

HUMAN RIGHTS AND THE PEDAGOGY OF FEAR: A READING OF "IN THE CONSTRUCTION TO THE GREAT WALL OF CHINA" FROM KAFKA

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ABSTRACT

The work seeks to establish a dialogue between Law, Literature, and Political Philosophy on what Giorgio Agamben calls "impolitic of exile," and which is perpetrated by the West against people who seek survival through migration, in many cases fleeing wars provoked and/or financed by the same States that deny them protection and shelter. In the Kafkanian text that serves as a paradigm for this work, the narrator, who was one of the thousands of people who worked in the Construction of the Great Wall of China, describes the reasons, circumstances, and first construction activities in which, on the one hand, the bureaucratic and unquestionable decision to carry it out, and on the other hand the justification for it, named in this text as the pedagogy of fear. Fear from who? Of the northern barbarians, identified as monstrous figures. To us, this method is a particular aspect of globalization because things that do not have personality have free transit by the frontiers; persons with fundamental human rights are prohibited from migrating and searching for a new and good life. The great contradiction: things have a price; persons, value, and according to the political philosophy of Kant, only what has value is genuinely important; things are substitutable. And this is the most contradiction of globalization: the minus value of human beings and their fundamental rights. The work is based on the transdisciplinarity methodology, characterized by dialogue between knows – in this case, International Human Rights Law, literature, and Political Philosophy - and criticism, adopting the prevalence of fundamental principles of Human Rights as a way of protecting human beings in exile.

Keywords: International Human Rights Law; Impolitics of Exile; Pedagogy of Fear; Law and Literature; Franz Kafka.

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Derechos humanos y la pedagogía del miedo: una lectura de "En la construcción de la Gran Muralla China" de Kafka

RESUMEN

La obra busca establecer un diálogo entre Derecho, Literatura y Filosofía política sobre lo que Giorgio Agamben llama "impolítica del exilio", y que es perpetrada por Occidente contra personas que buscan la supervivencia a través de la migración, huyendo en muchos casos de guerras provocadas y/o financiadas por los mismos Estados que les niegan protección y refugio. En el texto kafkiano que sirve de paradigma a esta obra, el narrador, quien fue una de las miles de personas que trabajaron en la construcción de la Gran Muralla China, describe los motivos, circunstancias y primeras actividades constructivas, en las que, a por un lado, la decisión burocrática e incuestionable de llevarla a cabo, y por otro la justificación de la misma, denominada en este texto como pedagogía del miedo. ¿Miedo de quién? De los bárbaros del norte, se los identifica como figuras monstruosas. Para nosotros, este método es un aspecto particular de la globalización, porque las cosas que no tienen personalidad tienen libre tránsito por las fronteras; Las personas que gozan de derechos humanos fundamentales tienen prohibido migrar y buscar una vida nueva y buena. La gran contradicción: las cosas tienen un precio; personas, valor, y según la filosofía política de Kant, sólo lo que tiene valor es genuinamente importante; las cosas son sustituibles. Y ésta es la mayor contradicción de la globalización: la minus valia del ser humano y sus derechos fundamentales. El trabajo basó la metodología de la transdisciplinariedad, caracterizada por el diálogo entre saberes -en este caso, el Derecho Internacional de los Derechos Humanos, la literatura y la Filosofía Política-, y la crítica, adoptando la prevalencia de principios fundamentales de los Derechos Humanos como forma de proteger al ser humano en el exilio.

Palabras clave: Derecho Internacional de los Derechos Humanos; Impolítica del Exilio; Pedagogía del Miedo; Derecho y Literatura; Franz Kafka

About the methode, or: the importance of the transdisciplinary

We live in a time were the word "crisis" become a watchorder which legitimate those can call normalized-exception regime. Crisis is spoken of, more than explaining, justifying, and making uncontested the adoption of certain practices and/or policies that, were it not for the semantic and political structure of the concept, we would not consider submitting ourselves under any circumstances (De Oliveira, 2022, p. 148-149).

In other words, crisis will identify, at the same time, a judgment guided by that acronym usually attributed to Pierre Bordieu - T.I.N.A ("There Is No Alternative") -, but which was actually initially used by the then british Prime Minister Margareth Thatcher to justify the implementation of neoliberal policies and the overthrow of social rights (Baumann, 2006, p. 217), but also a slogan identical to attributed to Frederick William II in response to the Kantian *sapere aude*: "Think as much as you want as long as you obey (Rovighi, 2002, p. 590).

This conception is confirmed by the origin the word, originating from the Greek κρίσις [*krisis*], inically used in the *ars medicina*: during the treatment appeared to the physican a time of *krisis*, of judgment, to make a decision about whether or not the patient will survive. To the

medicine the concept passed into christian theology to identify the time of *Parousia*, the second come, with which human history will be consummated in its critical moment, that is, of judgment.

In these two contexts, and in those that followed in various fields until we reached the present moment of absolute economicization of life and politics, crisis identifies a moment of *deficium*, resolution, consummation, judgment and, therefore, decision on the *exceptio*, that is, about what is, at the same time, inside and outside the norm. And because we live in a period of continuous crisis, its use is the normalization channel of political exceptionality (Agamben, 2005).

To understand it, we must pay attention to the fact that constitutions exist to regulate the functioning of the State both in periods of political normality and in periods of exceptionality, that is, in moments of serious internal turmoil caused by calamities or serious social conflicts. (e.g., natural disasters, rebellions or civil war) or international conflicts, i.e., war. Therefore, in such exceptional periods, the Constitution itself establishes institutes of extreme political and legal gravity –state of defense and/or state of siege – in which, in order to face such events, certain constitutional norms are suspended, allowing, with this, that the State can face such disturbances and ensure, as the case may be, either its internal unity or its external defense.

It happens, however, that the State of Exception is no longer a device of necessary prediction, but of *ultima ratio*, to become an ordinary means, if not indispensable to the functioning of current representative democracies (Agamben, 2005, 2017). In other words, what should be, as its name indicates, exceptional, that is, which should only be triggered in moments of *magna trepidatio*, has become a biopolitical device for the common, ordinary management of social life, giving rise to the conformation areas of maximum legal protection and others of the purest anomie, in which human life can be eliminated with impunity (Agamben, 2005).

Therefore, it is necessary to try to understand this political element that maintains this paradoxical “inside-outside” relationship with the legal system. This is because, as seen, the attempt of the Constitutions to legalize this political element par excellence is, at best, devoid of any effectiveness, since it is the exteriority of the *exceptio* that allows the Constitution itself of legal orders; inside because, as it is the constitutive element that allows the giving of the constitution (Müller, 2004), it is included in the legal system in the form of its exteriority, and it is up to the sovereign to activate it when the political conditions prove necessary.

However, what qualifies the State of Exception? According to Schmitt and Agamben, it is not so much the “what” or the “when” the legal norms are suspend under the argument of *tumultus* and *magna trepidatio*, but “who” holds the power to decide on the *exceptio*. It is, therefore, a theory of political decision that aims, as pointed out in the lines above, to identify the “sovereign”: “the sovereign is the one who decides on the State of Exception” (Schmitt, 2006, p. 7).

In order to understand this Schmittian statement, however, it is necessary to consider that he is one of the most outstanding authors of political theology, a concept as ambiguous as it is essential to modern political theory, and which, according to his own statement, can be summarized as follows: “All the decisive concepts of the modern theory of the State are secularized theological concepts” (Schmitt, 2006, p. 35).

Thus, when we discuss, according to this theory, about sovereignty, division of powers, general and abstract norms, State of Exception, etc., what we are, in fact, discussing are theological concepts that have been secularized, that is, transposed from the discursive sphere of theology for politics and legal science which, despite gaining new meaning, retain, at their root,

the same meanings that Christian theologians attribute to explain, e.g., the essence of God, the laws that govern nature and human life, the salvific plan, the consummation of history [parousia], the miracle, etc. And in this, Schmitt's assertion gains intelligibility according to which, if sovereign is the one who decides on the State of Exception, that is, if only "[...] God is sovereign, the one who, in earthly reality, acts in an uncontested way as his representative, emperor, the sovereign or the people, that is, the one who can undoubtedly identify with the people is also sovereign [...]" (Schmitt, 2006, p. 38).

This statement is interesting: if the miracle constituted, theologically, in the suspension of the general laws created by God to govern life and nature to respond to a concrete need of the believer, the State of Exception, for being its political simile, has the same effect, that is, it suspends the validity of the general norm to, in its place, establish a new rule, without the general norm being, in fact, revoked, but only suspended.

The chose of the subject of this work – the contemporary problem of (il)legal immigration and (in)politics of exile - that the world has been experiencing not only because of the warlike conflicts that have taken place spread across the world, but also as a result of the increase in poverty caused by economic asymmetries, the continuous and systematic violations of human rights carried out by the governments of all States and climate-environmental problems related to desertification, lack of access to water, production of food, the gentrification of cities, etc, factors that have pushed an infinite number of people to look for new places outside their countries, especially in developed countries, which, for reasons we all know, have closed, prompting the production of images and policies for protecting the border that we thought had been buried with "plus jamais ça" enunciated since Auschwitz (Agamben, 2013).

It is, therefore, as if the previously denied "ça" constituted, in fact, the only perennial signature of human history, given its continuous repetition, as if the only certainty we can draw from it is that, at some point, someone will be violently killed or abandoned to their fate, putting in suspension, or even revoking, any trace of civility that we understand as being the essence of our otherness in relation to other animal species.

Methodologically, however, the exact understanding of the phenomenon requires much more than the usual framework that a legal worker uses, that is, theories and legal norms, built, obviously, from an interdisciplinary method that could be like this characterized: when seeking to interpret a certain phenomenon in its "context", the legal worker leaves his box of theories and legal norms, apprehends the meaning in the boxes of other disciplines – e.g.. sociology, anthropology, political philosophy, etc -, and once apprehended the meaning, abandons those little boxes, and returns to the usual framework of legal theories and norms that are interpreted with the aid of those references (Resta, 2004, pp. 9-19).

With this, therefore, on the one hand, the complexity of the lived reality is denied - after all, there would be an almost absolute autonomy between the boxes -, and on the other hand, the illusion of an adequate interpretation is maintained, through which the answer found it is the only possible one, or one of the possible ones, since it is allegedly contextual.

Against this mistaken understanding of self-restraint of reality in autonomous disciplines that communicate only if the interpreter decides to leave their scope of work, transdisciplinary imposes a much more arduous task, of course, but also more adequate to the conjunction between text/context/interpretation: because reality is complex, as human life is

complex in all its manifestations, text and context are part of a multifactorial reality in which disciplinary-methodological autonomy breaks down and assumes a status analogous to a field of force, around which all the forms and modes arranged by human reason to try to understand the lived reality gravitate, that is, one transits and not only interacts (Agamben, 2008, p. 11-34).

The field of force of this essay the following is: the human person not in his individuality, but as humanity, a concept that combines all people and their environment through their inalienable rights in the following idea: things have value, that is, price; the human person has dignity, regardless of any other economic, psychic, physical or social factor that can be used to demarcate the human plurality as understood by Hannah Arendt, according to which no one was, is or will be equal to another person (Arendt, 2005, pp. 31-83).

In fact, the distinction operated above has its foundation in Kantian thought, according to which in

... the kingdom of ends everything has either a price or a dignity. When a thing has a price, any other thing can be put as its equivalent; but when a thing is above all price, and therefore allows no equivalent, then it has direction (Kant, 2013, p. 82).

This is not alterity (the difference between people and things or between things), but Otherness, that is, the existential difference that makes all person unique and irreplaceable, and for this reason we all have dignity, not a price.

But despite this, or even because of this, we insist on building real or fictional walls with which we aim to separate ourselves, to atomize ourselves, to deny, from the common ground that we all walk on – the world in the Arendtian sense –, the plurality that concerns us. That it was chose this short story by Kafka, sometimes titled “The Wall of China” or “On the Construction of the Great Wall of China”, written between 1917/1918, but published posthumously only in 1934.

As this work by Kafka that was not published during his lifetime, we can only be grateful that his final wishes, entrusted to his friend Max Brodi, were not granted...

This means, therefore, that this story has identical a philosophical *status* common to many other literary works – 1984, by Orwell, Bartleby, by Melville, to name a few obvious examples –, since it reveals itself, for the understanding of the theme proposed, as a paradigm in the proper sense of the word: an example (De Oliveira, 2014, p. 246).

Therefore, it is intended to highlight how Kafka's story allows us to think about the problem related to the countless policies that intend to create barriers to the free movement of people based on a discourse based on a pedagogy of fear, and not on International Human Rights Law.

As stated above, this research is based on the interconnection between three different fields of knowledge and is guided by transdisciplinarity. In this sense, the most important contributions are, on the one hand, the normative dimension arising from the fundamental principles of International Human Rights Law, in particular the right to legal personality, and on the other hand, as other fields they also think and are based on this founding assumption of the contemporary International Society.

The pedagogy of the fear in the construction of the Great Wall of China

In this work Kafka tell, through a narrator who will only later identify himself as one of the many people who worked on the construction of the Great Wall of China, the various political,

moral, psychological, pedagogical, technical circumstances, etc. 8,850 kilometers long and an average of 7 meters high, which took more than 2,000 years to complete.

Military engineering because from the beginning it's stated that the declared purpose was to prevent the invasion of China by the northern barbarians¹.

Therefore, it is a first-person narrative. But what kind of person tells us this fact? And at what time?

The narrator is a contemporary of the beginning of the works, and identifies himself, without further ado, as one of the thousands of workers who expended their workforce in favor of the project engendered by the emperor.

And here we have in the tale a first theme that we could identify by the concept of "mutual desubjectivation": insofar as the Emperor, as indicated in the tale, is not only inaccessible to his own entourage, let alone his subjects, but also unknown – the narrator even states that the power was so distant geographically, functionally and personally, that not infrequently people claimed that a dynasty was in the empire that had long since been replaced by another -, and that more often than not an imperial order or law, when it reached the most distant corners of the kingdom, its author had long since died and the order or law had been revoked by his successor.

About desubjectivation as the poet's own experience, Agamben expressed it this way: There is an exceptional document of desubjectification as a shameful and yet inevitable experience. It is the letter Keats sends to John Woodhouse on October 27, 1818. The "wretched confession" of which the letter speaks concerns the poetic subject himself, the incessant self-loss by which he consists solely in alienation and non-existence. The theses that the letter states in the form of paradoxes are well known:

1) *The poetic "I" is not an "I"; it is not identical to itself.* "As to the poetical Character (I mean that sort of which, if I am any thing, I am a Member . . .) it is not itself—it has no self—it is every thing and nothing—it has no character" (Keats 1935, p. 226).

2) *The poet is the most unpoetical of things*, since he is always other than himself; he is always the place of another body: "A Poet is the most unpoetical of any thing in existence; because he has no Identity—he is continually filling in for—and filling some other Body" (*ibid.*, p. 227).

3) *The statement "I am a poet" is not a statement*, but rather a contradiction in terms, which implies the impossibility of being a poet: "If then he has no self, and if I am a Poet, where is the Wonder that I should say I would write no more?" (*ibid.*).

4) *The poetic experience is the shameful experience of desubjectification*, of a full and unrestrained impossibility of responsibility that involves every act of speech and that situates the would-be poet in a position even lower than that of children: "It is a wretched thing to confess; but it is a very fact that not one word I ever utter can be taken for granted as an opinion growing out of my identical nature—how can it, when I have no nature? When I am in a room with People if I ever am free from speculating on creations of my own brain, then not myself goes home to myself: but the identity of every one in the room begins so to press upon me that I am in a very little time annihilated—not only among Men; it would be the same in a Nursury of children" (*ibid.*). But the final paradox is that in the letter the confession is immediately followed not only by silence and renunciation, but also by the promise of an absolute and unfailing writing destined to destroy and renew itself day after day. It is almost as if the shame and desubjectification implicit in the act of speech contained a secret beauty that could only bring the poet incessantly to bear witness

¹ About this short story said Borges: "En el más memorable de todos sus relatos —"la construcción de la muralla china", 1919—, el infinito es múltiple: para detener el curso de ejércitos infinitamente lejanos, un emperador infinitamente remoto en el tiempo y en el espacio ordena que infinitas generaciones levanten infinitamente un muro infinito que dé la vuelta a su imperio infinito" (as cited in Bakia, 2017).

to his own alienation: "I will assay to reach to as high a summit in Poetry as the nerve bestowed upon me will suffer . . . I feel assured I should write . . . even if my night's labours should be burnt every morning, and no eye ever shine upon them. But even now I am perhaps not speaking from myself: but from some character in whose soul I now live" (Agamben, 2017, pp. 836-837).

And what is a "personal" power that, due to its conformation, distance, and impersonality, does not show its "face"? An absolute desubjectivation in which the word, the given order, is exercised and obeyed "as if", in fact, it belonged to its enunciator, something like the democracy we live in today, in which power belongs to the people, but exercised by someone else instead. A (a)democracy, therefore, which, due to the strength that economic power plays, must be understood as a plutocracy.

We know, moreover, that this power without form, face or presence is common in Kafka's work, as demonstrated by, e.g., other of his works, the Trial in the figure of the Court, and the owners of the Castle, whom the land surveyor never comes to see.

Alongside this desubjectivation of a power that is personal, we also have that of the narrator. He never names himself, or identifies his lineage, background, family, or personal ties. He is but a subject whom he touched, in his ten years of age, to be a witness to the beginning of the imperial project to build the wall, and to whom, in his adult age, he given the "opportunity" to work, always extremely far from his homeland.

This narrator, who only has a voice, but no persona, can apprehended as a mere subject of the unsubjectivated power that determines the realization of the work. He has no individuality, he is not a subject who combines individual personality and reality in his narrative, but a narrator whose voice is used to describe the facts as they happened, and no matter how bizarre the rules were, to suspend thought through a instilled certainty that the "Direction of the Work" had more wisdom, knowledge and reason than anyone else, especially with regard to the discontinuous way of building the Wall:

One can perhaps safely discuss it now. In those days many people, and among them the best, had a secret maxim which ran: Try with all your might to comprehend the decrees of the high command, but only up to a certain point; then avoid further meditation. A very wise maxim, which moreover was elaborated in a parable that was later often quoted: Avoid further meditation, but not because it might be harmful; it is not at all certain that it would be harmful. What is harmful or not harmful has nothing to do with the question. Consider rather the river in spring. It rises until it grows mightier and nourishes more richly the soil on the long stretch of its banks, still maintaining its own course until it reaches the sea, where it is all the more welcome because it is a worthier ally. -- Thus far may you urge your meditations on the decrees of the high command. -- But after that the river overflows its banks, loses outline and shape, slows down the speed of its current, tries to ignore its destiny by forming little seas in the interior of the land, damages the fields, and yet cannot maintain itself for long in its new expanse, but must run back between its banks again, must even dry up wretchedly in the hot season that presently follows. -- Thus far may you not urge your meditations on the decrees of the high command (Kafka, 1993, pp. 135-136).

A personalized power whose exercise desubjectives even its holder; a form of exercise of power that depersonalizes the subject and converts him into a mere cog in the functioning of the "system" as well: this is known by the name of totalitarianism.

Another point I would like to highlight in relation to the work is this. In the story, as well as in the historical reality, the Wall was built discontinuously in parts, and its sole function was to protect the Chinese from foreigners, who were immediately assimilated to barbarians.

On this first topic the narrator stated:

The great wall of China was finished off at its northernmost corner. From the south-east and the south-west it came up in two sections that finally converged there. This principle of piecemeal construction was also applied on a smaller scale by both of the two great armies of labor, the eastern and the western. It was done in this way: gangs of some twenty workers were formed who had to accomplish a length, say, of five hundred yards of wall, while a similar gang built another stretch of the same length to meet the first. But after the junction had been made the construction of the wall was not carried on from the point, let us say, where this thousand yards ended; instead the two groups of workers were transferred to begin building again in quite different neighborhoods. Naturally in this way many great gaps were left, which were only filled in gradually and bit by bit, some, indeed, not till after the official announcement that the wall was finished. In fact it is said that there are gaps which have never been filled in at all, an assertion, however, which is probably merely one of the many legends to which the building of the wall gave rise, and which cannot be verified, at least by any single man with his own eyes and judgment, on account of the extent of the structure (Kafka, 1993, pp. 128-129).

What most calls attention in this narrative is that the great wall, having been built to prevent the invasions of peoples from the north, was made in a discontinuous way, a paradoxical closing/opening structure, and in this it is even possible to imagine the following image: if the intention was to prevent the "barbaric" invasion, whenever the emperor came out of his retreat and took a peek at the square in front of his palace, he saw the barbarians there sitting on one of his benches or exchanging friendly conversations with his subjects.

It is an enterprise, physically ineffective, but not culturally, that is, an enterprise of cultural protection and subjectivation of fear.

The denial of otherness by its animalization

The other point concerns, as already mentioned, the intention: to keep others at a distance.

And for that it took much more than an imperial determination to build the wall. It was necessary to establish a pedagogy of fear, of terror, in which the Other is always the barbarian, the hideous, the dangerous:

Against whom was the Great Wall to serve as a protection? Against the people of the north. Now, I come from the south-east of China. No northern people can menace us there. We read of them in the books of the ancients; the cruelties which they commit in accordance with their nature make us sigh beneath our peaceful trees. The faithful representations of the artist show us these faces of the damned, their gaping mouths, their jaws furnished with great pointed teeth, their half-shut eyes that already seem to be seeking out the victim which their jaws will rend and devour. When our children are unruly we show them these pictures, and at once they fly weeping into our arms. But nothing more than that do we know about these northerners. We have not seen them, and if we remain in our villages we shall never see them, even if on their wild horses they should ride as hard as they can straight towards us -- the land is too vast and would not let them reach us, they would end their course in the empty air (Kafka, 1993, pp. 136-137).

No authoritarian or totalitarian policy is effective without a pedagogy of fear. And not the fear of a concrete, real, current or imminent fact – this concerns the unpredictability of life -, but a fear instilled, cured, politically promoted, in which the Other is feared for his exclusion from humanity.

We know that the word barbarian comes from the Greek βάρβαρος (*barbaros*), which in its etymon refers to the onomatopoeia bar-bar, that is, the sound that the Greeks heard, but did not understand, when a *xenos* spoke to them in their native language.

If the original place of the human person is language, denying that the Other has a language is the same as placing him in the category of animals, which, according to Aristotle, speak but do not have language (*rectius*: reason).

But it is not enough to assimilate it to the beasts, it is necessary to represent it, imagery, as such. And only once it operates, not a desubjectivation, but a complete animalization of the Other, is the pedagogy of fear able to operate effectively and gain forums of truth and adherence of the “protected”.

The territory as symbolic space

The principle of territoriality has a history, which, in modern times, originated in what historians of International Law call the Westphalian system of International Law (José Bremer, 2013, pp. 66-67), a concept that refers to the various processes that gave rise to end of the Thirty Years' War in eighteenth-century Europe (1618-1648), at the end of which, as independent international institutions, modern territorial states emerged, governed by the principles of sovereign equality and non-intervention in matters of internal jurisdiction, whose first manifestation could not fail to be, given the religious character of that war, the principle *cuius regius eius religio*, according to which, the religion adopted by the ruler would be the same as that of his subjects, adopting, at most, laws of tolerance in relation to divergent groups.

This “religious” character of territorial states becomes even more evident when one realizes that, in the political lexicon, a “new” fundamental concept for the nascent modern state and its constant transformations up to the current liberal model emerges tolerance. But who tolerate? To Christian groups other than the one the prince confessed to (Habermas, 2003).

Territorial states, not national ones, because the big question at the time was not the territorial determination in favor of a nation, but in favor of a sovereign, who until then saw himself submitted in his authority either to the Roman Catholic Apostolic Church or to the Emperor of the Holy Roman Empire, a period historically shaped by the name of *Republica Christiana* and which lasted for the long period comprising the Middle Ages (Miranda, 2005, pp. 23-26).

One can only speak of a National State when, paradigmatically, in 1789 the revolutionary Assembly approves the Declaration of the Rights of Man and Citizen, a gesture with which, according to Giorgio Agamben (Agamben, 2013, pp. 33-50), the birth of the modern biopolitical regime.

Here, then, is the 'snake's egg'! The territory, previously seen as a geographic space of the sovereign's domain, becomes, by a gesture of law, the symbolic space of inscription and entry of human life in the nation and in the law: it is no longer a question of domain, but of belonging. Human life symbolically “belongs” to the nation, which, like the territory, starts to be managed in its smallest expressions, like the other riches that demarcate the strength or poverty of a state (Foucault, 2007, pp. 281-282).

It is in the work of Michel Foucault that this transformation becomes more evident when he discusses the conversion of the territorial State, guided by the Machiavellian-inspired military diplomatic paradigm, into a state of population, guided by the political-economic thinking of the "polizeiwissenschaft" (the State of Police) German, in which men and things are managed in accordance with economic parameters, not political ones, according to an accounting-economic calculation in which fact and life are mixed in the credits and debits of state management (Agamben, 2005, pp. 9-11; Foucault 2006, pp. 107-137; 2007, pp. 278-280).

This rationality that emerged between the 17th and 18th centuries uses the term police not as an institution that is responsible for public safety and peace, such as the contemporary use of the expression, but rather "[...] a technique of government proper to the State; domains, techniques, objectives that call for State intervention". On the other hand, the term police can designate the state itself in the works of authors who support the theory of the police, who use it as a synonym for city, republic, or state (Foucault, 2007, p. 377).

The police must deal with the administration of the positive and negative aspects existing in the State, which can be summarized as follows: as positive manifestations, the State must manage people in their productive aspects, such as education, determination of taste and their aptitudes, in addition to the management of State assets, understood as the set of activities that produce goods, among which the territory itself is included, no longer understood as a contested domain, but rather as a domain in which there is a public-private economic source of riches. In its negative aspect, the State must manage those negative aspects of life, such as the poor, widows, and orphans, the unemployed, as well as public health, establishing ways of coping with diseases, epidemics, floods, and fires. (Foucault, 2006, p. 378).

But if men and things are managed, it is because the northern ideas of the sacredness of human life, of inalienable rights, of formal equality and control of power are always relativized due to the economic principles that guide the reason of state in the biopolitical regime.

Michel Foucault synthesized this understanding in the famous inversion of the regime of sovereignty in *History of Sexuality I*: the will to know: "from making die or letting live" to "letting live or making die" (2005, pp. 129-130).

Thus, if before the sovereign held the power of life and death in defense of his sovereignty, today the power of life and death is exercised in the name and in favor of society, knowing, however, that for Michel Foucault, death does not consist only in physical elimination, but also in abandonment, in abstaining from the actions necessary for human life to reach the minimum conditions of survival, as well as in political expulsion and exile (2002, pp. 305-306).

This biopolitical character becomes more evident if understood according to the paradigm used by Michel Foucault. If leprosy and the plague manifest themselves as the two paradigms with which he understood the passage from the territorial state to disciplinary society in the form of what he called disciplinary power, or, in other words, the power to include and/or exclude individuals from the social context, the problem of the population as a political element of the State is summarized from the paradigm of vaccination against smallpox (Foucault, 2006, pp. 26-33).

Being the confrontation of security problems, in a broad sense (any event, human or natural, that put at risk the economic strength of society, including diseases) and strict (crime), themes that touched the core of liberal economic thought, it was up to the government, in an attempt to provide answers to these problems, to adopt management acts guided not by certainty,

but by experimentation. Topics such as ordering cities, adopting economic policies - facing, e.g., famine -, or confronting crimes that might occur, population was governed by experimentation, by taking risks as to the (un)certainty of its success.

Thus, when the State, in a bio-thanatopolitical turn, adopted a health policy to face the smallpox epidemic through the inoculation of its virus in a latent state in the vaccination process, both the government and medical science did not know, in fact, the effectiveness of the treatment (Foucault, 2006, pp. 73-79). It was experimented, putting at risk the entire population that was the object of this sanitary management act, and exclusion and inclusion conform to the forms of experimentation through which the State, in the gestation of the territorial space and the population, seeks to provide economic solutions to the problems inherent to the economic system itself that corrodes it, like a cancer, from the entrails.

Territory is not constituted in the geographical space delimited by latitudes and longitudes, but the locus of inscription of human life within the governmental policy of an economic-political nature, where there are no people, but the population as a demographic element characterizes modern political society.

This inscription, despite all discourse in the opposite direction, is not guided by the fundamental rights and guarantees inserted in constitutional and international texts, but in the spreadsheets, budgetary laws, police and health statistics that the bureaucracy produces as a way of giving a rational order to irrationality and anarchy that constitutes the government of men and things (Agamben, 2005, pp. 83 *et seq.*).

Reification of the person; personalization of things... Exist an exit?

At this point it becomes necessary, therefore, to close the issue and look for, who knows, an exit.

A crucial point is this: people have dignity, not price. This means, on the other hand, that no attribute can qualify someone above others, or their lack of making them lose their human stature, because human dignity means this: all people, despite their differences, are individuals to whom the minimum standard for a dignified life must be ensured: life, freedom, equality, honor etc. And it is to ensure this minimum, which in our current context is the maximum of the maximum, that countless international human rights treaties have proclaimed internationally, and at the internal level declarations of fundamental rights.

Now, just like in the interwar period and during the Second World War, the world has never been faced with so many people deprived of their most basic rights, and who appear on the scene in the form of what Hannah Arendt, appropriating a benjaminian concept, identified as bare life, i.e., mass immigrants, when they appear on the scene, do so as people in their purest sense, devoid, therefore, of all other attributes that the law generally uses to qualify our species: neither nationality, nor property, except for the goods they manage to carry in their luggage, nor political, social rights, fundamental freedoms... nothing: they appear as people in their purest sense (1989, Chapter 5).

And against these people, for the most varied reasons, walls, walls, fences, containment bars, etc., are built, literally or figuratively.

This is proof, on the other hand, that the pedagogy of fear has worked much more effectively in the era of globalization than in past times. And the great calamity is not only human,

but ethical and moral, insofar commodities – things – have free transit across borders, things that, as said, have a price, but never dignity.

People have dignity, but they run into walls; things have a price, but they circulate freely across borders. But if the person reduced to a condition analogous to that of a slave - therefore, objectified -, there is no border that prevents their insertion in the exploitation regime that transnational criminality executes. And this is what building walls means, bare life reduced to something undeserved and less valuable than a product or reified as a product.

Against the walls we must, therefore, build bridges, and that in the context of political philosophy must be identified with the deconstruction of all policies and pedagogies of fear, and in the scope of protection for exiles with the execution of cooperative humanitarian policies of acceptance and concession shelter by all States with the capacity to do so, which, per se, would refute the well-known accusation that said surpluses – yet another word for objectification of the person – create economic-financial deficits.

But this, on the other hand, will only be possible if, internally, that is, in our ideas, we all agree that people have dignity, not things.

However, it is necessary to remember that international standards for the protection of human beings in their most varied manifestations do not only require States to change ideas, but also to change policies guided by the duties of protecting and ensuring the protection of every person from serious violations of human rights, particularly within the scope of International Humanitarian Law.

Therefore, no pedagogy of fear will, at any time, be compatible with the international obligations that States have towards the dignity of the human person.

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