

Living Boundaries: an ethics of the interval

Introduction

This sketchy paper stands in the sign of a certain temporary or strategic suspension of the legal-philosophical context of the larger project. The aim with this suspension is to open up a freer and more tentative space (hiatus or interval) in which to roughly sketch out the multiple, interrelated and dynamic dimensions of 'living boundaries'. This means, I am interested in how humans live boundaries (including instituting, repeating or reinscribing and transgressing boundaries) on different levels and in different contexts. For instance, we live boundaries on a pre-personal, physiological level, including the cellular, but also on the body-habitual level; we live them also on a psychic level, i.e. the very emergence of enduring subjectivity is dependent on the institution and repetition of boundaries between 'self' and 'not-self'; we also expand our bodies into the world in the form of home making and niche-building; also, and more derivatively, we live the boundaries of linguistic meaning, carving up the overwhelming, fluid, and excessive world we encounter, into units of meaning. Nested within the boundaries of linguistic meaning (which open up certain possibilities of meaning by closing off others), are symbolic orders, and nested within those are the more specific sets of boundaries that we call legal, cultural and religious orders.

The 'method' or vocabulary in which the sketching is done, will therefore be mostly but not exclusively phenomenological and existential. Drawing strongly on the Heideggerian tradition of excavating the ontological and transcendental (necessary and constitutive) structures of our human condition through an analysis of lived experience, I will be in constant discussion with Hans Lindahl's 2013 book, *Fault Lines of Globalization*, but will also borrow insights from further afield. It is not for nothing that the 'bible' of phenomenological

ontology, Heidegger's *Being and Time* attempts to substitute the traditional (metaphysical or onto-theological) understanding of Being as 'thing' or substance, for an understanding of Being as event. As Lindahl's book also shows, we should not so much think of boundaries as things as of boundaries as events of boundary-making. Legal boundaries, in his case, are vulnerably dependent on the thousands of largely unthinking repetitions by which legal subjects reaffirm and repeat them on a daily basis. Not even under 'normal' circumstances, i.e. in the absence of any overt challenge to them, should legal boundaries be viewed as securely 'existing' things.

Rather, as Lindahl describes it under his genetic analysis, legal intentionality (taking up a relation to the legal order, even only subconsciously), by referring back to the past and thereby appearing as a 're-understanding' and 're-interpretation' (p.130), and with reference to the future, it always has the character of proclaiming that 'we [ought to] jointly disclose something as something *anew*. This 'unobtrusive', quotidian and semi-conscious legal ordering, he claims is in fact 'the bulk of legal ordering' (p.128), with overt law-making and even legal judgement, constituting a derivative or second-order legal consciousness, intentionality and re-ordering. Sundhya Pahuja's project paper on 'Public Debt, the Peace of Utrecht and the Rivalry between Company and State' also takes as foundational the insight that legal authority is 'a practical question rather than a normative one', not so much related to legitimacy (Weber) or 'founding', as to the actions of 'authoring and practices of authorisation', akin to world making (Goodman)¹. On the level of subject formation, these insights might be couched in the Lacanian insight that the 'mirror stage' is never completed, i.e. the mirror image as an enclosed whole with apparently secure boundaries serves as a

¹ Balibar states, viewing the matter from the other side as it were, 'without the world-configuring function they perform, there would be no borders – or no lasting borders' (2002, 79)

constant but never attainable ideal to psychic formation, which leaves our psyches vulnerable to wounding, but also to 'leakage' and dissipation. Also subject formation then, is dependent on constant reiteration and reinforcement of certain boundaries between self and non-self; it is more a matter of (Butlerian) performance than of substantive existence. The format of the (envisioned) paper is to present the characteristics of 'living boundaries' as a series of boundary aphorisms, each of which I will briefly motivate and flesh out, yet every aspect is intimately related to and interwoven with every other aspect – a dimension which gets distorted through the necessarily linear and discrete presentation: the ordering of the world typical of an academic paper. My idea is to later supplement this current discussion with more characteristics of boundaries, but I present here what I have so far. My way into the topic is to focus on the ways in which boundaries are always also corporeal and have material effects. From this broadly phenomenological departure point, I deduce and discuss six interrelated aspects. Other aspects I think to add, are the following: the temporal and historical aspect of boundaries, thinking through their violent nature more, the polysemic nature of boundaries, their existential nature, the fact that they are spaces of translation and transformation, and also I would like to delve deeper in the ethics of boundary-making. Finally, these thoughts will have to be brought back more explicitly to our question about legal boundaries and globalization. This is why what I present here is called 'section 1'.

SECTION 1: Living Boundaries is corporeal, with material effects

When claiming that the living of boundaries is always also corporeal and material, what should be avoided is the Cartesian trap of assuming this implies that I place the living of

boundaries in a world of objects, *partes extra partes*. As Van Peursen demonstrates so well in his text on the horizon as boundary, the phenomenological insight shows that the horizon is at the same time an absolute limit on my field of vision (typically far away, the 'outside' limit of my perceived world and thus apparently belonging irretrievably to the world, existing clearly on the side of the world), and simultaneously inextricably tied up with my specific and unique bodily position within the world, and a function of it, since 'the' horizon is always also 'my' horizon, and moves as I move. An analysis of the horizon thus reveals that a naïve experience of the horizon as the furthest removed from me and as an objectively given aspect of the material world, has to make way for an understanding of how my perspective centrally organises 'the' horizon as always 'my' horizon, a function of my bodily organisation and situation. Meaning is in phenomenological terms always a function of bodily (inclusive of psychic) *ek-stase*, of how my body transcends itself and reaches out towards the world, letting 'things' appear as 'some-things' in light of the body's projects in the world (Merleau-Ponty, 1945: 70).

Meaning is therefore the outcome of a living and dynamic encounter between an embodied and interpreting being and its environment. In this sense, all meaning is concrete or can in principle ultimately be traced back to a concrete engagement with the world which has always already been organised into a 'situation' for the perceiving body. Linguistic meaning and cognition are late-comers on this particular scene. Merleau-Ponty employs an illuminating metaphor in this regard, saying

[t]he whole life of consciousness is characterized by the tendency to posit objects, since it is consciousness ... only in so far as it takes hold of itself and draws itself together in an identifiable object ... [and] yet the absolute positing of a single object

is the death of consciousness, since it congeals the whole of existence, as a crystal placed in a solution suddenly crystallizes it (1945, 71).

This extract reflects Merleau-Ponty's understanding of 'objective' thinking as both inevitable for human consciousness, and simultaneously derivative as well as reductive of the perceptual experience underlying it and making it possible². Paradoxically, the 'death of consciousness' is in another respect the 'birth of consciousness', since there is no conscious self without the object as a non-self from which the self may demarcate itself. Thus, an original cut in the world, inaugurating the 'thing' as a something separable from the world, is the precondition for the secondary cut between 'self' and 'non-self', and both are reductive and stabilizing processes, resisting the interconnected and dynamic character of the world. Crucially to note, then, is that meaning is a function of our concrete embeddedness in the world, that it first and foremost serves that embeddedness, and that it therefore is not only lived primarily corporeally and concretely, but that it also organises the material world so that meanings obtain material effects in the world. It would therefore be misguided to argue that (i) since all boundaries are perspectival, and contingent, either that we can do away with our irritating (sometimes destructive) boundary-making habit altogether, or that (ii) any alternative set of boundaries will be able to organise the world in a way that does not violate, distort and reduce it or to argue that (iii) since boundaries are

² One might productively link with this notion of consciousness being born out of the capacity to posit objects, Lacan's understanding of the mirror stage in infant development. For him, the mirror image desired by the infant is (falsely, impossibly) static and closed off from its surroundings – as such, it represents a tragic solution to the infant whose experience of self is 'oceanic', excessive, multiple, fluid and plural, without clear borders or organisation. Faced with the threat (and joy) of psychic dissolution, the infant has no other choice but to turn towards the unending desire to 'become' the mirror image, with its illusions of neatly ordered stasis and enduring sameness, as opposed to the dynamic fluidity of the infant's prior experience.

finite, and fragile, always tentative, that they are only 'imagined' and therefore cannot do great damage in the world.

Following on from this phenomenological understanding, the following descriptive claims can be made about living boundaries:

A. Every boundary or 'cut' represents an instance of Derridean arche-violence:

Conceiving of the living of boundaries in corporeal terms means in the first place that there is a whole field of pre-personal and largely pre-conscious 'sense-making' which is done when the organisation of the human body organises the world (into a 'situation' for it), similar to how an insect or other animal would do it. In the first instance, then, the world is organised meaningfully through the drawing of boundaries, for instance between figure and background, by a body whose workings are never easily or fully accessible to its subject. This might be something as basic as 'noticing' or 'naming' an object as some-thing, which already implies both an orientation towards the world and the ability to isolate 'a thing' from 'its' background and let it disclose itself as 'something'. Already on this very basic level of perception, phenomenologists alert us to the fact that the 'grasping' of (aspects of) the world is a selective, reductive and organising activity – in order for anything to be *disclosed as something*, a multitude of other 'things', 'backgrounds' and 'selections' are shut out or closed off, and disappear (back) into the neutral background of 'the world'. A primordial cut in the continuity and fluidity of the body of the world is thus the fundamental distinction between any 'thing', grasped as that 'thing' and 'everything' else or rather 'all else'.

In Heidegger's terms, truth is associated with an originary unveiling (*a-letheia*) which happens against a background of veiledness or coveredness – a background which is nevertheless a plenitude, an unfathomable excess of reality over our meaning-making capacities³, which is only ever partially accessible through our selective and corporeal organisation of it. Undisclosed presence (possibly similar to Lindahl's idea of the unordered) is thus the default, prior and constant character of the world, which underlies and makes possible the human (and animal) anonymous corporeal capacity to let 'things' appear to us as meaningful units. For Heidegger, humans (*Dasein*) are that opening in the density of the world in which beings appear as such. It is in this sense that Lindahl describes any (legal) order as a response or answer to the unordered, and a-legality as preceding the legality – illegality cut. This is also why the challenge of a-legality always emerges from the unordered of any specific ordering⁴, and addresses it from there. Thus clearly, to claim that to live boundaries is corporeal and material is not to deny that it is at the same time subjectively and interpretatively constituted; in fact, for phenomenologists, these are two sides to the same coin. For Derrida, the notion of *arche-violence* denotes the fact that human 'grasping' and organising of the world through the drawing of boundaries upon and against the whole

³ It is important for me to emphasise that any system or order seems to favour some version of 'the one' over the plenitude and excess which it suppresses. This might be one way of thinking about what Etienne Balibar in *Politics and the Other Scene* calls the polysemic nature of boundaries. This aspect of the boundary seems to be more pertinently disclosed from the outside than from the inside, from whence all forms of alterity may more easily be conflated. The meaning of the boundary of the nation-state, for instance, is experienced very differently depending on one's perceived status, approaching it.

⁴ This description leads to the further insight that the 'unordered' is always a function of the ordered, of the imposition of tentatively stable meaning through the closing off of multiple alternatives (of boundary drawing, of perspective, of organisation of the field as a whole). In this way, as we will see, any order in a sense indirectly 'creates' or shapes that which will appear within or to the system as 'strange'. The specific shape of any particular interpretative frame or perspective on the world calls forth by attempting to foreclose its very own 'stranger' challenges. There are few things as 'own', few things that belong as particularly and uniquely to an order as its strangers and strangenesses. What is most definitively excluded is most definitive of the order itself.

body of the world, is of necessity a violation and distortion of that default wholeness, fluidity and interrelatedness.

B. Every boundary drawn partakes in the logic of autopoiesis; put differently, arche-violence is productive

Hans Lindahl speaks in this regard about 'a master preferential distinction' characterising every (legal) order. This preferentiality implies that the two sides created by a boundary are never treated the same; boundaries, in distinction from lines, are inherently asymmetrical in that they create an inside and an outside with a clear preference for the inside over the outside. Think of the difference between a mere line and a line which forms one side of a triangle. Lindahl's analysis shows how there is a master distinction such as between the legal and the illegal, which gives a legal order its manifest shape. I think he is right to argue that this surface master distinction is however dependent upon a more covert and more fundamental master distinction, namely between the (il)legal (comprising the order itself) and the a-legal or that which the order completely discards, expels or neglects as 'beyond the pale' or 'beyond the point of the order as such', and thereby leaves it unordered. Every ordering thus entails different levels of exclusion or outsideness: while a legal order censures illegal behaviour and tries to prevent or otherwise punish it, illegality is a milder form of exclusion than a-legality, since the former is rendered transparent by the order; it is codified (already accounted for) as illegal in anticipation of criminal behaviour. It finds a place within the order, even if that place is the isolation from the system facilitated by a prison cell. By contrast, the a-legal when it does manage to appear within the order, and to address the order in some form or other, it is read at first as illegible, indecipherable.

By creating levels of inclusion and exclusion in this way, any order starts off with a fundamental and finite, arbitrary cut into reality or into the world which is finally indefensible (Lindahl, 2013: 234ff), which cannot be founded on any normative principle. We have seen how this inevitable, given that any attempt to create meaning or identity implies a forced but a-moral irruption into undifferentiated space of a coagulation or crystallization of that which is essentially fluid, impure, dynamic, interwoven, changing, and so on. In other words, boundaries are always in the service of the autopoiesis of stabilized and stabilizing structures, whether of the body itself, of the psyche, or of a symbolic system. The egg shell exists in service of the life it contains, the skin in service of the body's autonomy and enduring identity, and the closure of the cell membrane against its environment is what makes life possible. This is another way of understanding Derrida's *arche-violence*: in order for anything to exist in the world in an enduring way, some form of closure against its environment is necessary⁵. Just as there can be no object unless it can be distinguished from its background, no living system can endure if it fails to differentiate itself from its environment and create a differentiated and differentiating internal environment, to a greater or lesser degree (Hofmeyr).

The necessity for closure is thus not a kind of original sin brought into the world by humans; boundaries function as qualified closures on every level of existence. The preference for the inside over the outside which is characteristic of every boundary as a closure can and often gets, I would say, wrongly translated into an absolutization of the closure aspect of boundaries, as if they are first and foremost there to keep what is other or strange out. An

⁵ Derrida reinforces the idea that no thought is possible about the closure brought about by boundaries, saying '(T)here is no philosophical logos which must not first let itself be expatriated into the structure inside-outside ... One would attempt in vain ... to forget the words "inside", "outside", "exterior", "interior", and to banish them by decree; for one would never come across a language without the rupture of space, an aerial or aquatic language in which, moreover, alterity would be lost more surely than ever' (1981, pp. 112-3).

obsessive emphasis on the skin as closure against the environment and concomitantly the idea that all dangers come from without, easily leads to a distortion of health-care focused only on keeping germs and other pollutants away from the body⁶. While closure in certain respects and in certain dimensions certainly seems a precondition for systems to endure, it is equally true that every boundary is constitutively permeable. This is the case because no system can endure if cut off completely from its environment. This is another sense in which the ordered is materially, structurally and otherwise dependent on 'its' unordered, even as it maintains its differentiation from it. In the case of a living cell, the membrane must close its inside environment off from outside radical temperature and pH fluctuations, must keep the levels of moisture stable, and so on, in order to maintain the conditions optimal for the functions that a living cell needs to perform in order to stay alive.

At the same time, however, full closure will likewise imply death to the cell, just like full exposure, since the cell is dependent on the flow of energy and matter through it (e.g. its capacity to regulate internal heat is useless without access to sunlight as an external source of heat), which is only possible because it finds itself in an environment which is conducive to that process, i.e. in an external environment that can both nourish and replenish it, and can receive its waste products. Similarly, an egg shell's closure protects the embryo against adverse external conditions, while its permeability allows oxygen to flow into and carbon dioxide to flow out of the internal environment. In conclusion, then, a boundary favours the inside over the outside, and must facilitate closure in some respects as much as

⁶ A similar obsession features in different understandings of the hymen, as Margaret Ferguson discusses in her work. The hymen is often portrayed as kind of seal closing off a girl's 'inside' or sexual organs against the dangers of the outside world. Based on this misunderstanding, at least one ancient author recommended that girls get married before their first period, or they will die from blood poisoning (if the hymen is not pierced in time).

permeability or traffic in other respects, in order for the system, order, or identity to endure over time.

C. Living boundaries is therefore never neutral, but invested with meaning and emotion

It follows from the previous point that boundaries as preferential and asymmetrical structures are tied up with interests in either maintaining, challenging or transforming meanings and identities. We saw how a certain interestedness or concern (Heideggerian *Sorge*) is implied in the most rudimentary perception of the world, already when we notice certain things in the world and allow others to recede unnoticed and unordered back into a largely undifferentiated background. What get disclosed to us as 'things' or 'objects' are already a function of our bodily 'situation' and thus of a certain interested orientation within and towards the world. I have indicated that some of these orientations are anonymous and belong to our bodies more than to our consciousness or volition. Merleau-Ponty points out for instance that to describe a book as lying on a table, is way of attributing meaning to things in the world on the basis of how our bodies are organised – with a head 'on top'.

Julia Kristeva's description of abjection describes a similar process of boundary setting in the development of the 'self' or 'subject'. In her description, the still rudimentary, fuzzy 'self' emerges through the violent expulsion of certain substances from the body. The self is at once beckoned and repelled by that which lies on or near the borders of the body and thereby threatens that border. She describes her book, *Powers of Horror* (1982), as a study of 'the apocalypse rooted on the fragile border ... where identities (subject/object, etc.) do not exist or only barely so – double, fuzzy, hererogeneous, animal, metamorphosed, altered, abject' (1982: 207). One example is the small child who gags on the film that has formed on

warm milk. In the process of both 'discovering' and 'inventing' or inaugurating body boundaries (possibly associated with the Lacanian mirror image), the small child says,

'I' want none of that element, 'I' do not assimilate it, 'I' expel it. But since the food is not an 'other' for 'me', I expel myself, I spit myself out, I abject myself within the same motion through which 'I' claim to establish myself. (Kristeva, 1982: 3)

Something which lies on the ambiguous boundary of the self, which thus recalls the possibility of dissolution of self, is violently expelled in order to give birth to a 'clean and proper' body. The violence of the expulsion is a function of the primordially of the unordered, the unbounded, and of the inauguration of the preferential cut between inside and outside, self and non-self, self and 'other'. She sees the threat of dissolution in the materials that cross body boundaries, and that thereby act as a permanent reminder of the chaos and the fragility of maintaining an enduring differentiation from the material world: '... refuse and corpses show me what I permanently thrust aside in order to live. These body fluids, this defilement, this shit are what life withstands, hardly and with difficulty, on the part of death ... at the border of my condition as a living being ... My body extricates itself, as being alive, from that border (p.3). Lindahl makes a similar observation about how every order or system must always again deal with the chaos or unordered as reminiscent of the 'ultimate possibility confronting the legal collective: that it can cease to exist' (p.185); in that sense, 'legal order has never left chaos behind, because chaos reaches it from ahead as that which precedes legal order' (p.185).

Kristeva further distinguishes between dung and the corpse in a way reminiscent of Lindahl's distinction between illegality and a-legality. Dung for her signifies the 'other side of the border, the place where I am not and what permits me to be' – by continuously

disowning and removing dung from the boundaries of the body, the body reaffirms and re-enacts its extraction from and transcendence over the non-body, and thereby the hierarchical opposition is reaffirmed, the body boundaries successfully reclaimed. In contrast, she sees in the corpse something 'strange' in that it fundamentally challenges the differentiating master cut between own body and strange world beyond. The corpse is not only strange but deeply estranging, because it cannot be fully expelled; instead it threatens on her reading to expel or displace the 'I':

In contrast, the corpse: no longer I who expel, rather, 'I' is expelled. How can I be without border? That elsewhere (beyond the present and beyond the world) ... is now here, jetted, abjected, into 'my' world. Deprived of world, therefore, I fall in a faint. In that thing... I behold the breaking down of a world that has erased its borders: fainting away (as I fall in a faint). The corpse, seen without God and outside of science, is the utmost of abjection. It is death infecting life. (p.4)

Sara Ahmed also emphasises the emotions associated with the experience of abjection – these are a physicality of emotions 'that threaten to pulverise the subject and cross the boundary line' – we typically respond with horror and disgust to that which stands in for 'the crisis posed by abjection insofar as [it] threatens to undermine the integrity of the subject by passing between the inside and outside'. She then asks on a social level and historically speaking, how does it come about that some bodies are perceived as stranger than other bodies, more threatening than others to the identity and integrity of the self? More precisely, why is it often black bodies that get metonymically associated with the border that confounds identity? (Ahmed, 2000: 52). Clearly, then, psychically speaking there is a great investment in the function of body boundaries to provide closure against what

may erode the differentiation between inside and outside, and to reassert body boundaries as unambiguous. Although she might be overemphasising the closure aspect of body boundaries through her focus on the process of abjection as a form of violent expulsion, a way of embodying and performatively reiterating the difference between what is 'own' and what is 'strange', Kristeva pays some attention also to the permeability of boundaries when she says that 'the abject' fascinates as well as repels us. This ambiguity seems to be tied up in the ambiguous relation of the infant with the maternal body: 'It is a violent, clumsy breaking away, with the constant risk of falling back under the sway of a power as securing as it is stifling' (p.13). There is thus apart from the fear of dissolution and the inability to leave chaos behind, also a desire for dissolution, for jouissance, which is of course closely linked with the desire for the quite central human boundary crossing of sexual intercourse. Boundaries are thus places characterized by strong, yet ambivalent emotions.

D. In the Western symbolic order, the preferential cut is gendered

As I read her, Luce Irigaray, in her critique of the Western symbolic order, points to a hidden domain (doubly repressed or foreclosed) that has the potential to radically disrupt and re-order this symbolic. She describes the master preferential distinction of this order as the boundary between a 'metaphysics of solids' with its sacrificial logic, and a fluid, dynamic world of material becoming. This master cut organises abstract intelligence on the inside and supposedly unintelligible materiality on the outside. In her essay 'Plato's Hystera' (Speculum of the Other Woman), she famously reads Plato's cave myth in psychoanalytic terms to describe the flight of the philosopher from the maternal body (cave as womb), through the material world and into the realm of paternal Ideas beyond. It is a progressive

flight away from fluid materiality (gendered female) that cannot 'ground' knowledge, towards stable, immovable and timeless intelligibility (gendered male) that for Plato is the only guarantee for true knowledge. Plato as the great boundary maker of the western tradition introduces a three-fold order. Irigaray takes over this logic but critically shows that in his attempt to absolutely separate the intelligible from the material domain, to purify and safeguard the intelligible from the corrupting influence of the material, Plato has to insert 'something' between them as a kind of scaffolding for moving from the cave to the sun. In the terminology of this paper, one could say for Plato to (try to) treat his boundary as an absolute closure against the outside world, he has to thicken the boundary, treat the boundary itself as something substantial⁷. At the same time, however, his progressive logic allows him to move from the world of shadows through the material world (maternal body) and on towards the sun, depending on each of these worlds consecutively and yet successfully erasing each as unreal as soon as he has transcended them. Maybe this is true of every boundary setting: what is left unordered or on the outside, must in a sense be erased and forgotten, even though the very drawing (and maintenance) of the boundaries depends and feeds upon that outside.

Irigaray thus introduces two aspects of the boundary that I find pertinent to our discussion here: first, the boundaries of the western symbolic are heavily gendered (with the outside figured as feminine) as also indicated by Kristeva, who uses psychoanalytic categories to show how the original object is the undifferentiated maternal body⁸. The surface

⁷ This idea is similar to Kristeva's insight that the act of abjection as an absolute expulsion or purging, turns the boundary itself into an object in order to stabilize the border as well as one's withdrawal from it (into the interior of the body).

⁸ Lyotard is another thinker who sees the structure of the western symbolic order (and its political orders) as gendered. In his essay, 'One of the things at stake in women's struggles' (1989: 114) he writes: 'Everything is in place for the imperialism of men: an empty centre where the Voice is heard (God's, the People's – the difference is not important, just the Capital letters), the circle of homosexual warriors in dialogue around the

preferential master distinction is between masculine order and feminine disorder; however, similar to Hans Lindahl's notion of the (il)legal versus a-legal cut as underlying and enabling the surface cut, Irigaray says that underneath the masculine Same versus feminine Other (of the Same) lies the more fundamental Other of the Other – a domain so deeply repressed and foreclosed that it cannot feature within the Order of the Same at all – it can only manifest as unintelligible⁹. This domain, importantly, holds the promise for the emergence of feminine and female subjectivity and true sexual differentiation. Because the Other of the Same is the way in which that which is unstable and unordered and material is figured as feminine within the essentially mono-sexual masculine order, the feminized Other of this order, the patriarchal 'face' of the feminine, is a gross distortion and reduction of what women are and could be¹⁰. 'She' remains a function of and for the masculine order of the

centre, the feminine (women, children, foreigners, slaves) banished outside the confines of the *corpus socians* and attributed only those properties that this *corpus* will have nothing to do with: savagery, sensitivity, matter and the kitchen, impulsion, hysteria, silence, maenadic dances, lying, diabolical beauty, ornamentation, lasciviousness, witchcraft and weakness.' For Lyotard, the 'masculine corpus' treats the feminine boundary as a passive object whose 'apparent humanity is always elusive'. Also, 'the Voice at the Virile Centre speaks only of ... the Empire's limits (which are women) and we [men, the dominant sex] have to struggle ceaselessly with their [women's] exteriority'. The marginalized, silenced and dehumanized feminine can be seen at work in the very heart (centre) of the *corpus socians*.

⁹ Irigaray can be criticized (and has been) for associating this radically unstructured domain too strongly with the positive valuation of the feminine and female. In this way she tends to repeat the stabilization and dual gendering of what is essentially a much more fluid and dynamic realm, explosive also of her gendered duality and the very notion of 'the feminine' that she wants to rehabilitate. Her Other of the Other is therefore not radically enough conceived. For me personally, such rehabilitation makes sense only as a first step in a process of sexual differentiation that needs to move beyond Irigaray's 'two-ness'; for her, however, the if the twoness itself were to be overcome, that would spell disaster.

¹⁰ Whereas for Irigaray the destiny of women is closely aligned with the destiny of this patriarchal figure of woman, it is important to emphasise that also for women the centre is masculine and the periphery feminine. Of this, Clarice Lispector's classic meditation in *The Passion According to G.H.* is a rich exploration. She tells the story of a woman who lives on the 13th floor of her building, elevated high above the city, and unattached to either lover or children. This woman loves to create order and shape, as expressed in her obsessively neat and insular home, and her sculpting. The story tells of a day on which this woman decides to clean out the room of the maid, and reintegrate that hidden space occupied by the stranger, with her own space. She says she wants to reintegrate 'the outback of her home' with her order of 'witty elegance'. This outback did not really exist for G.H. (it was the repressed, glossed over and forgotten unordered which served as the material substratum for her order) and equally, its occupant, the 'black African maid', is remembered only as an absence – neither her face nor her name can G.H. recall. Later on, this absence which fascinates as it repels, gets associated not only with the gradually recalled face and name of the maid, Janair, but also with the cockroach who lives in the cupboard. She describes a progression from determination to re-occupy and reintegrate this part of her house, to a gradually clearer confrontation with the stranger, until she looks into the face of the dying

Same. Importantly, there is no space or possibility for the female or feminine subject to appear as an other subject within this scheme of things – a notion one could profitably extend to the understanding of the other others or any order, including ‘its’ (in the west, typically feminized¹¹) strangers.

And second: she introduces what I would like to call a certain width or thickness belonging to the master boundary or cut itself, which can no longer be viewed as a figure consisting only or even primarily of length. Irigaray wants us to pay closer attention to what goes on inside the boundary as a place of traffic and intercourse, and it seems to me this is a fruitful idea to incorporate into any notion of an ethics of boundary (making and living).

E. Boundaries have width¹²

To return to Irigaray’s reading of the cave myth: she organises together the passage way out of the cave and the material world outside of the cave as in-between spaces that are both

cockroach; not only Janair, but also the cockroach are now experienced as looking back, questioning G.H.’s life with their own subjectivities. She experiences her pre-personal origins in that confrontation, saying that she is irrevocably drawn by this encounter into the ‘inferno of brute life’, through a movement from ‘her’ world into ‘the’ world. This is an anti- or counter-Platonic journey, back towards the concrete and unordered, the unintelligible. She says towards the end, ‘I want the materiality of things. Humanity is steeped in humanization, as though it were necessary; and the false humanization impedes man and impedes his humanity. There exists a thing that is broader, deeper and deeper, less good, less bad, less pretty. Even though that thing too runs the risk of becoming transformed into “purity” in our gross hands, our hands that are gross and full of words’ (p.150-1).

¹¹ It is helpful thinking about the stranger of and to any specific order as likely to be feminized along the lines of western metaphysical constructs. In other words, there is an exaggerated focus on the body, on the material appearance of the stranger and an attempt to reduce the stranger to that body, as opposed to viewing her as a subject who brings value and meaning into the world. A good example of this is gendered islamophobia in the west, where visibly Muslim women are often reduced to the problematic (threatening) appearance of the veil. Moreover, that very materiality is couched in terms that are typically both threatening and inferior. The ‘clean and proper’ body of the collective defines itself by expelling the feminized figure of the strange, just as the masculine subject of western metaphysics inaugurates and maintains itself by forcefully differentiating itself and transcending, material femininity.

¹² Étienne Balibar states, ‘[t]he quantitative relation between “border” and “territory” is being inverted’ (2002, 92) in the globalizing world, so that ‘borders are becoming the objects or protest and contestation as well as of an unremitting reinforcement’.

materially and metaphorically necessary for Plato to separate out the material domain from the intelligible¹³. In order to 'get to' the inner sanctuary of pure ideas, Plato's philosopher must traverse, cross over a space or interval that separates the two domains. For Irigaray, this passage-way is the forgotten vagina where masculine and feminine meet; the prerequisite for both domains to exist, the principle of fecundity itself. The borderlands is thus no longer only the 'space' that keeps two domains apart, and differentiates them; it importantly also becomes the place where there is an opening, a possibility, but indeed also a necessity, for what are differentiated in this manner, to meet up and negotiate their difference, to re-differentiate through intercourse and encounter. This may be related to the intrinsic and necessary permeability or porosity of every boundary, its hybrid exposure, its fundamental impurity. In Irigaray's work, she is very critical about the erasure of the 'forgotten passage-way', of the space or interval between the feminine-material and masculine-intelligible domains.

By erasing the boundary, western metaphysics manages to congeal the hierarchical binary opposition between the two domains – they can only be kept pure and purely separate and opposite (instead of merely differentiated) if the hybrid or hiatic logic of the boundary is forcibly erased. The path between the cave and intelligible world is 'neither outside nor inside', and 'when it is neglected, ... forgotten, ... it will found, subtend, sustain the hardening of all dichotomies, categorical differences, clear-cut distinctions, absolute discontinuities ... what has been forgotten in all these oppositions, and with good reason, is

¹³ Of course, she also points out how Plato needs (to start from) the material domain as simultaneous analogy and dis-analogy for the construction of his anti-world, the realm of Ideas. This is similar to Socrates' claim that as a philosopher he is a midwife like his mother, Phaenarete, except superior in every respect because his 'patients' are thinkers and his 'babies' are ideas. Like the cave, the domain of the maternal and of child-birth must be postulated for the whole process of masculine transcendence to take off; however the whole point of evoking them is to erase them as so inferior as to be unreal.

how to pass through the passage, how to negotiate it, the forgotten transition' (Irigaray, 1985, 246-7). Once the width of the boundary or the passage-way has been forgotten, the order is freeze-framed into an absolute one that can only either absorb or expel what is other to itself, and for her, this is what has happened to sexual difference in the western order.

Lindahl raises the same issue when he asks about how a system should respond to the strong version of a-legality in a way 'that does not collapse responsiveness into recognition, and that avoids rendering absolute the first-person plural perspective of the "we"' (p.248). As indicated earlier, for him the challenge of a-legality always arises out of the domain of the unordered, out of that domain in other words which the deeper master cut has declared out of bounds or beyond the pale. Since the first cut, opening up a space in which the order's boundaries may be mapped out, cannot be accounted for within the system itself, it represents the enduring blind spot of the system. This blind spot cannot be fully justified or removed, and a-legality aims its challenge at that precise 'place' or non-place (as the eye itself is the absolute non-place of the field of vision that it opens up). Lindahl calls the ethical response to a strongly a-legal challenge 'collective self-restraint'. This notion may be related to Irigaray's insistence on explicitly reinstating a space or interval between the sexes, because without such a distance, female difference gets absorbed into the masculine order of the same as a mere peripheral function of it.

Irigaray refers to this as the "ontological negative" – an insuperable *space* or negative between subjects that ensures reciprocity and communication by providing a fertile ground between them that cannot be subsumed under the identity of one subject only. Lindahl's notion that a-legal challenge should be met with collective restraint, can be linked with

Irigaray's negative, and with my idea of a thick boundary. This is especially true when one considers Lindahl's hunch that collective self-restraint may call for an exception or a suspension or even violation of the order itself and its rules (p.250). He qualifies the idea of collective restraint further by suggesting that it should be aimed at 'sustaining', instead of 'destroying the strange as strange' (p.254). These ideas about an ethics of boundaries may also be related to Marcelo Neves' project paper, which calls for transversal rationality, forming a key aspect of trans-democracy. I read him (and his sources, including Welsch, Schrag and Taylor) as proposing transversal rationality as a way of preserving or protecting a plurality of 'heterogeneous normative rationalities' (Neves, p.10).

It seems to me all these thinkers are concerned with similar structural problems, and that one way to start developing a response is to insist on the width of boundaries. What that in effect means, is that a space should be opened up which is neither theirs nor ours, a third space, the boundary itself. Taylor (in his Philosophical Papers Volume 2, in the essay on cultural understanding and ethnocentricity) calls this a (third) language which is *contingently forged* between two different finite systems of understanding, two worldviews, two symbolic orders. From the perspective of this 'language of perspicuous contrast', the differences and similarities between the two systems can become legible. Likely Taylor is too optimistic about the outcome, but I think he would fully support the deliberate creation of a space in between, a space consciously shaped as one in which both systems will be suspended with an eye to encountering a perspective on the shared world (the world is always shared) which is truly other, truly strange. It seems to me, in order to do justice to the truly strange (strongly a-legal) it is a prerequisite that the subject or self will experience a significant degree of self-estrangement, a suspension of the self and its order, and that the

outcome will be a rearranged self or order (Ricoeur might call this an enlarged self which is only possible if the self is placed at risk, suspended, put in play).

Drawing on the body as idea, concrete thing and metaphor all at the same time, Sara Ahmed suggests we should (morally speaking) treat boundaries (not like walls, but) like skin, and moreover, like a skin that feels. This might be another way of imagining the ethical moment of a thick or wide boundary (hopefully not turning into a thick skin!) – it is a busy and rich intersection of plural interactions, including communication, translation, negotiation (because of the boundary's permeability and dependence on the outside), and also, finally, conflict (because there is no boundary without, also, closure). Kearney with his notion of 'carnal hermeneutics' will in this regard make much of the body's power of nuanced discernment, and will also relate the boundary to skin and to touching – a finely attuned touch shows the difference between different kinds of other, different forms of strangeness, and finally the difference between the enemy and the guest.

F. Through boundaries we extend niche-making from the body to the border and beyond

The body with its physical and psychic boundaries in which we are heavily emotionally invested (as discussed by Kristeva), could be described as our first home; rape victims explain what it feels like to be displaced from that most intimate home, to have one's body borders forcibly destroyed (cf. Du Toit, 2009). It seems to me helpful to think of all other super-personal boundaries as being related to the body boundary. Every human, like most other animals, is a niche- or nest¹⁴ building creature, and so the notion of 'home' should

¹⁴ Both terms derive from the Latin 'nidus' which literally means to sit down in a specific place.

also be central in one's understanding of boundaries. Boundaries, in so far as they close something off from its outside, create an internal space or internal logic which optimises the existence of whatever is on the inside, as an egg shell preserves the life and well-being of the embryo. The outer layer of our skins protect our fragile other organs from the poison which is oxygen. The body-subject as part of its most basic, pre-reflexive ordering of the world, creates for itself a niche, a space typically larger than the body, in which the body as a whole may perform certain life-sustaining functions such as eat, sleep and procreate in relative safety. One can therefore see larger orders and systems delineated from an unordered or hostile or merely unpredictable outside, as functioning in a similar manner to the home: they make some bodies at home precisely by displacing and keeping other bodies out.

A home would not be a home if it was fully exposed to its outside; it is only a home in so far as it keeps certain things out. This is why Ahmed emphasises that within any order, what appears as the strange(r), is that which the boundaries are most fundamentally designed to keep out. The stranger is therefore the displaced body in a double sense: it should have been displaced from this place (kept out) and now it is displaced by being on the inside. In this sense, it is an affront, excessive, in the way and conspicuous. Pahuja echoes this understanding in legal terms when she says, following Peter Rush, that jurisdiction 'is not so much a discourse, not so much a statement of the law, but a site or space of enunciation'; as such, it lets lawful relations 'take [a] place' (Pahuja, p.7).

Boundary-setting is thus carving out a place within undifferentiated space, and it becomes a place because some bodies, logics, behaviours, etc. are made at home there, because others are kept out. Think in this respect also of Lindahl's vision of a legal order as consisting of

differentiated and joined up ought places, ought times, ought subjects and ought materials. Because some bodies are made at home by the drawing of boundaries, their physical and psychic capacities are because of this material support, extended in time and space; this notion may be linked with the idea of sovereignty as autonomy, as discussed by Raf Geenens¹⁵.

In this respect, the work of Cara Nine on home and displacement (*The Wrong of Displacement: The Home as Extended Mind*, 2017) is incisive: she demonstrates how we are inherently homing creatures, because the material home is an extension, support and expansion of the body-subject and of mind-body functions. Spatially and temporally, we outsource to the home a multitude of tasks: its spatial design means that it can act in support of our memory (the car keys are always kept in the same place), in furthering healthy habits (running shoes at the front door), in promoting our creativity as well as our comfortable habits (the spice rack holding both the familiar dependable flavours and more unfamiliar, more daring ones with which to experiment), in ensuring continuity into the future (the pantry holds tins ensuring that when we do not have time to shop for food, we know there will be something to fall back on), in keeping us safe and private, thereby ensuring some leisure time as well as interaction and companionship in the presence of the other people living in the same home. As with all the other boundaries discussed, there is a preference for the inside over the outside, and therefore a certain closure is the first and

¹⁵ He defines sovereignty as ‘a perspective adopted by the citizens of a democratic polity’ (2017, p.501), and this perspective is for the community to see itself as capable of collective action. Such a belief, where the individual citizen aligns herself with a collective which she believes can steer its own course through life and take responsibility for acting within its (necessarily limiting) environment (instead of merely enduring or being steered by that environment), is a belief in a capacity which obviously extends across space and endures through time.

most basic concern. However, obviously, a home also quickly turns into a prison if its boundaries are impermeable.

In responding to Iris Marion Young's feminist reconceptualization of the home as capable of becoming a feminist project (in the essay 'House and Home: feminist variations on a theme'), Allison Weir (2008), I would say, also explores the necessary borderlands of the home-place. She does this by collapsing the traditional hierarchical binaries underlying a masculinist and patriarchal notion of home: beyond the false dichotomy of inside safety versus outside danger, we should think about 'the inevitable risk of connection'; beyond the false dichotomy of full integration inside the home versus disintegration of the self outside, we should consider how all identities are constituted only through relations; beyond the false dichotomy of (feminine) private dependency and (masculine) public autonomy, we should consider how all power and autonomy is only ever made possible by others; and beyond the false dichotomy of (past oriented) stagnation in the home versus (future oriented) change beyond the home, we should consider how we must necessarily work to weave together past, present and future, both in the home and beyond.

I think she suggests that what we need is an urgent rediscovery of radical, corporeal dependence of every living system on what is not itself, what lies beyond itself, and realise that a fully self-enclosed system is soon a dead one.

Addendum: some examples of informal (existential, non-legal) boundary-making (but with wider implications for boundary setting and boundary living) for consideration and analysis in our seminar (all the bold section being my added emphasis):

“I was with my mom and dad and siblings at Water Tower Palace, an upscale shopping mall near downtown Chicago. We were going to the movies [...] and in front of us in line were two young gay men. They were holding hands. I was maybe eleven years old – old enough to be **aware, painfully so, of being different** from other boys. [...] While my parents could only see **perverted weirdos** [...] I saw a future for myself. **I was different like them; they were different like me.** I was going to grow up to be **like them**. And they didn’t look unhappy. They looked like they were in love. They looked free.” – Dan Savage

From Audre Lorde’s *Sister Outsider*: Essays and Speeches*, 1984 (147-8): ‘Eye to Eye: Black Women, Hatred and Anger’ ~

“The AA subway train to Harlem. I clutch my mother’s sleeve, her arms full of shopping bags, christmas-heavy. The wet smell of winter clothes, the train’s lurching. My mother spots an almost seat, pushes my little snow-suited body down. On one side of me a man reading a paper. On the other, a woman in a fur hat staring at me. Her mouth twitches as she stares and then her gaze drops down, pulling mine with it. Her leather-gloved hand plucks at the line where my new blue snowpants and her sleek fur coat meet. She jerks her coat close to her. I look. I do not see whatever terrible thing she is seeing on the seat between us – probably a roach. But she has communicated her horror to me. It must be something very

bad from the way she's looking, so I pull my snowsuit closer to me away from it, too. When I look up the woman is still staring at me, her nose holes and eyes huge. **And suddenly I realise there is nothing crawling up the seat between us; it is me she doesn't want her cloak to touch.** The fur brushes my face as she stands with a shudder and holds on to a strap in the speeding train. Born and bred a New York City child, I quickly slide over to make room for my mother to sit down. No word has been spoken. I'm afraid to say anything to my mother because I don't know what I have done. I look at the side of my snow pants secretly. Is there something on them? Something's going on here. I do not understand, but will never forget it. **Her eyes. The flared nostrils. The hate."**

In the epilogue to *Thirteen Ways of Looking at a Man*, the psychoanalyst Donald Moss tells a story about his experience in first grade. Every week the children learned a new song and were told that at the end of the year, they would each have a chance to lead the class in singing their favorite, which they were to keep a secret. For Moss, the choice was clear: "The only song I loved was the lullaby 'When at night I go to sleep [Fourteen angels watch do keep]' from *Hansel and Gretel*." Every night he would sing it to himself, and like the song said, the angels came, saving him from his night terrors and enabling him to fall asleep. It "was, and would always be, the most beautiful song I had ever heard." The first graders had learned the song in early autumn, and in late spring, when Moss's turn came, he stood in front of the class. The teacher asked what song he had chosen. Moss recalls, I began to tell her: "it's the lullaby . . ." But immediately, out of the corner of my eye, I saw the reaction of the boys in the front row. Their **faces were lighting up in shock**. . . . I knew, knew in a way that was immediate, clear and certain, that what I was about to do, the song I was about to

choose, the declaration that I was about to make, represented an enormous, irrevocable error . . . what the boys were teaching me was that I was to know now, *and to always have known*, that “When at night I go to sleep” could not be my favorite song, that **a lullaby had no place here**, that something else was called for. In a flash, in an act of gratitude, not to my angels but to my boys, I changed my selection. I smiled at the teacher, told her I was just kidding, told her I would now lead the class in singing the “Marines’ Hymn”: “From the Halls of Montezuma to the shores of Tripoli . . .” (italics added).

Johnny Steinberg – ‘Why I’m Moving Back to South Africa’

‘There is nonetheless something for which I know I ache, and it is only to be found in my native land. When I lock eyes with a stranger on Johannesburg’s streets, there is a flicker, a flash communication, so fast it is invisible, yet so laden that no words might describe it. This stranger may be a man in a coat and tie, or a woman who wears the cotton uniform of a maid, of a construction worker stripped to the waist. Whoever he is, he clocks me as I pass, and reads me and my parents and my grandparents; and I, too, conjure, in an instant, the past from which he came. As we brush shoulders the world we share rumbles around us, its echoes resounding through generations. He may look at me with resentment, or longing, or with the twistedness that comes with hating; he may catch me smiling to myself and grin. I am left with a feeling, both sweet and sore, that I am not in control of who I am. I am defined by the eyes that see me on the street. I cannot escape them. I cannot change what they see. We may one day fight one another or even kill one another, yet our souls are entwined because we have made [one] another. I cannot get that on Port Meadow [Oxford]. I can take in the washed-out light and the expanse of green and I can feel melancholy or light or get lost in private thoughts. But the people who pass are wafer thin. I cannot

imagine who they are. It doesn't matter enough. There is too little at stake. I am in essence alone.

... I have imagined the world through Asad's [protagonist of *A Man of Good Hope*] eyes as fiercely as I can, and have thus been under the skin of a human being I am not. The importance of this experience is ineffable. It is to watch oneself from a distance and imbibe the contingency of who one is and what one feels. This is a secular incarnation of the oldest religious experience. That is what going home means for me. **It is to stand outside myself and watch my bourgeois life prodded and pushed and buffeted around by lives quite unlike my own. It is to surrender myself to a world so much bigger than I am and to the destiny of a nation I cannot control. In this surrender is an expansion, a flowering, of what it means to be alive.'**

"As soon as glances meet, we are no longer wholly two, and it is hard to remain alone ... a sort of simultaneous reciprocal limitation occurs. You capture my image, my appearance; I capture yours. You are not me, since you see me and I do not see myself. What I lack is this me that you see. And what you lack is the you I see. And no matter how far we advance in our mutual understanding, as much as we reflect, so much will we be different" (T110). –

Paul Valéry