because Agamben believes that this regime “does not abolish sacred life but rather shatters it and disseminates it into every individual body” (124). If human rights discourse falls prey to this same structural violence, and according to Agamben it does, then hospitality as a “right” is contingent upon the will of the sovereign.

It is important to contextualise the operation of democracy in Australia in order to better understand its investments and limitations. The racialised heritage of Australian democracy begins with its implementation in a colonial context which ensured and required the exclusion of Indigenous peoples from participatory democracy in its most basic sense—the right to vote—until formal recognition was granted in the 1967 referendum. Moreover, the negotiation of the tension between freedom and equality for the democratic body to orient in the name of its subjects, was not a concern for the Australian or State governments in relation to its Indigenous subjects. Equivalent to “flora and fauna” in the Australian constitution, Indigenous peoples were neither free nor equal; the very institutions set up to develop an equilibrium between freedom and equality, such as the Law, operated so as to subject Indigenous peoples to racist social welfare programs, high rates of incarceration, massacre or “breeding out” and legalised the theft of land, and has repeatedly refused Indigenous property rights precisely in the name of “democracy,” constructing “states of exception” [4]. Indeed, central to the legitimacy of Australian democracy is the naturalisation of the nation-state as sovereign, an act that can only be guaranteed in a profoundly undemocratic overturning and erasure of Indigenous sovereignties and the perpetual disavowal of such sovereignties. Consolidating this right of sovereignty is the redistribution of land as property: according to liberal rights discourse land is packaged as something to be individually owned and cultivated, or, within the neo-liberalist corporatist discourse as

something to be exploited. Consequently, what we can see is that the provisional installation of democracy is entrenched in (neo)colonialist agendas over both land and excluded Indigenous bodies. Furthermore, the sovereign white demos exercises its democratic rights according to the logic of liberal capitalism, necessarily subjugating Indigenous bodies, sovereignties, laws, culture and politics. [5]

There are three points to be highlighted here. Firstly, the juridical sovereignty underpinning democracy in Australia is constitutively racist, it is forged out of violence and on the genocide of Indigenous people and culture; it is the unfolding of, in Aileen Moreton-Robinson's (2004) words, "the possessive logic of patriarchal white sovereignty." Secondly, democracy only includes the legitimate subject, the "citizen," a right conferred by the state upon those deemed "native," or later upon the approval of the state, "loyal." This process is governed by liberal principles and is also embedded in racialised agendas. And thirdly, democracy is influenced by economy which takes the form of (neo)liberal capitalism. These three points return us to Agamben's critique of democracy as a rights-based discourse requiring the subordination of the subject to sovereign power. Moreover, these points inform the practices and possibilities of hospitality available according to Agamben's framework. Hospitality toward the "excluded" or the "non-citizen" can only be recognised within a rights based paradigm and is thus fated to repeat the exception. Instead what is required is "a long-overdue renewal of categories in the service of a politics in which bare life is no longer separated and excepted, either in the state order or in the figure of human rights" (134).

Derrida's "democracy to come"

Agamben's argument is compelling and convincing especially as democracy repeatedly involves itself in exclusionary practices. Agamben exposes the limitations of a rights based framework for hospitality within democracy (with the figure of the refugee as the primary example), a point that is particularly helpful for understanding how states of exception continue to proliferate (detention centres, the APEC protests in Sydney in 2007, Guantanamo Bay). Whilst rigorous and critical of what passes for democracy, or what calls itself by the name, Derrida's deconstructive approach departs from Agamben's analysis. Derrida does not want to limit these two concepts to rights-based agendas, preferring to expose their internal inconsistencies and contradictions in order to promote difference as integral to the concepts themselves. This, Nick Mansfield writes, is one of the central tasks of Derridean deconstruction, which "consistently restores the irreducible and irrepressible disorganisation of all systems to the putative interior of their logic. All formations require the immanent opening on their own demise as the condition by which their formation is ever possible" (*Other Economies*, 147). The rest of this paper will look at how Derrida achieves this and its implications and importance, with some comparison with Agamben.

In *Rogues: Two Essays on Reason* (2005), Derrida tells us that "democracy" does not belong to a particular ideology, political party or mode of programmatic intervention. This is in spite of the often hyphenated status it achieves and its positioning in polemic, politics and public debate. Whilst there can be liberal-democracy, social-democracy, parliamentary-democracy and even authoritarian-democracy (27), "democracy" is all and none of these. This is because "democracy" is "an essence without essence . . . a matter of a concept without concept" (32). There is in "the very concept of democracy" a permanent "indecidability, a "freedom of play" (25), that can be both affirming and progressive, and dangerous and regressive. Hollowed out or bloated, devoid of stable and unified meaning, it is both the condition of possibility, the "essence" of politics as we know it, but also the experience of the impossible, of that which cannot be pinned down, located and stored away for safe-keeping, or exported at will as if it were a pre-packaged set of attributes. In this way, Derrida too acknowledges that democracy can be co-opted for anti-democratic ends.

However, Derrida's concept of democracy is multifaceted: there is a recognition of the provisional closure that can come along with the implementation of a democratically elected government

which turns authoritarian, as well as a promise that at the very core of democracy conceptually and practically is the possibility and urgent desire to crack open any consolidation of a closed system or program in the name of something different; its unconditional hospitality to the other. This ongoing tension arises because integral to the democratic project is the negotiation of the “antinomy between freedom and equality” (48). These two principles, freedom and equality, simultaneously motivate the operation of democracy whilst limiting and unsettling one another. Freedom must be limited if there is to be any credibility given to enactments of equality, but the calculation involved in ensuring equality—the measuring and distribution across the body politic—is always destabilised by the incalculability inherent to freedom and the impossibility of achieving justice. This is most obvious when the call for justice comes from “outside” the constituted body politic—from the refugee or non-citizen. What this means in practice is that a “good” democracy should never rest; it must perpetually exhaust and renew itself, never satisfied with itself. Moreover, a “good” democracy, something akin to the “democracy to come” Derrida invokes and which I will discuss in greater depth soon, always moves in the name of the Other, of justice and the unknowable, the non-citizen or refugee.

However, alongside the freedom of play or the creative potential of democracy, is an exclusionary tendency or the need to demarcate boundaries between “us” and “them.” In public discourse this is especially apparent, and we need only remember the words of the former Australian Prime Minister John Howard firmly asserting his government’s democratically declared right to exclude asylum seekers as part and parcel of sovereignty: “National security . . . is also about having an uncompromising view about the fundamental right of this country to protect its borders . . . [W]e will decide who comes to this country and the circumstances in which they come” (2001). In this sense, the stranger is not regarded as someone who brings democracy into question, but allows for the proper demarcation of boundaries to be re-established. Daniel Ross (2004) summarises this position well: “Democracy is never the sovereignty of all people, but rather the sovereignty of the people of this democracy” (7). But even this statement is not without its complications. Who are the people (the “we”) of this democracy? How do we measure them? Are they unified? When Howard invokes the right to decide who enters the nation-state he must necessarily unify the messy democratic impulse. Expounding a Derridean framework, Ross’s contention in his book *Violent Democracy* is that democracy is inherently violent. It is violent precisely because it always requires techniques of exclusion in the construction of a border, and this begins with its very declaration. Thus he writes that “the declaration of a democracy establishes a border, the border that divides those included and those excluded from what is founded” (7). However, because this requires an anti-democratic act, “[d]emocracies, therefore, should never be able to rest comfortably in the thought that democracy never wholly exists” (8).

What has been outlined above then is the urge to both institute a border and transgress it. The irrefusable paradox of democracy is best explained by Derrida when he says in *Rogues*:

In its constitutive autoimmunity, in its vocation for hospitality (with everything in the ipse that works over the etymology and experience of the hospes through the aporias of hospitality) democracy has always wanted by turns and at the same time two incompatible things: it has wanted, on the one hand, to welcome only men, and on the condition that they be citizens, brothers, and compeers, excluding all the others, in particular bad citizens, rogues, non citizens, and all sorts of unlike and unrecognisable others, and, on the other hand, at the same time or by turns, it has wanted to open itself up, to offer hospitality, to all those excluded. In both case. . . this hospitality remains limited and conditional. (63)

This paragraph best encapsulates what Derrida regards as the impossible tension at the heart of the democratic project: on the one hand, democracy is perpetually capable of suspending itself in the name of itself (thus against itself). This is precisely its structural autoimmune tendency, the automatic willingness to provisionally set aside its concern for freedom and equality to, as Samir Haddad (2004) glosses it, “put a partial end to itself in order to live on,” making democracy

“essentially at risk, and the risk comes as much from itself as from its ‘enemies’” (29/30). In this sense, autoimmunity can be understood as Derrida’s way of accounting for the violence of democracy, its slippage into totalitarianism, without going as far as Agamben who locates this flaw as at the basis of democracy (its production of bare life) as a philosophico-historical concept. The violent declaration of the democracy and subsequent declaration of all sorts of borders—geographical, institutional, symbolic—is indicative of an autoimmune facet of Australian democracy invested in racial, cultural and economic power structures. This effects the practices and discourses of hospitality toward the refugee. One of many examples of this was the move by the former Liberal Coalition government to cut the humanitarian program for African refugees who were reportedly unable or unwilling to integrate as a result of racial/cultural deficiencies which make them prone to crime and violence. Former Minister for Immigration, Kevin Andrews, couched it in the seemingly more neutral language of “our” way of life saying that “some groups don’t seem to be settling and adjusting into the Australian way of life” (Farouque, Petrie and Miletic).

On the other hand Derrida recognises that democracy has an inescapable openness, a concern for change, for alteration in the name of improvement; this is its vocation, what it regularly occupies itself, as its task. The process of autoimmunity outlined above attempts to sabotage the avenues through which challenges to racial, national and economic hegemony can occur, but for Derrida these attempts can never be complete. So for instance, that the body politic engages in actions which can be read as autoimmune, is recognisable in regressive border protection policies, the increased militarisation of border protection and the proliferating discourses conflating asylum seeker with terrorist, disease and risk. [6] By couching law and policy in the language of protection, democracy coincides with “right:” the right to decide, the right to determine and the right to reject. However, in so doing, there must be an initial and excessive possibility of openness (otherwise such measures would not be necessary). This is where we can detect a difference between Derrida and Agamben: whilst for Agamben the inclusion of the Other in democracy permits a “more dreadful foundation for the sovereign power from which they (civil/human rights advocates) wanted to liberate themselves” (121), for Derrida the shifting boundaries of democracy necessarily call into question its legitimacy and challenge its fixity, and its claim to the authority via the people (which people?) a movement which never stops. He gives this the name “democracy to come,” a name which might appear to suggest perpetual deferral or futuristic ambition and consequently Utopia. Against this, “to come” should be understood as a “militant and interminable political critique” (*Rogues* 86).

The expression “democracy to come” does indeed translate or call for a militant and interminable political critique. A weapon aimed at the enemies of democracy, it protests against all naiveté and every political abuse, every rhetoric that would present as a present or existing democracy . . . [any way] that a discourse on human rights and on democracy remains little more than an obscene alibi so long as it tolerates the terrible plight of so many millions of human beings suffering. (86)

Democracy to come has a series of ambitions which open up the space to re-orient the democratic project in the name of the non-citizen, the Other, the excluded and marginalised within and without “democracy.” Precisely because democracy “will never exist” is an effect of its openness to self-critique and thus hospitality to difference (attributable to its autoimmunity as well—in fact, Derrida doesn’t oppose autoimmunity and hospitality). In other words, because the democratic impulse is one which can never fix itself, it will always be subject to difference. This extends to the point of being “the only system” in which “one has or assumes the right to criticise everything publicly . . . including the absolute authority of law” (87). Because “the democratic demand (challenge, critique, the unexpected) does not wait” it is open to that which it cannot know in advance and subsequently “cannot be limited by any conditional hospitality on the borders of a policed nation-state” (87).

In light of this, how can we approach “hospitality” through Derrida’s analysis of democracy as

hospitable (a hospitality which is always conditional)? To conclude this paper I will open up a couple of points for consideration, linking the democracy to come specifically with Derrida's work on hospitality. In *On Cosmopolitanism and Forgiveness*, and "Hostipitality," Derrida does not limit hospitality to rights discourse, even as he acknowledges its dominant influence in the "structures of welcoming" available to "outsiders" as a result of its debt to Kantian philosophy. He says:

[O]n the one hand, hospitality must wait, extend itself toward the other, extend to the other the gifts, the site, the shelter and the cover; it must be ready to welcome, to host and shelter, to give shelter and cover . . . [I]t must even develop itself into a culture of hospitality, multiply the signs of anticipation, construct and institute what one calls structures of welcoming, a welcoming apparatus. ("Hostipitality" 361)

But Derrida's understanding of hospitality simultaneously breaches any programmatic response to the outsider by emphasising the event: that which disrupts the linear or systematic design of something. In this way he highlights the "two faces of hospitality" (362): the invited guest and the unexpected visitor. The latter transgresses the contractual basis of any "welcoming apparatus" (such as that permitted via liberal rights discourse: the migrant or the hand-picked refugee). Because it is a deconstructive approach, we can see that the conceptual unravelling of hospitality shares some features with democracy: it is capable of being both xenophobic and worrying itself with shoring itself up. On the other hand, it is always subject to the unexpected, and is thus perpetually unprepared or unable to accommodate within a regulative framework. The question becomes: how do we reconfigure the apparatus of welcoming so as to look beyond the category of citizenship? For Derrida this looking "beyond" actually "presupposes" democracy to come because of the very fact that the unexpected, the Other, the Event, demand an attention to "justice." Thus Derrida says: "This naturally presupposes, and that is what is most difficult, most inconceivable, an extension of the democratic beyond nation-state sovereignty, beyond citizenship" (87).

Conclusion

This paper has offered an analysis of the relationship between democracy and hospitality through Agamben and Derrida. Both Agamben and Derrida concern themselves with the abominable abuses and imbalances of power at a national and a global level. Interestingly, both writers urge us to move beyond the category of citizenship, beyond the nation-state. In spite of this similarity, important differences underlie the path to this imperative. One, Derrida, sees the beyond as intimately bound up with, indeed presupposed by, democracy itself. New modalities of hospitality are realisable (even if they are unrecognisable and must be for democracy to come) and are indeed inspired by the democratic impulse. Agamben, on the other hand, implicates democracy as a philosophico-historical concept underpinned by sovereign power and thus entrenched in the production of bare life. Subsequently, a renewal of categories must, by logical extension, require an overturning of democracy as conceptually the way beyond the contemporary paradigm. Both of these thinkers urge us to write in the name of justice. It is perhaps with Derrida rather than Agamben, however, that we can find more room to move within contemporary systems of power. Agamben's work, whilst necessary and valuable as a critical tool, does seem to require a complete overturning of the democratic paradigm or revolutionary movement for change. It is hard to imagine exactly how any change, let alone revolutionary change, can occur except via the "people." Thus it is difficult to dissociate a future without "democracy" (in whatever form that may take).

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published in Continuum and borderlands ejournal.

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Endnotes

1. We need only think about the invocation of “democracy” rhetorically in the “war on terror.”
2. For instance, even on the more “progressive” side of politics, arguments tend to work within a normative framework which assigns certain “rights” and “responsibilities” as integral to liberal democracy. See for example, Myron Weiner “Ethics, National Sovereignty and the Control of Immigration” in *International Migration Review* 30.1(1996): 171-197, and Guy S. Goodwin-Gill “Refugees and Responsibility in the Twenty-First Century: More lessons learned from the South Pacific” in *Pacific Rim Law and Policy Journal* 12.1 (2003). See also Julian Burnside’s speech “Protecting Rights in a Climate of Fear,” given for the Equal Opportunity Commission on 13 December, 2006. Accessible at: www.humanrightscommission.vic.gov.au/news%20and%20events/events/julianburnsidespeech20061213.asp.
3. In an Australian context see Suvendrini Perera “What is a Camp . . . ?” in *borderlands ejournal*, 1.1 (2002). Access at: http://www.borderlands.net.au/vol1no1_2002/perera_camp.html. See also Catherine Mills “Agamben’s Messianic Politics: Biopolitics, Abandonment and Happy Life” in *Contretemps* (December 2004).
4. For example, the 2007 Northern Territory intervention could be seen as another “state of exception” in that the laws passed in order to deploy the military in remote communities required the explicit overturning of the Racial Discrimination Act 1975.
5. See Aileen Moreton-Robinson’s work, including “The Possessive Logic of Patriarchal White Sovereignty: The High Court and the Yorta Yorta Decision,” *borderlands ejournal* 3.2 (Oct 2004). 2 Nov 2007, and Irene Watson, “Aboriginal Sovereignities: Past, Present and Future (Im)Possibilities.” *Our Patch, Enacting Australian Sovereignty Post – 2001*. Ed. Suvendrini Perera. API Network: Perth, 2006.
6. See Dennis Atkins, “PM Links Terror to Asylum Seekers.” *Herald Sun*, 7 November, 2001, and Mike Secombe, “Politics of Fear Works Well for PM”. *Sydney Morning Herald*, 19 September, 2001.

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