

## TOWARDS A CRITICAL PHENOMENOLOGY OF BORDERS AND MIGRATION

INTRODUCTION TO THE THEMED ISSUE

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In June 2022, as we prepare to publish this themed issue, over 6.6 million Ukrainian refugees have fled their country after the Russian invasion on February 24 and the ongoing Ukrainian-Russian war. In total, over eight million Ukrainians have fled their homes, the majority of which (90%) are women and children, as many men have remained in Ukraine to fight (UNCHR; UNCHR Data Portal). Moreover, many Ukrainians already living abroad, both men and women, returned to Ukraine in the early days of the war "against the current" of refugees, so to speak, to fight or in other ways help the resistance (The Economist 2022a). After months of fighting and what is hailed as heroic resistance from the Ukrainian people, the war continues and has entered a phase described by NATO's Secretary General as a war of attrition, i.e., a dragged-out war where even the victor is likely to suffer considerable losses (Al Jazeera 2022; Pifer 2022; The Economist 2022b). After almost four months of war, many refugees are starting to return: over two million Ukrainians who fled the country early after the invasion have returned to their country now that cities such as Kyiv are considered safer (BBC 2022).

While the suffering of the Ukrainian people is undeniable, and the Russian invasion brutal and unjust, the Ukrainian refugee crisis has had the surprising effect of bringing to light, in plain sight for everyone to see, the astonishing difference between how Western countries are handling the Ukrainian refugee crisis and other recent or ongoing crises, such as the 2015 Syrian refugee crisis. European countries and the US have responded to the Ukrainian crisis in an almost unprecedented manner. On March 2, 2022, less than a week after the Russian invasion, the EU activated its "Temporary Protection Directive," an "exceptional measure" aimed at providing "immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin" (European Commission, n.d.). The Directive was adopted in 2021 as a response to the war in the former Yugoslavia but had never been activated until March 2022. Its activation aims "to offer quick and effective assistance to people fleeing the war in Ukraine," and obliges EU countries to grant any Ukrainian national a list of (temporary) rights in order for

them to enjoy temporary protection, including a temporary residence permit, the right to move freely in and between EU countries, the right to work, access to housing, social welfare, medical care, and education for persons under 18 (European Commission, n.d.). In other words, all "Ukrainian nationals, as visa-free travelers, can choose the EU member state in which they want to exercise the rights attached to temporary protection, allowing them to join family and friends in various EU countries" (Rush 2022). As for the US, the Biden Administration's response to the Ukrainian crisis and Ukrainian refugees has taken the form of massive financial aid, as well as a commitment to "welcome up to 100,000 Ukrainians and others fleeing Russia's aggression through the full range of legal pathways" (The White House 2022).

As philosopher Serena Parekh puts it in a March 2022 interview in which she compares the treatment of Ukrainian refugees to that of Syrian refugees in 2015:

European countries seemed prepared to welcome [Ukrainian] refugees from the very start. A day after the invasion, there were already reception centers set up on the border with Ukraine facilitated by Poland's government. There were also aid donations, while the US military helped with logistical support.

Moreover, as Parekh points out, this was a response with an overwhelming and political consensus behind it, being supported even by "anti-immigrant" towns and politicians. By contrast, while the 2015 refugee crisis may have started with sympathy toward Syrians and other refugees from Africa and the Middle East arriving on European shores after crossing the Mediterranean in small boats, the sympathy "very quickly . . . turned to hostility," the large numbers of refugees being considered "unprecedented and impossible to deal with." Of course, the welcoming of Ukrainian refugees has shown that this claim was simply false. Serena Parekh's latest book, No Refuge: Ethics and the Global Refugee Crisis (2021), is reviewed in this issue.

As Francesco Rocca, president of the International Federation of Red Cross and Red Crescent Societies, has pointed out, the difference in treatment reveals a "double standard" in how Europeans deal with people seeking protection. While "ethnicity and nationality should not be a deciding factor to saving life," as Rocca puts it, this seems to be precisely what is happening (Lederer 2022). The difference in treatment indeed seems to reflect an underlying racism informing Western countries' refugee policies and attitudes toward displaced people. In a Guardian article that went viral, Moustafa Bayoumi (2022) compiled examples of the disturbing and sometimes openly racist media coverage of the crisis in its early days. For example, CBS news correspondent Charlie D'Agata pointed out, on air, that Ukraine "isn't a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades," and described a Ukrainian city as "a relatively civilized, relatively European-I have to choose those words carefully, too-where you wouldn't expect that, or hope that it's going to happen." Bayoumi's conclusion was harsh, judging that the outpouring of solidarity for the Ukrainian people is not as much about solidarity for the oppressed as about tribalism, emphasizing that "a pernicious racism . . . permeates today's war coverage and seeps into its fabric like a stain that won't go away. The

implication is clear: war is a natural state for people of color, while white people naturally gravitate toward peace" (Bayoumi 2022).

Racism and "tribalism" can also help explain, as formulated in a report by the Global Detention Project, "why some of those fleeing Ukraine—in particular, nationals from Africa, Asia, and the Middle East—are not getting the same generous treatment as the citizens of Ukraine" (Global Detention Project 2022). What's more—and beyond incidents of openly racist language—the *amount* of media coverage of the Ukrainian crisis says something about how displaced people are divided into deserving and undeserving refugees. An annual report from the Norwegian Refugee Council on the world's "most neglected refugee crises" found that, for the first time, the ten most neglected refugee crises in the world are all in African countries (Africa News 2022). As one newspaper puts it, the number of media articles in the English language covering the Ukrainian crisis in its three first months—85,000—is three times as high as the total number of articles covering the crisis in Burkina Faso during the entire year of 2021 (Matre 2022).

The crisis in Ukraine highlights a fact that, for us at *Puncta*, was one of the main motivations behind this themed issue: migrants—border-crossers, internally displaced, asylum-seekers, economic migrants, climate refugees, documented and undocumented migrants, voluntary and involuntary migrants—find themselves at the intersections of some of our time's most pressing issues and questions. In the life of the migrant, major crises like war, poverty or climate change often intersect with structural issues and injustices pertaining to global capitalism and capitalist production, racism, gender, class, settler colonialism, and post-coloniality. Moreover, the sheer numbers of migrants make migration one of the most urgent questions in our time. Today, there are more international migrants than ever before: the Ukrainian crisis only adds to the already astronomical figure of 281 million international migrants worldwide in 2021, or 3.6 percent of the world's population (IOM 2021). Millions of these are displaced persons: migrants who do not move because they want to, but because they must, including refugees and asylum seekers. In 2021, this number topped 89.4 million, and includes 26.4 million refugees, 4.1 million asylum seekers, and 55 million internally displaced people (IOM 2021, 4).

## What Can Critical Phenomenology Offer?

As a journal committed to phenomenology not as a mere descriptive practice, but as a critical interrogation of the concrete conditions that structure lived experience, thinking, and the enactment of critique itself, *Puncta* hopes with this themed issue to cultivate a space in which phenomenology responds to and confronts highly timely and urgent questions concerning borders and migration.

For a long time, philosophical discussions about migration—what has come to be known as the ethics of migration—has to a large extent been dominated by a moral-political philosophical debate concerning the question of immigrant admissions. As Christopher Heath Wellman (2020) puts it, "the central debate in [the area of the

morality of immigration has been] whether states have the moral right to exclude potential immigrants" (Wellman 2020). In recent years, however, this philosophical debate has been increasingly challenged by various non-ideal, decolonial, and feminist approaches to the ethics and politics of immigration. The newer contributions have in common that they aim to be more attuned to migrants' concrete realities and lived experiences. They are moving away from classical moral-political theory, they are more interdisciplinary in nature and inclusive of empirical research, and they challenge the dualist framework that opposes human rights to state sovereignty.

In this vein, Serena Parekh (2014, 2017) criticizes the philosophical debate concerning refugees for only being concerned with refugees who are eventually admitted (*de jure* refugees) and neglecting the large majority of displaced persons (*de facto* refugees) who will most likely never be admitted to a new country—a fact that motivates her defense of an extended and temporary "ethics of displacement." Ernesto Rosen Velásquez (2017) argues that the question of immigration cannot be addressed properly without criticizing the violent and colonial history and nature of the state. Alison Jaggar (2020) similarly argues that what she calls "the Anglo-American debate on migration justice" is systematically biased because it "ignore[s] or misrepresent[s] its colonial past and possibly neocolonial present" (89). Other examples of scholars representing the new turn in the philosophical literature on migration are Natalie Cisneros (2013), Ayten Gündoğdu (2015), Zahra Meghani (2016), Eduardo Mendieta (2011), José Jorge Mendoza (2017), Amy Reed-Sandoval (2015; 2020), and Carlos Sánchez (2011).

This shift is of great importance because it challenges unquestioned biases in the established political philosophy of migration and, more specifically, criticizes philosophical approaches to migration-related issues that eclipse the voices of migrants themselves and hence contribute to rendering those voices irrelevant to the ethics and political philosophies of migration. As Ayten Gündoğdu (2015) argues, migrant speechlessness, in the sense of one's speech losing a platform and losing its relevance, is "one of the most fundamental forms of rightlessness" today (21). If a philosophy of immigration is to challenge this speechlessness instead of contributing to its consolidation, it must be rooted in a commitment to start from migrants' own voices. Ayten Gündoğdu has also contributed with an article to this themed issue: "Border Deaths as Forced Disappearance: Frantz Fanon and the Outlines of a Critical Phenomenology."

In the wake of this shift in the philosophical literature on migration, we at *Puncta* wish to highlight the need for a continued systematic reflection on the lived experiences of migrants in relation to the political and social structures that inform these experiences. We do so with this themed issue, *The Critical Phenomenology of Borders and Migration*. Moreover, by claiming that critical phenomenology can be a fruitful approach to this work, we insist that the complex lived experience of migrants should not only be acknowledged and included in the form of examples and anecdotes, but systematically integrated and interrogated in philosophical conversations on migration-related matters. The hope is that critically attuned phenomenological analyses of migrant lived experiences may contribute to offer new knowledges indispensable for understanding what is actually at stake—philosophically, politically, ethically, and existentially—with the particular situations that

migrants, border-crossers and border-dwellers continually negotiate. We hope, in short, that a critical phenomenology of borders and migration may contribute to shedding some light on: visible and invisible social, economic and political structures conditioning migrants' lives; the particular kinds of harm that migrants and refugees are subject to; how these structures and these harms are related to larger questions concerning identity, nationality and belonging in the twenty-first century; and on the value as well as the limits of liberal notions of rights and justice to capture moral, political and ethical challenges related to migrants' situation.

Lastly, as Lisa Guenther (2019a) emphasizes in her account of the critical phenomenological approach, this work also has a transformative ambition, and does not aim to stay "neutral" at any costs. The work of describing the relations between lived experiences and the world, between the mind and the material structures that inform and are informed by it, has the potential to transform, through that very process of description, how we see ourselves, others and the world itself.

## Contributions to the Themed Issue

The issue's first article is Ayten Gündoğdu's "Border Deaths as Forced Disappearance: Frantz Fanon and the Outlines of a Critical Phenomenology." Here, the author raises the question of "the regime of impunity surrounding migrant deaths and disappearances resulting from border control practices," and asks how we can best account for this particular regime (12). Emphasizing the racialization of labels such as "illegal," "unauthorized," and "migrant," Gündoğdu argues that accounting for the violence of border regimes requires interrogating, on a more fundamental level "the impact of racism and racialization, shaped by histories of slavery, colonialism, and imperialism, on contemporary migration policies." The special contribution of this article is to rethink racialized border deaths in terms of "forced disappearance"—a notion that, as the author herself points out, tends to be associated with military dictatorships, but that she "extend[s] . . . to border control policies that push migrants beyond the pale of the law, make it difficult to find out about their fates or whereabouts, and render their lives disposable" (13). More specifically, Gündoğdu argues that "the term 'forced disappearance' offers a much-needed counter to the euphemism 'missing migrants,' which obfuscates the problem and displaces the question of state responsibility" (18). Analyzing the phenomenon of "forced disappearance" through the work of Frantz Fanon, Gündoğdu claims that "Fanon's work can help us examine how border enforcement incorporates and refines certain elements of colonialism—i.e., spatial compartmentalization, immobilization, lawlessness, and racialized violence—as it substitutes the 'migrant' for the 'native'" (21).

In the second article, "Illegal Skin, White Mask: A Critical Phenomenology of Irregular Child Migrants and the Maintenance of Whiteness in the United States," Sierra Billingslea reflects on the situation of undocumented child-migrants in the US, who, under the Trump administration, were separated from their parents and held in cages. Notably, she looks

at these experiences through the lens of "Whiteness as Property" and the protection of "White Space" as it appears in the works of Cheryl Harris (1993) and Lisa Guenther (2019b). In a reflection on the "adultification" of Black and Brown children—how they tend to be "perceived as more adult than their White peers" (49–50)—Billingslea argues that there is a mutual contradiction between the notion of the Child as a symbol of White innocence and the (racialized) Illegal Immigrant who is always already guilty. This divided perception was threatened by images of migrant children emerging during the Trump administration, triggering "two opposing emotional scripts" and threatening the idea of "American Niceness" (50–51). Billingslea's argument, however, is that instead of disrupting the "schemas of Whiteness," the child migrants were instead "subsumed into the project of Whiteness" through masks of whiteness allowing them to keep representing "The Child," and thereby rendering the child migrant regime "digestible by the emotional economy" (56).

Third, Carlos Sánchez offers a phenomenological analysis on what he calls "Undocumented Immigrant Reason," which is a "sort of historical reason grounded on undocumented immigrant life" (61). Drawing on Amy Reed-Sandoval's (2020) notion of the "socially undocumented," Sanchez argues that undocumented immigrant reason is not only a way of thinking or being in the world of people who, juridically speaking, are undocumented immigrants, but also "those who are thought to be, seen as, or treated as though they are residing in a country without legal permission, documentation, or right, even though they may very well have such legal right," or again, "those who live a certain kind of life, one that reflects the 'undocumented immigrant experience" (61; emphasis in original). Grounding his reflection in personal descriptions of life growing up among undocumented immigrants in California, Sanchez proceeds to a description of "categories of undocumented immigrant reason": Journeying, Crossing/Nepantla, Uncertainty/Zozobra, Nostalgia, and Return.

Of particular interest is perhaps Sanchez's emphasis on nostalgia and longing for return as central aspects of undocumented immigrant reason. As he puts it, the harsher realities of undocumented immigrant existence—uncertainty, hostility, various double binds, hard work

is tolerated because the nostalgia for the origin is greater than the suffering of the present. The world is seen through this longing: I will do the hard, dirty, risky jobs that no one else will do because one day I will be done and I will go back home, even if I don't know when that will be. (68; emphasis in original)

As readers we can draw two questions from this analysis that go even beyond the author's own argument concerning undocumented immigrant reason: (1) To what extent can *nostalgia*, often portrayed in the time of the alt-right as a reactionary sentiment with little political value neither as motivation nor as a form of resistance, be a legitimate or subversive reaction or motivation? (2) To what extent can *return*, the main ambition of anti-immigrant politics and often associated with inhuman and brutal force, also be a dream for the undocumented refugee, but often and paradoxically, unobtainable?

The last contribution to the themed issue is José Jorge Mendoza's review of Serena Parekh's latest book, *No Refuge: Ethics and the Global Refugee Crisis* (2021). This contribution

connects the philosophical discussion of migrants' situation to topics that have longtime been discussed in migration ethics, thus situating the phenomenological contributions of this issue within the larger theoretical framework of the philosophy and ethics of migration. Mendoza shows how Parekh's work represents a turn toward approaching the ethics of migration from the perspective of "structural injustice" as developed by Iris Marion Young (2011). Connecting Young's concept to the specific situation of refugees, Parekh describes structural injustice as an

injustice [that] stems from social structures, structures that constrain the opportunities of some while granting privilege to others, whether or not anyone desires or intends this outcome. Structural injustice can arise from the policies and the actions of thousands of individuals acting according to morally acceptable rules and norms. [Young's] insight is that large-scale processes in which individuals or collective entities seek to accomplish their legitimate goals can nonetheless result in unjust but unintended consequences when looked at structurally. (2021, 163)

As Mendoza emphasizes, Parekh shows how the injustices that refugees face are structural in this sense, i.e., they cannot be traced back to individual, blame-worthy actors or actions, but are deeply rooted in global social and political structures that tend to benefit some while disadvantaging others. However, for Young, this acknowledgement has consequences for how we can reconceptualize political *responsibility* as a response to such injustice, and more specifically concerning the temporality of responsibility. As Young (2006) herself puts it:

[t]he temporality of assigning and taking responsibility [in relation to structural injustice] . . . is more forward-looking than backward-looking . . . The injustice produced through structures has not reached a terminus, but rather is ongoing. The point is not to blame, punish, or seek redress from those who did it, but rather to enjoin those who participate by their actions in the process of collective action to change it. (122)

Both Parekh and Mendoza emphasize the need to rethink the temporality of responsibility as a consequence of thinking about injustices as structural, and emphasize a forward-looking temporality that should inform responses to what Parekh calls the global refugee crisis. Mendoza, moreover, pushes Parekh's argument into more well-established philosophical territories by arguing that responding to the refugee crisis understood as a structural injustice also would imply "advocating for open borders" (78).

Arguably, all the migrant experiences discussed in this themed issue, whether it is a question of refugees (Mendoza/Parekh), the impunity surrounding migrant deaths (Gündoğdu), the unjust treatment of migrant children (Billlingslea), or the hardship characterizing undocumented immigrant lives (Sánchez), can be connected to issues concerning structural injustice. What emerges from the four contribution is a clearer picture that illustrates how different groups of migrants and undocumented immigrants—

or, as Sanchez puts it, "those who are thought to be, seen as, or treated" as such—experience and navigate different structural injustices, including, structural racism. A critical phenomenology of borders and migration is committed to paying close attention to these experiences, which help us better understand the complexity of the structures we are working with and within, and the directions in which they are to be transformed.

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