

“Crises,” Convulsions, Concurrences

Human Mobility, the European Geography of “Exclusion,” and the Postcolonial Dialectics of Subordinate Inclusion

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Abstract

Over the last few years, we have witnessed a remarkable conjuncture between the escalation, acceleration, and diversification of migrant and refugee mobilities into and across the space of “Europe”, on the one hand, and the mutually constitutive crises of “European” borders and “European” identity. Put differently, we have witnessed the autonomy of migrant and refugee movements significantly subvert the borders of Europe, on the one hand, and multiple convulsive reaction formations of re-bordering by the sovereign authorities of the European border regime, on the other. Notably, this means that the acceleration of cross-border mobilities and the ensuing “crisis” of borders instigated by migrants and refugees have been met with a variety of tactics of (re-)bordering largely dedicated not simply to “exclusion” but, rather more pragmatically, to the coercive deceleration of autonomous human mobilities. Of course, alongside this larger reaction formation of border fortification and securitization, there has been the resurgence of reanimated reactionary populist nationalisms and racial nativisms, as well as the routinization of antiterrorist securitization measures and a pervasive and entrenched cultural politics of “Islamophobia” (or more precisely, anti-Muslim racism), all of which contribute to a larger “European” malaise chiefly distinguished by spectacles of “exclusion”. Nonetheless, the sheer magnitude and momentum of migrant and refugee movements has meant that the sociopolitical space of “Europe” has been convulsed by a postcolonial racial crisis arising from the contradictions of the subjective projects of migrant/refugee non-Europeans and states’ efforts to “manage” their subordinate inclusion.

“Crises” of Human Mobility

Over the last few years, we became accustomed to ubiquitous and virtually unanimous proclamations in mass-

mediated public discourse and dominant political debate regarding a “crisis” of migration and refugee movements in Europe.¹ Indeed, what came to be labelled as “the migrant crisis” or “the refugee crisis” in Europe was the hallmark of a discourse that was so hegemonic that it now can be understood to serve as a kind of historical watershed, such that more recently it has become increasingly customary to refer to our present moment as “post-crisis.”

The first intimations of a “crisis” of the borders of Europe arose amidst the unsightly accumulation of dead black and brown bodies washed on the halcyon shores of the Mediterranean Sea.² When a ship transporting as many as 850 migrants and refugees capsized on 19 April 2015, all but 28 of the vessel’s passengers were sent to their deaths in what appears to have been the worst border-crossing shipwreck in the Mediterranean on record. Along with another incident during that same week, more than 1,300 people died. These events instantly established the prospect that 2015 would earn the dubious distinction of the deadliest year to date for would-be “asylum seekers” braving Europe’s borders. Subsequently, unnumbered capsized so-called “migrant boats” and incidents of mass death turned that grim likelihood into a gruesome fact: more than 3,785 migrants were reported to have died in 2015 alone. Then, mass deaths by shipwreck began to escalate again during the spring of 2016. More than 700 people are believed to have drowned in three shipwrecks in the Mediterranean during the last week of May 2016 alone, marking the deadliest seven days for Europe’s borders since the events of April 2015. Unsurprisingly, 2016 finished yet again as the deadliest year on record, with 5,143 migrant and refugee deaths recorded in the Mediterranean. The total number of such deaths for 2017 remained alarmingly high: 3,139.³ These human catastrophes at sea have indisputably transformed the maritime borders of Europe into a macabre deathscape. Indeed, for several years now, the European Union has actively converted the Mediterranean into a veritable mass grave.⁴

Following the April 2015 shipwreck, the accumulating momentum of a gathering storm of human mobility over both sea and land served to fix in place a newfound dominant common sense about a “migrant crisis”. Then, on 2 September 2015, social media followed by mass news media briefly became captivated by the haunting photographs featuring the corpse of a drowned Syrian boy, soon identified as Aylan Kurdi, washed ashore in Turkey after a failed attempt to reach the Greek island of Kos left at least 12 people dead. Abruptly, the desensitizing and rather cynical rhetoric of a “migrant crisis” began to be recede in favor of appeals for compassion in the face of tragedy, accompanied by a revised, if ephemeral, language of “refugee crisis”.⁵

The putative “crisis” surrounding the influx of migrants and refugees in Europe has long been nowhere more extravagantly put on display than in the Mediterranean Sea. Yet, on a global scale, intensified and increasingly militarized enforcement at border crossings of easiest passage relegates illegalized migrant and refugee mobilities into zones of more severe hardship and potentially lethal passage. There is a striking resemblance to the proliferation of migrant and refugee deaths instigated by the severities of the European border regime particularly in crossing the Mediterranean Sea, but also as the borders of Europe have been effectively externalized across the entire expanse of the Sahara Desert and the parallel escalation of migrant deaths along the US-Mexico border, especially in the Sonora Desert.⁶ Alongside a proliferation of migrant deaths in transit in border zones across the planet, however, the Mediterranean has incontestably earned the disgraceful distinction of being the veritable epicenter of such lethal border crossings with the Mediterranean accounting for 75 per cent of migrant deaths worldwide, in 2016 alone. Prior to the record-high death tolls of 2015 and 2016, untold tens of thousands of ordinarily nameless refugees, migrants, and their children have been consigned to horrific, unnatural, premature deaths by shipwreck and drowning, often following protracted ordeals of hunger, thirst, exposure, and abandonment on the high seas. The most comprehensive database documenting migrant and refugee deaths during attempts to traverse the borders of Europe estimates the total number of European

border deaths at more than 30,000 since the year 2000.⁷ The singularity or momentousness of the shipwreck of 19 April 2015 was in fact only apparent, therefore, because it came as merely the most ghastly and most publicized in a long and unrelenting list of comparable episodes that have rendered such human disasters utterly banal.

Prospective migrant shipwrecks have perhaps been abated intermittently and inconsistently during one or another period of heightened search-and-rescue operations by the various enforcers of the borders of Europe,⁸ but it is likewise probable that, in the aftermath of such human tragedies, countless potential incidents of mass migrant and refugee deaths at sea may have been circumvented by the sheer versatility of migratory movements that have sought alternate routes over land including of course the discretionary tactical judgments of so-called “smugglers”. Hence, following the April 2015 shipwreck, although there continued to be a record-high volume of migration across the central Mediterranean for months, there was also increasing evidence of a massive re-orientation of migratory movement to land routes through the Balkans.⁹

Of course, hunger, thirst, exposure, abandonment and the related lethal risks are not the exclusive travails of illegalized maritime journeys; the option of illegalized travel by land routes is also treacherous.¹⁰ On 27 August 2015, for instance, Austrian police discovered an abandoned meat truck on the motorway at Nickelsdorf near the Hungarian border in which 71, mainly Syrian and Iraqi, migrants and refugees’ bodies were decomposing in a sealed refrigeration compartment. Hundreds if not thousands of migrants and refugees have died of asphyxiation after extended periods of overcrowded transit by road or rail in sealed, unventilated shipping containers and other means of clandestine, illegalized, transport over land, while others have merely met their doom after dangling precariously from the bottoms of moving trains and trucks. In addition, migrants must navigate the sometimes deadly violence of European border enforcement authorities, as well as their “non-European” counterparts to whom they frequently outsource the most aggressive kinds of border policing. On 9 May 2016, Slovakian police fired live ammunition at border crossers at the border with Hungary, wounding a Syrian refugee woman. A few weeks earlier, Human Rights Watch had reported that Turkish soldiers were firing live rounds at Syrian civilian border crossers.

In addition to these more flagrant forms of violence associated with policing, another form of border casualty derives from the structural violence that arises in the contexts of migratory legal indeterminacy, such as the lack of access to critical health care during extended periods of migrant transit, or the often callous disregard for migrant and refugee medical needs during detention or deportation. The violence and exploitation of migrants and refugees held in detention is especially atrocious in various “partner” countries that are considered to make up the EU-ropean “neighborhood”, and effectively serve as Europe’s outsourced border guards. The most notorious of these junior partners of the EU-ropean border regime is Libya, where detention is not uncommonly characterized by high levels of impunity, and plagued by severe deprivation and outright cruelty, including extortion, forced labour approximating slavery, physical brutality, systematic sexual abuse, and torture.¹¹ Yet various EU authorities continue to seek renewed strategies of EU border externalization by subcontracting these regimes to block migrant mobilities, including through a fortification and expansion of the detention regime in Libya.¹² Meanwhile, within the purportedly more humane precincts of EU-rope, Hungary announced earlier this year that all asylum seekers will be subjected to mandatory detention in de facto prison camps near the recently barricaded razor-wire border with Serbia.¹³ Furthermore, any consideration of the diffuse violence of Europe’s extended border zones must not neglect to also consider implosion of the borders inwards, far into the ostensible “interior” of the space of EU-rope. Beyond the borders, moreover, migrants and refugees must also continue to confront other European police forces routinely engaged in the everyday work of superintending migrant precarity.¹⁴ In addition to the immigration policing by state authorities, such precarity among migrants

and refugees is likewise enforced through the less systematic but no less systemic physical attacks of far right anti-immigrant racists.¹⁵ Regardless of the specific sites and forms of bordering, however, countless migrants and refugees' lives have been mercilessly sacrificed, in the interests of instituting a "new" Europe encircled by ever-increasingly militarized and securitized borders.¹⁶

Convulsions: The European Geography of "Exclusion"

The outright disposability of migrants and refugees' lives is usually accompanied by callous disregard, but also sporadically instigates occasions for expressions of sanctimonious hypocrisy. Following the reports of the 19 April shipwreck in 2015 as has happened repeatedly, so many times before and since European authorities were immediately catapulted into a political frenzy to redress what was designated to be a "tragedy of epic proportions".¹⁷ Predictably, however, despite the obligatory pronouncements of exalted humanitarian ideals, the ensuing public discourse and political debate were compulsively preoccupied with "illegal" migration and the "criminal" predations of "smugglers" and "traffickers" as pretexts for renewed and expanded tactics of militarized interdiction, including proposals to bomb the coasts of Libya from which many maritime border crossers depart, or even to deploy ground troops.¹⁸ In other words, the invocation of tragedy more or less immediately came to be cynically conscripted to supply the pretext for reinforcing and aggravating precisely the material and practical conditions of possibility for the escalation in migrant deaths namely, the fortification of various forms of border policing that inevitably serve to channel illegalized human mobility into ever-more perilous pathways and modes of passage. After all, it is the very fact of border enforcement that makes such illegalized, and consequently dangerous, journeys an utter necessity.

Migrants and other "asylum seekers" can only become "illegal", after all, if there have been legislative or enforcement-based measures to render particular migrations or types of migration "illegal" to *illegalize* them. From this standpoint, there are not really "illegal" migrants or migrations so much as illegalized migrants. The origins of such illegalizations are usually located where very few of us can ever see them plainly, because they are the product of lawmaking, and arise from the deliberations, debates, and decisions of lawmakers. This is what I have called the legal production of migrant illegality.¹⁹ However, through measures that intensify the policing of physical, territorial, borders, we all become largely unwitting witnesses to a grand spectacle, where "the border" is staged, and where we may be led to believe in the elusive specter of its violation by the seemingly devious and cunning migrants who transgress. This is what I have called the Border Spectacle, a spectacle of *enforcement* at "the" border, whereby migrant "illegality" is rendered spectacularly visible.²⁰ The material practices of immigration and border policing thereby become enmeshed in a dense weave of discourse and representation, and generate a constant redundancy of still more of these languages and images. Thus, the Border Spectacle sets a *scene* a scene of ostensible exclusion, where allegedly unwanted or undesirable and in any case, "unqualified" or "ineligible" migrants must be stopped, kept out, and turned around. As a scene of exclusion, the border appears to demonstrate, verify, and legitimate the purported naturalness and putative necessity of such exclusion, repeatedly, redundantly. Through these emphatic and grandiose gestures of exclusion, border enforcement performatively activates the image of migrant illegality as a seemingly real thing, as an apparently objective truth. Of course, it is a well-established fact that the vast majority of illegalized migrants within the European Union do not enter by physically crossing territorial borders clandestinely or in unseaworthy boats, but rather do so in a perfectly "legal" manner with a *visato* a European destination, only later to become "illegal" once it has expired.²¹ But such mundane and relatively invisible processes do not supply the requisite spectacle of borders that can be represented as "out of control", beleaguered by "invasions" or "floods" of "illegal" migrants. Instead, the interdiction of so-called "migrant boats" in the Mediterranean, much like the enforcement efforts at land borders throughout the Balkans and beyond, have supplied a more or less constant

Border Spectacle that thus appears to verify both the “irregularity” and disorder of seemingly uncontrollable migrant and refugee movements as well as lend credibility and reality to the otherwise elusive “European” borders themselves.

Even to the extent that European authorities have sometimes, albeit inconsistently, assumed responsibilities for the “rescue” of so-called “migrant boats” in distress on the high seas, every ostensible rescue comes to be haunted for the illegalized border crossers by the ambiguous prospect of apprehension and indefinite detention, with deportation or at least a deportation order as a defining horizon. Indeed, it is the European legal framework governing travel visas, migration, and asylum that together preclude literally the vast majority of humanity from access to the EU by either travel visas or established channels for “legal” migration.²² Travelers from all of Africa and virtually all of Asia require visas for travel to any Schengen-zone country, for which the inordinate majority of prospective applicants cannot qualify.²³ In general, as signatories to the 1951 Refugee Convention, most European countries are obliged to consider all asylum applications lodged on their territory, but refuse to consider asylum applications lodged abroad, and there are ordinarily no provisions in their immigration guidelines for anyone abroad to be given permission to travel to their countries to petition for asylum. Thus, the combination of law and policy regarding asylum, immigration, and European travel visas together compel both labor migrants and refugees to first arrive on European territory as “unauthorized” asylum seekers, and hence, as *de facto* “illegal migrants,” who only then may be permitted to petition for asylum. Consequently, the commonplace deployment of the term “asylum seeker” inherently invokes the specter of the allegedly “bogus” refugee seeking undue benefits or the “undeserving” (merely “economic”) migrant opportunistically *claiming* asylum. Here we may recognize that these people on the move across state borders are not in fact considered to be the genuine bearers of any presumptive (purportedly universal) “human right” to asylum, but rather are always under suspicion of deception and subterfuge, produced as the inherently dubious claimants to various forms of institutionalized international protection.²⁴

Similarly, the presumptive and pervasive depiction of refugees as (mere) “migrants” has been a crucial discursive maneuver in the spectacle of Europe’s border “crisis”. Little surprise, then, that European authorities’ ambivalent and belated magnanimity toward those who may ultimately be granted the status of bona fide “refugees” have been coupled with promises of expedited expulsion for those who may eventually be deemed to be only “migrants” unwelcome, presumably “irregular” and “undesirable,” illegalized, and deportable all.²⁵

This has been abundantly manifest in the implementation of the so-called “hotspot” strategy devised by the EU in response to the escalating numbers of migrants and refugees in 2015, and implemented at several ports in Italy and the Greek islands, the most prominent of which are Lampedusa and Lesbos. “Hotspots” were proposed as emergency “reception centers” with the capacity to provide shelter for as many as 1,500 people at key ports of first arrival on EU territory, for the purpose of speedy identification, registration and fingerprinting. In practice, the hotspots operate as detention camps dedicated to perfunctory and crass sorting between those deemed to be likely to have a credible asylum petition, who are then to be redistributed to other EU countries, and everyone else, who is served a deportation order as quickly as possible.²⁶ Of course, those who refuse to be fingerprinted are frequently subjected to physical coercion, and others are simply subjected to indefinite detention in the closed prison sections of the hotspot camps. Moreover, the identification of those presumed to be likely to have a credible asylum claim has often been reserved for those from countries with a higher than 75 per cent asylum acceptance rate (namely, Syria, Iraq, and Eritrea). Thus, a crude national-origins selection process is what has been implemented in practice, again in callous disregard for even a rudimentary consideration of any of the claims of the majority of those arriving. When the hotspot began operation in Lampedusa, for instance, newly arrived refugees and migrants were asked to fill out a multiple choice form, in

Italian, indicating their reason for coming to Italy; they are allowed to respond: a) to work; b) to escape misery; c) for family reunification; d) for other reasons. Because most were unable to read and understand the form, the forms were commonly completed by Italian border police. The non-descript “none-of-the-above” option was literally the only occasion whereby they could indicate a desire to apply for asylum. The great majority were consequently rejected the same day and received what was officially called a “deferred refoulement decree”, better known as a “7-days decree”, which obliged them to deliver themselves to Rome’s Fiumicino airport within 7 days, and leave the country at their own expense. Commonly, they were in fact transported by Italian police to the railway station of Agrigento, in Sicily, and abandoned without any money or even instructions about where to go. At the height of the “migrant” or “refugee crisis”, these hotspot deportation orders therefore ensured that the vast majority of newly arrived asylum seekers were preemptively rejected, in flagrant disregard for the integrity of any customary asylum procedure, and were effectively, almost instantly, converted into illegalized migrants who were precisely *not* deported but would remain deportable, and were left to their own devices.²⁷ Thus, the hotspot system is plainly a machine for the expedited legal production of migrant illegality.

Hence, we may recall Hannah Arendt’s famous discussion of statelessness in *The Origins of Totalitarianism* (1951/1968).²⁸ Confronted with the crisis instigated by the mass displacements of whole populations expelled from their natal homelands and coercively set in motion, particularly by Nazi Germany, the problem in Arendt’s era was what she astutely calls “the undeportability of the stateless person”,²⁹ and, for the states that confronted these mass movements of unwelcome and “undesirable” refugees, what she identifies as the perennial dilemma of *how to make refugees deportable* yet again.³⁰ Again, we are reminded that the very term “asylum seeker” is always already predicated upon a basic suspicion of all people who petition for asylum within a European asylum system that has year after year routinely and systematically disqualified and rejected the great majority of applicants, and thereby ratifies anew the processes by which their mobilities have been illegalized.

Concurrences: The Postcolonial Dialectics of Subordinate Inclusion

Here, it is instructive to recall the migration regime that prevailed in much of Western Europe between the calamitous destruction of World War II and the more recent era in which migrant “illegality” has proliferated. Beginning in the period of reconstruction after World War II, the extended era of guest-worker labor recruitment established frameworks for the importation of colonial and post-colonial labor in Western European countries. When that regime came to an end, a new regime premised on asylum effectively foreclosed almost all other routes for legal migration, and required the great majority of migrants to now refashion their mobility accordingly. Labour migration thereby assumed what was frequently the only permissible form, that of refugees fleeing persecution and seeking asylum. Predictably, the inevitable result was an ever increasing and ever-more aggressive outcry against the allegedly “fake” or “bogus” asylum seekers. By the 1990s, then, the increasingly integrated post-Cold War European asylum system had succeeded in producing the material and practical conditions of possibility for a burgeoning influx of illegalized migrants.³¹ In the wake of the new policies of “free movement” for Europeans, furthermore, most of the “illegal” migrants now would inevitably be (non-white) non-Europeans.³²

Judging it on the basis of its real effects, therefore, the European asylum system is precisely *not* a system for granting asylum to refugees. It routinely and regularly has denied the great majority recognition as legitimate asylum seekers, and has ordinarily granted “refugee” status to fewer than 15 per cent of applicants.³³ Thus, taken as a larger complex whole, the European asylum system is premised upon a comprehensive suspicion of people seeking asylum, and is effectively designed to disqualify as many applicants as possible, as allegedly “bogus”

asylum seekers.

Certainly, there are sometimes quite drastic differences in the application of asylum policy from one European country to another, of which the refugees themselves are acutely aware and commonly rather well-informed. The Common European Asylum System provides for the insulation of the most desirable, (wealthier) destination countries through the Dublin Regulation, however. First enacted in 2003, the Dublin accords are meant to quickly determine the “competent” state for the assessment of an asylum claim, according to a fixed hierarchy of criteria. Although the premier consideration should be the existence of family ties in a particular member state, asylum seekers are seldom actively encouraged to disclose such information; therefore, the last criterion often proves to be the most commonly applied, namely, the assignation of responsibility to the state where the applicant first entered the territory of the EU. In this way, the Dublin Regulation legitimizes the commonplace expulsion of “asylum seekers” from the wealthiest Western and Northern European countries back to the first country where they were registered, usually the poorer Eastern or Southern European border states where they first arrived on EU territory. Notably, the Dublin convention broadens the purview of the European deportation regime, allowing for European states not only to deport migrants back to their countries of origin, but also to any so-called “safe third country” through which they may have transited, literally bouncing them back from one place to another, and coercively reversing migratory trajectories, turning them into transnational counter-flows of expulsion.³⁴

Here, it is crucial to recall that deportation itself is perhaps the premier, and purest, contemporary form of “forced migration”,³⁵ and thus, through the coerced mobility of those who are subject to the Dublin Regulation, through the involuntary repatriation of refugees,³⁶ as well as the more general expulsion of rejected asylum seekers and other illegalized migrants, the European asylum regime itself actually becomes increasingly implicated in *producing* refugees. Simultaneously, asylum operates as a mechanism of *capture*. Wherever an asylum claim is processed, once protection is obtained, refugees cannot work and reside elsewhere but that particular country. Given the Dublin Regulation, this has long meant a struggle by many migrants and refugees to refuse to be fingerprinted in the countries of first arrival. For instance, between November 2015 and January, 2016 a group of two hundred Eritrean, Sudanese and Somali asylum-seekers were not allowed to leave Lampedusa for refusing to have their fingerprints taken. Unwilling to claim asylum in Italy, these refugees and migrants organized demonstrations on the island, demanding their right to travel to other EU countries where they have relatives and other networks.³⁷

Thus, the strategic calculations and perfectly predictable predilections among migrants and refugees, combined with the Dublin Regulation, tend to ensure that Europe, far from a refuge, becomes a space of rejection and marginalization for most of them, and not infrequently involves the coercive dislocation that ensues from serial deportations. Hence, a proliferation of those who seek asylum somewhere other than the first place where they have been fingerprinted and registered, as well as many of those others whose petitions for asylum have been rejected, find themselves in a protracted and indefinite condition of semi- or post-legality, if not outright “illegality”, and thus continuously vulnerable to the recriminations of the law.³⁸ In terms of its real effects and what it actually produces, therefore, the European asylum system operates as a regime for the production of migrant “illegality”. As an “emergency” measure in response to the acceleration of migrant and refugee mobilities, moreover, the “hotspot” system was designed specifically to speed up and intensify this process of rejecting as many as possible as quickly as possible, rendering the majority of newly arrived migrants and refugees deportable, even if this means that they are in fact *not* deported but instead simply issued a deportation order and then conveniently left to their own devices. In other words, what on the surface may look like a strictly “exclusionary” regime in reality operates systematically to ensure that non-European migrants and refugees

continue to be “included,” albeit only to the extent that their inclusion within the social fabric of Europe is a form of racialized subordination through their precaritization or their outright illegalization.

Mass-media news coverage of events in Europe in 2015 and 2016 vacillated remarkably between depictions of a European “refugee crisis” and the implicitly more derisive label “migrant crisis”. Ambivalence and equivocation around the very labels by which various forms of human mobility are presumed to be knowable are telling signals of the ambiguities and contradictions that bedevil such terminological categories as governmental contrivances dedicated to the sorting and ranking of diverse and distinct mobilities in this case, assessing asylum claims and adjudicating the matter of who may qualify as a “legitimate” and “credible” refugee.³⁹ Accordingly, until such a day of reckoning, all refugees may be reduced to the presumed status of “mere” migrants, which is to say, presumptively “illegal” unwelcome, and deportable. The current “crisis” of European borders, therefore, corresponds above all to a permanent *epistemic* instability within the government and mass-mediated representation of transnational human mobility, which itself relies upon the exercise of a power over classifying, naming and partitioning “migrants”/ “refugees,” and the more general multiplication of subtle nuances and contradictions among the categories that regiment mobility.

Indeed, such terminological confusion arises as an inescapable effect of the multifarious subjective reasons and tangled objective predicaments that motivate or compel people to move across state borders, or alternately find themselves stranded en route, temporarily but indefinitely stuck some place along the way on their migratory itineraries, sometimes for several years.⁴⁰ Simply put, refugees never cease to also have aspirations and, against the dominant tendency to figure them as pure “victims” and thus as the passive objects of others’ compassion, pity, or protection they remain subjects who make more or less calculated strategic and tactical choices about how to reconfigure their lives and advance their life projects despite the dispossession and dislocation of their refugee condition.⁴¹ When they act like subjects, however, they are perceived to resemble migrants and quickly become *suspect*. Migrants, by definition, exude an excess of subjectivity they have too many hopes and dreams, too many plans and projects of their own and thus from the standpoint of a state’s power to control its borders, are never compliant enough. On the other hand, it is likewise important to consider that migrants are often “in flight” (or “fleeing”) from various social or political conditions that they have come to deem intolerable, thereby actively “escaping” or deserting forms of everyday deprivation, persecution, or (structural) violence that may be no less pernicious for their mundanity.⁴² Hence, the labels “migrant” and “refugee” commonly remain suspended in a state of tension and ambiguity, and may only be sorted into neat and clean distinctions or separated by hermetically sealed partitions through more or less heavy-handed governmental interventions.

In the face of the resultant proliferation of alternating and seemingly interchangeable discourses of “migrant” or “refugee crisis”, therefore, the primary question that must be asked, repeatedly, is: “*Whose crisis?*” The naming of this “crisis” as such thus appears to be precisely a device for the authorization of exceptional or “emergency” governmental measures toward the ends of enhanced and expanded border enforcement and immigration policing. The spectacle of Europe’s “migrant crisis” is largely equated, consequently, with a crisis of *control* over the ostensible borders of Europe. If anything, it is a crisis of sovereignty.⁴³

Remarkably, by August, September, and October of 2015, literally from week to week and even day to day, the apparent “frontline” of European border struggles was repeatedly dislocated from one country to another, oftentimes further and further removed from any imagined outer periphery or frontier of “Europe,” in a dramatic dialectic of contestation between diverse migrant and refugee autonomies and a feckless heterogeneity of tactics of bordering. These ostensible “frontline” dramas of the borders of Europe had moved decidedly inwards,

from the shores of Italy, Malta, and Greece or Greece and Bulgaria's land borders with Turkey to Macedonia, Serbia, and Hungary, then further still into Austria and Germany, and then back again to Croatia and Slovenia. Eventually, by November, Germany, Austria, the Czech Republic, Slovakia, the Netherlands, Belgium, France, Italy, Spain, and Sweden had all begun to reintroduce temporary border controls, and pronouncements became commonplace asserting that the Schengen agreement widely considered to be one of the paramount achievements of European integration was effectively "dead."

Brutal border spectacles of "exclusion" therefore can often be found to expose nonetheless their own obscene dynamics of subordinate (illegalized,) migrant "inclusion".⁴⁴ As I have suggested, the Border Spectacle works its magic trick of displacing "illegality" from its point of production in the processes of lawmaking to the proverbial "scene of the crime" "the border" which is of course also the scene of ostensible crime fighting. Indeed, this sort of illegalization is the key to making "the border" into a preeminent scene of exclusion. Yet, migrants and refugees' mobility projects prevail in spite of the accumulated pressures and violences of the borders that they have to cross, and in spite of the vastly more expansive zones of immigration law enforcement that implode borders deep into the "interior" of a state's space, into the everyday life contexts which illegalized migrants and rejected refugees inhabit indefinitely. These dynamics that illegalize migrants and produce the specific conditions for the exploitation of their labor are what I call their obscene *inclusion*, a subordinate (illegalized) kind of incorporation which accompanies the spectacle of exclusion that is routinely played out at "the border".

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In Europe over the last two and a half years, the various deployments of military troops or riot police against migrants and refugees, the construction of razor-wire barricades, and assaults against migrant and refugee families with tear gas, stun grenades, rubber truncheons, and eventually live ammunition, have been intermittently alternated with the outright facilitation or the de facto ferrying or escorting of these same migrant movements through maritime interdiction and "rescue" at times, even of vessels that have not signaled any distress or the provision of bus caravans and trains to expedite transit onwards. Hence, state tactics of bordering have been abundantly shown to be convulsive reaction formations, responding always to the primacy of the sheer autonomy of migration. This was perhaps nowhere more dramatically manifest than in the self-mobilization on 4 September 2015 of refugees and migrants who had been encamped in Budapest's Keleti railway station. Hungarian riot police had begun to deny migrants access to trains by which they aspired to travel on to Austria and Germany and had attempted to forcibly evacuate some of them. Following various skirmishes with the riot police in the makeshift refugee camp in the train station, at least 1,000 migrants and refugees chanting "Freedom!" indignantly coalesced into an ad-hoc protest march quickly designated the "March of Hope" and, following the determined leadership of a one-legged man, defiantly proceeded onto a six-lane motorway leading out of the country. This action promptly culminated in the Hungarian state authorities' capitulation and compliance, albeit cynical and self-serving, with the urgency of the refugees' determination to freely move forwards on their chosen itineraries. The march was provided a police escort and then buses that would transport the unruly refugees and migrants further along on their journeys towards the next border. Much like Italy, Malta, Greece, and Bulgaria previously, Hungary now as a "frontline" defender of the borders of the EU had come to actively resist the imperative that it do the proverbial "dirty work" of insulating the wealthiest EU member states from migrant and refugee mobilities seeking to ultimately resettle where they would have better prospects.

Thus, the example of Hungary in 2015 is merely the most prominent and perhaps most dramatic instance of a recurrent vacillation between vicious violence and begrudging complicity on the part of state actors seeking to re-institute Europe's borders in the face of the veritable intractability of the politics of mobility enacted by

migrant and refugee movements.⁴⁶ The “crisis” of border control and “migration management” may therefore be seen to be a crisis of sovereignty that is repeatedly instigated, first and foremost, by diverse manifestations of the autonomous subjectivity of human mobility itself.

The profound source of the intractable “crisis” of migration in Europe is the veritable *struggle* over the borders of Europe migrants and refugees’ struggles to realize their heterogeneous migratory projects by exercising their elementary freedom of movement, thereby appropriating mobility, transgressing the border regime, and thus making spatial claims, as well as the struggle of European state powers to subdue and discipline the autonomy of migration.⁴⁷ Consequently, the “crisis” of European borders is eminently political, in manifold ways.

For many illegalized “asylum seekers,” braving the horrors of the European border regime comes only after fleeing from all manner of atrocities, persecution, and misery in their countries of origin and, commonly, also in numerous other countries of “transit”, crossed en route to Europe, which have been materially and practically incorporated to various extents into the externalized policing of the frontiers of “Europe”.⁴⁸ For most of these same refugees, and many others who migrate in the quest to make a better life for themselves and their loved ones, the vicious severities of this extended and expansive European border zone present a fierce endurance test, a preliminary apprenticeship in what promises to be a more or less protracted career of migrant “illegality”, precarious labor, and deportability. Whether these mobile subjects come to be governed as “refugees” or “migrants”, however, their needs, desires, and aspirations always supercede this death-defying obstacle course albeit, at times, at the cost of their lives. Haunted as Europe’s borders are by this appalling proliferation of, almost exclusively non-European/ non-white, migrant and refugee deaths and other forms of structural violence and generalized suffering, questions of migration and asylum politics present themselves in a particularly acute way as the premier contemporary manifestations of Europe’s postcolonial condition.⁴⁹

Conversely, these questions regarding migration and asylum “in” Europe and the putative borders “of” Europe, however, cannot be reduced to the narrow concerns of any insular and parochial field of inquiry that we might call “European studies”. This postcolonial dialectics reveals a struggle between the autonomous dynamics of human mobility on a global scale and the formations of European state power and sovereignty, which must unrelentingly react to the migrants and refugees’ exercise of an elementary freedom of movement through diverse tactics and techniques of bordering. In this respect, these two key figures the autonomy of migration and the tactics of bordering are central to and mutually constitutive of the agonistic, if not antagonistic, drama that repeatedly manifests itself as the pervasive “crisis” of what is finally an effectively global border regime, responding everywhere to these human movements and their double-faced, double-voiced politics of mobility and presence.⁵⁰

The putative “illegality” of migrants and even refugees, or “asylum seekers”, has become the single most prominent “problem” for immigration and asylum law and policy on a global scale during recent decades. Seldom does public policy debate consider precisely where and how this “illegality” came into being, however. Nonetheless, migrant and refugee “illegality” always has a history within each particular juridical and border enforcement context. Similarly, the unequal legal constructions of these diverse and uneven histories of human mobility are inextricable from the wider colonial-era history of relations of domination, plunder, and exploitation between the various European states and the rest of the globe. Furthermore, the ethnographic study of present-day border policing and immigration enforcement practices confirms that such histories are never finished; rather than *faits accomplis*, established once and for all time, these diverse and historically specific productions of migrant and refugee “illegality” must continue to be re-produced through ongoing practices of bordering and re-bordering, now on an ever-more integrated if still contradictory and uneven EU-ropean scale. Haunted as

Europe's borders are by an appalling proliferation of almost exclusively non-European/non-white migrant and refugee deaths and other forms of structural violence and generalized suffering, the very figure of *migration* is always already racialized in the European context even as dominant discourses of migration in Europe continue to systematically disavow and dissimulate race as such.⁵¹ The mass deaths of non-European migrants and refugees systemically generated by the European border regime do not exhaust what is at stake in the present historical moment, however. It is particularly crucial that we do the critical work of reconfirming the precisely *racial* specificity of what is so commonly and casually euphemized across Europe as “migrant” or “of migrant background”.⁵² Notably, these border-making and border-enforcing activities have been increasingly and pervasively relocated to sites within the “interior” of the respective migrant-receiving states, such that illegalized migrants and refugees as well as their children and grandchildren are made, in effect, to carry borders on their very bodies as border enforcement comes to permeate the full racialized spectrum of everyday life activities and the spaces associated with what I call *the migrant metropolis*.⁵³ Thus, as “problems” for the government of transnational human mobility and migration “management”, these processes of illegalization remain the open-ended sites for border struggles and unforeseen disputes over migrant and refugee politics, as well as the wider politics of race and citizenship. The struggles over migration, asylum, and borders in Europe today on a European scale that encompasses and subsumes the particular histories of distinct “national” states are the premier sites for the unresolved postcolonial dilemma of Europe's shared centuries-old harvest of empire.

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