BORDER DEATHS AS FORCED DISAPPEARANCES: FRANTZ FANON AND THE OUTLINES OF A CRITICAL PHENOMENOLOGY

AYTEN GÜNDOĞDU
Barnard College, Columbia University

On February 6, 2014, around 400 migrants from West and Central Africa attempted to cross the Spanish border in Ceuta, a town near Morocco, by swimming around the Tarajal seawall. The Spanish border control officers responded to this attempt by shooting rubber bullets, smoke canisters, and detonator blanks, creating mayhem at sea and resulting in the drowning of fifteen migrants. According to the Spanish authorities, the lethal action was justified given the migrants' "belligerent attitude." The legal investigation of the case confirmed that conclusion, as the judge presiding in the case ruled that it was the migrants who placed themselves in harm's way by willingly "accept[ing] the risks of illegally entering Spanish territory" (Abad 2015).

The Spanish case illustrates that border enforcement has become increasingly lethal with the adoption of ever more restrictive policies and technologies of immigration control. According to a conservative estimate of the International Organization of Migration, over forty-nine thousand migrants have died as they tried to cross borders since 2014 (International Organization for Migration). States that routinely adopt lethal border control policies have so far remained unaccountable for their actions. This "international regime of impunity" goes hand in hand with an institutionalized indifference to the migrants who die or disappear in transit, as can be seen in the lack of any systematic effort to locate their whereabouts, recover remains, identify the dead, inform families, and have proper burials (Callamard 2017, 21).

How do we account for the regime of impunity surrounding migrant deaths and disappearances resulting from border control practices? To answer this question, we need to attend to the organizing principles of the nation-state system, particularly the norm of territorial sovereignty. Endowing states with a prerogative to control entry into their borders, this norm renders migrants suspected of "illegal" entry ineligible for even the most fundamental rights such as the right to be free from indefinite detention and arbitrary deportation (Gündoğdu 2015). But territorial sovereignty does not render every border-crosser equally vulnerable to arbitrary state violence. Terms such as "illegal" and

"unauthorized," or even "migrant," are labels reserved for racialized subjects crossing borders.[1] There is a need to understand how violence wielded in the name of territorial sovereignty targets certain categories of migrants by considering the impact of racism and racialization, shaped by histories of slavery, colonialism, and imperialism, on contemporary migration policies (Achiume 2019; Beltrán 2020; El-Enany 2020; Gutiérrez Rodríguez 2018; Mayblin 2018; Mayblin and Turner 2021; Mongia 2018; Walia 2021). We could recall the Tarajal massacre cited at the outset, particularly the Spanish authorities' remark about the "belligerent attitude" of migrants who stormed to the beach in large numbers and tried to swim around the border. The Spanish authorities argued that they had to use anti-riot gear in order to "demarcate the border line in the water" in response to the migrants' act that (in their eyes) violated the sacrosanct principle of territorial sovereignty (ECCHR 2019). Border-crossing in this case was deemed to be not only a breach of Spanish sovereignty, however, but also an act of "belligerence" because the subjects in question were perceived as suspicious and violent due to racialized assumptions about their identity and conduct; the fact that the act was collectively undertaken further fueled the perception. The Spanish authorities' justification of their lethal action introduces us to a perceptual field saturated by racialized images, including the colonial representations of Africans as "savage hordes" innately disposed to violence.

This article aims to examine the racialized forms of violence enacted by contemporary border regimes by rethinking border deaths as "forced disappearances." Within international human rights law, this term is used to describe state practices of arrest, detention, or abduction that make someone "disappear," followed by a refusal to acknowledge the fate of that person. Although "forced disappearance" is often associated with military dictatorships, I extend it 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. In the case of the Tarajal massacre, while the official death toll was fifteen, an unofficial estimate suggests that it was at least twice as high (Herman 2015). The bodies that were not recovered remain uncounted and unidentified. The authorities even failed to identify all the bodies that were recovered, burying them in potter's fields without informing the families or conducting proper forensic investigation. Spain denied visas to the families who wanted to identify the bodies and participate in commemorative events (Bengoa 2017), and the legal investigation relied primarily on the testimonies of the Spanish officers and systematically set obstacles to survivors who wanted to appear in court (ECCHR 2019). The posthumous condition of rightlessness in the Tarajal case underscores that contemporary border control policies give rise to forced disappearance, as they place their targets outside the protection of the law and can even make them vanish without a trace, as if they never existed.

In thinking about border deaths as forced disappearances, I also move beyond the strictly juridical meaning of this term and foreground its *phenomenological* resonances to pay

---

[1] For an analysis of "illegal" as a racialized label in the United States, see José Jorge Mendoza (2016). For a similar argument about the racialized functioning of binary categorizations such as refugee/migrant and regular/irregular within the European context, see Tazreena Sajjad (2018).

particular attention to "the way other persons become visible to us, or cease to be visible to us" (Scarry 1985, 22). How does someone cease to appear as a living being with whom we inhabit the world? Through what kinds of processes do we fail to apprehend their killing as murder? Why are their bodies treated as inanimate things stripped of rights after death? Such questions demand a phenomenological inquiry into the conditions of appearance and disappearance, including the social structures, normative orders, and representational frameworks that make and unmake one's relations to the world and other living beings.

To undertake such an inquiry, I engage with the works of Frantz Fanon and examine how borders establish racialized partitions among both the living and the dead. Because the perceptual field is saturated by racial schemas that regulate visibility, racialized others become subject to various forms of violence that shatter their intersubjective experience of the world as embodied beings and transform them into thing-like entities deprived of agency, presence, and rights. Forced disappearance, I argue, entails not only an obliteration of legal and political status but also the imposition of invisibility in an ontological sense. Fanon's account of colonialism highlights that, within a perceptual field permeated by anti-Black racism, Black subjects are held captive to dehumanizing representations that deprive them of any individuality, treat them as mere specimens of a race, and render their very appearance suspect on the basis of their skin color. In a world that renders Black appearance "illegitimate," the only "acceptable being" for Black subjects becomes "nonexistence, nonappearance, or submergence" (Gordon 2007, 11). If being is identical with appearance from a phenomenological perspective, in the sense that we become who we are by appearing to others who can testify to our existence in this world, then racialized subjects experience a form of forced disappearance as they are denied the right to appear and relegated to "a zone of nonbeing" (Fanon [1952] 2008, xii).

The article develops this argument as follows: First, I provide an overview of border deaths, focusing particularly on the differential allocation of rights, including the right to life, in a world of securitized borders. Second, I propose the concept of forced disappearance to capture state crimes that obstruct the movement of racialized others across borders, expel them from the world of the living, and justify their annihilation with impunity. Third, I examine with Fanon how certain elements of colonialism—spatial compartmentalization, immobilization, routinized violence, legalized lawlessness—reappear within border governance. These elements can help us understand how border controls render mobility an exclusive privilege of whiteness and subject racialized others to forced disappearance. Fourth, I turn to Fanon's ([1952] 2008) analysis of racism—especially his concepts of "historical-racial schema" and "epidermal racial schema" (91–92)—in order to understand the differential vulnerability to death, injury, and disappearance at the border. In the fifth and final section, I build on Fanon's critical insights into the functioning of law under colonial rule and examine how courts of law often bestow an aura of legitimacy to state violence wielded in the name of border control. For the most part, courts of law have also become sites of forced disappearance, testifying to the expulsion of racialized migrants from a world reserved as a privileged habitat for those eligible for rights, as evidenced by the Tarajal case.

In examining border deaths critically with the help of Fanon, I focus on the Euro-Mediterranean border regimes for two key reasons. First, the Mediterranean Sea has become "by far the world's deadliest border," with at least 22,748 migrant deaths recorded between 2014 and 2021 (Sunderland 2021). Second, the Mediterranean also invites us to situate the racialized violence of contemporary borders within the *longue durée* of colonialism, imperialism, and slavery, as emphasized by the recent efforts to rethink migration to Europe through the conceptual lens of "the Black Mediterranean" (Danewid 2017; Di Maio 2013; Murray 2021; Proglio 2021).

Fanon provides us with critical insights into the legal, political, social, and even ontological dimensions of forced disappearance as a problem of "racialized rightlessness," to borrow a term from Lisa Marie Cacho (2012). But as I underline in the conclusion of this article, his work also cautions us against a death-bound understanding of Blackness and invites attention to various forms of struggle that strive to "create the ideal conditions of existence for a human world" (Fanon [1952] 2008, 206). What arises from an engagement with his works is a critical phenomenology that explores borders simultaneously as "death-worlds" (Mbembe 2019, 92) and as sites of "world-building" (Arendt [1958] 1998, 96) in which the meanings of "life," "humanity," and "rights" are continuously and resiliently reinvented.

I. Differential Allocation of Rights in a World of Borders

Since the late 1990s, states have adopted increasingly restrictive border control policies that have criminalized migration, militarized borders, and pushed migrants to make ever more perilous journeys (Weber and Pickering 2011). As a result, major migration routes such as the Central Mediterranean route stretching from the sub-Saharan Africa to Italy and the Sonoran Desert between Mexico and the United States have turned into zones of death and disappearance.[2] We have become accustomed to photos of capsized boats and body bags lined up on a Mediterranean beach, or news stories of migrants who died of hyperthermia or hypothermia on their way to the United States. But border control policies are much more lethal than what the media coverage of this problem suggests, and there is a need to move beyond these more familiar visions of death in order to understand the scope of the problem (Walia 2021, 107–08). In addition to the more visible deaths at key-border crossing sites, there are less publicized deaths that result from the enforcement of routine border control policies—for example, deaths in immigration detention centers, deaths that result from deportation decisions, or deaths connected to the refusal of asylum claims. I use the term "border deaths" to include all these deaths that result directly or indirectly from border enforcement, and not just the deaths that occur in transit, as is often

[2] For migrant deaths in the Mediterranean, see Maurizio Albahari (2015); for deaths on the US-Mexico border, see Roxanne Lynn Doty (2011).

the case in official counts.[3] Additionally, there is a need to reconsider "death" beyond its physical meaning since contemporary migration controls also give rise to certain forms of "civil death," which denotes being "dead" in the eyes of the law and losing one's status as a rights-bearing subject (Dayan 2011, 44–45). Migrants forcefully "disappeared" by border control policies are subject to this kind of civil death, even in cases where they are not killed. We also see civil death in policies such as indefinite detention and arbitrary deportation that deny migrants even the basic protections associated with the rule of law.

Border deaths demonstrate that fundamental human rights are allocated unequally. Within a human rights framework, each human being is assumed to be entitled to a set of universal rights by the mere fact of their humanity. But territorial borders install hierarchical divisions within humanity, leaving migrants in an irregular status with a narrower set of rights that have only precarious guarantees.[4] Even the right to life is not secured equally for all, as evidenced by the problem of migrant deaths. Whereas states take on far-reaching obligations to ensure the safety of those who have prior authorization to travel, they evade these obligations in the case of border-crossers cast as "illegal" (Spijkerboer 2017)—an increasingly racialized status, as I will discuss below.

The differential allocation of the right to life also goes hand in hand with the differential treatment of the bodies and remains of migrants (Alonso and Nienass 2016; De Léon 2015; Kovras and Robins 2016). In Italy, for example, the recovered bodies and remains are often photographed and given a code; they are then buried in graves marked with these codes, and in the absence of a database that connects the photos, numbers, and burial locations, it is very difficult for families to find these graves. There is also no institutionalized effort to collect DNA evidence for purposes of identification (Nadeau 2017). If "[o]urs is the age of necronominalism" (Laqueur 2015, 414), understood in terms of "the moral imperative to know the exact numbers and names of the dead" (413), migrant deaths, for the most part, appear to be a remarkable exception to this rule.[5] The lack of proper burial in most cases indicates "a posthumous exclusion from the cultural and political order, an obliteration of personhood after death" (148).

The language used to describe migrant deaths often reflects the posthumous obliteration of personhood. For the most part, these deaths are treated as "accidents," as can be seen in the frequent use of the term "tragic" in news accounts: Small, overcrowded, flimsy boats seem to be doomed to capsize with the gale-force of winds and crashing waves. It

---

[3] For the latter, see the International Organization for Migration (n.d.), which tracks only "deaths of migrants, including refugees and asylum-seekers, who have died or gone missing in the process of migration towards an international destination."

[4] For an analysis that shows how the stratifications that borders establish within humanity render migrants in an irregular status ineligible for human rights, see Kesby 2012, Chap. 4. For an examination of these stratifications within the context of immigration detention and deportation, see Gündoğdu (2015), Chap. 3.

[5] Thomas Walter Laqueur (2015) uses the term "necronominalism" to describe the normative urgency of naming and counting the dead since the beginning of the nineteenth century: "We live in an age of necronominalism; we record and gather the names of the dead in ways, and in places, and in numbers as never before. We demand to know who the dead are. We find unnamed bodies and bodiless names— those of the disappeared—unbearable" (366).

is difficult to think of criminal liability when an action is cast as an accident, especially one that results primarily from the desperation of those who are ready to risk everything, even their lives, for refuge or opportunity. Language itself becomes a means of disavowing responsibility and accountability—a site where migrants die or disappear once again.

The regime of impunity surrounding migrant deaths and disappearances has recently been challenged, however, to address questions of state responsibility and legal accountability. For example, in a 2017 report submitted to the UN General Assembly, Agnes Callamard, the then UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, argued that border deaths are "extrajudicial killings" (2017, 21). Criminal liability for these deaths, according to Callamard, lies not only with individuals such as smugglers and border control agents but also with states that have adopted "policies based on deterrence, militarization and extraterritoriality" (6). Another crucial effort in this regard is the dossier submitted in 2019 by two lawyers, Omer Shatz and Juan Branco (2019), to the International Criminal Court in order to hold the member states of the European Union accountable for border control policies in the Mediterranean and to prosecute them for "crimes against humanity." Along these lines, several scholars and humanitarian practitioners have also adopted the legal concept of "forced disappearances" and argued that border control practices such as detention, deportation, and pushbacks are comparable to the strategies of deterrence, control, and terror that military dictatorships deployed to make dissidents "disappear" and deprive them of legal protections and rights.[6]

The aforementioned approaches have strategically mobilized the resources of international criminal and human rights law to address the problem of legal accountability in the context of migrant deaths and disappearances. In what follows, I join these efforts to rethink border deaths as "state crimes" and adopt "forced disappearance" as a conceptual lens that can help us attend to the different kinds of violence inflicted by lethal border policies (Cetti 2014, 5). As different from existing approaches, however, I do not use "forced disappearance" only in a juridical sense but also attend to the phenomenological resonances of this term in order to examine political, social, and ontological forms of forced invisibility and nonexistence that cannot be captured easily from a legal perspective. In fact, once reconsidered phenomenologically, "forced disappearance" urges us to think about existing legal frameworks, including human rights norms, much more critically, particularly to understand their limitations in providing migrants with robust guarantees of protection against arbitrary state violence. As the ruling of the judge in the Tarajal massacre highlights, law itself often participates in the justification of the violence that state agents use against migrants, sets obstacles to assigning responsibility for migrant deaths and disappearances, and leaves migrants in a condition of rightlessness in life and

---

[6] Robin Reineke (2016) highlights that the families of disappeared migrants from Latin America use the term "*los desaparecidos*" and draws attention to the historical connections that the term invokes between disappeared migrants and the enforced disappearances that occurred throughout the second half of the twentieth century in Latin America. Making a similar argument, Emilio Distretti (2020) suggests that framing migrant deaths as "enforced disappearances" is an important move for assigning legal accountability to states. Estela Schindel (2020) makes a case for using this term for migrant deaths and disappearances in the Euro-Mediterranean region.

in death. Law's own complicity in the reproduction of a regime of impunity surrounding migrant deaths and disappearances urges us to critically examine law itself as a site of forced disappearance especially for racialized migrants.

II. Forced Disappearance: A Legal and Phenomenological Analysis

The term "forced disappearance" entered the human rights vocabulary particularly in the wake of the crimes committed by the military-authoritarian regimes of Latin America in the 1970s and 1980s. It refers to

> the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. (OHCHR n.d.)

While forced disappearance is often associated with extrajudicial killing and arbitrary detention, it cannot be reduced to either. In some cases, there might not be any killing, and the condition of rightlessness generated by forced disappearance exceeds the problem of arbitrary detention. As Andrew Clapham and Susan Marks (2005) highlight, forced disappearance exposes its victims to "*the possibility* of being seriously harmed or ultimately killed," and that possibility results from the loss of legal status, expulsion from political community, and banishment to "a limit zone between life and death" (131–32; emphasis in the original).

It is in this sense that we can speak of forced disappearances in the case of border control practices such as the interception of migrant boats in the Mediterranean by European states and the return of migrants to detention centers in countries such as Libya. Such practices place these migrants outside the protection of the law, make it difficult to locate their whereabouts, and put them at risk of injury and death. Given the crucial importance of language in shaping what we see and how we see, 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.[7] It also allows us to consider the crimes and harms of border control policies beyond the migrants directly affected by them. In cases of forced disappearance, "victim" is defined not only as the disappeared person but anyone "who has suffered harm as the direct result of an enforced disappearance," which would allow migrants' families, among others, to demand investigations and seek restitution and reparations (OHCHR n.d.).

---

[7] "Missing migrants" is the euphemism preferred in international circles, as it is used by major organizations such as the International Organization for Migrants and the International Committee of the Red Cross.

By reframing border deaths as forced disappearances, my goal is not, however, to use this term only in its legal sense, as others have successfully done.[8] I suggest that we rethink the term primarily in a phenomenological sense to inquire into why forced *disappearance* amounts to *non-being* (in legal, political, social, and even ontological ways) and how racial schemas govern the field of perception in a world of borders. Moreover, rather than appealing to law for the resolution of the problem, I argue for the need to approach existing legal frameworks critically. As Clapham and Marks (2005) underscore in their account of forced disappearance, "the reassertion of rights is insufficient unless accompanied by efforts to investigate the ways in which law may have helped to make possible the deprivation of rights in the first place" (122). In the case of migrant deaths and disappearances, it is ultimately law that has to settle whether state agents have used violence legitimately or arbitrarily, proportionately or excessively in enforcing the borders of the state. Each time courts of law declare violence wielded in the name of border control to be a legitimate enactment of sovereign power, they also become complicit in the perpetration of that violence with impunity. In thinking about law critically, I aim to draw attention to how the *force* involved in "forced disappearance" is often authorized by law.

To unpack these points briefly, a phenomenological perspective anchors itself in the world of appearances (*phainómena*, "things appearing to view") and emphasizes the interchangeability of "being" and "appearance" for living, embodied, sensing beings (Rockmore 2017, 68; Schuhmann 2012, 675). As Hannah Arendt (1978) strikingly puts it, "just as the actor depends upon stage, fellow-actors, and spectators, to make his entrance, every living thing depends upon a world that solidly appears as the location for its own appearance, on fellow-creatures to play with, and on spectators to acknowledge and recognize its existence" (21–22). Arendt's observation does not simply have epistemological consequences, highlighting how our sense of the reality of the world ultimately depends on the assurances we receive from other living things that what we perceive is also perceived by them and hence real. It also has crucial political and normative implications in its suggestion that living things appear to each other with the anticipation of eliciting from fellow creatures an acknowledgment of their distinctive existence. From a phenomenological perspective, the world is an "intermundane space (*l'intermonde*)," to use Maurice Merleau-Ponty's ([1964] 1968) term, "where our gazes cross and our perceptions overlap" (48). This inter-subjectivity, or more precisely, inter-corporeality, is an ineliminable dimension of the constitution of the world, and it is the *sine qua non* of our being/appearing in this world.

In foregrounding the world of appearances as the primary site of inquiry, phenomenology also draws attention to the *conditions* of perception, including the social norms, historical contexts, and relations of power that continuously shape what we perceive and how we perceive.[9] Fanon's work deserves attention for its critical attention to the conditions under

---

[8] Please see footnote 6 for the arguments of Distretti (2020), Reineke (2016), and Schindel (2020). For the legal argument, see also Alonso Gurmendi (2019) and John Washington 2021.

[9] More recently, the term "critical phenomenology" has been used to describe efforts to examine "the constitutive social, political, psychological, economic, historical, and cultural dimensions of the phenomena under investigation" (Weiss 2018, 233). On the convergences and tensions between phenomenology and critical theory, see especially Gayle Salamon (2018).

which some living beings are banished from the inter-corporeal world of co-appearance and co-perception described above. For example, in his account of the racial schemas that permeate the field of perception, Fanon ([1952] 2008) emphasizes how "the white gaze" unmakes the reciprocity or inter-subjectivity that Merleau-Ponty deems to be implicit in the very fact of belonging to a world in which every living being is both a sentient subject and a sensed object (90).[10] Racialized bodies targeted by "the white gaze" are reduced to phobic objects on the basis of negative representations attached to the color of their skin. Turned into thing-like entities bereft of any living presence, their appearance in the world is received and judged through racial schemas that deny to them the possibilities of individuating themselves through their interactions with the world and other embodied, sentient subjects. Within a racist social order, racialized embodiment is a form of visibility (even hyper-visibility) that is simultaneously an enforced invisibility to the extent that the meaning of one's appearance/being is already determined before one does or says anything.[11] As I discuss below, border control policies that generalize about racialized others (e.g., "sub-Saharan Africans") and render them ineligible for freedom of movement result in "forced disappearance" in this more phenomenological sense: they make their targets vanish not only from a juridico-political stage but also from a world in which they can elicit from others a "tacit acknowledgment" of their distinctive existence (Arendt 1978, 46).

This kind of violence is not accidental or incidental but rather endemic to systems that hierarchically stratify the living, and it is often sanctioned by law. As Fanon's ([1961] 2004) analysis of French colonialism in Algeria makes it clear, within a social order in which racialized violence has become routinized, law itself is often reduced to a seal of approval (50). This conclusion can be extended to border deaths, as courts tend to uphold territorial sovereignty as a sacrosanct principle and shift culpability to migrants themselves for crossing borders without prior authorization. Rethinking border deaths as "forced disappearances" then also urges us to examine the ways in which law itself enables, condones, and legitimizes lethal violence enacted in the name of border control. Working with this phenomenological understanding of "forced disappearances," I turn below to Fanon's analyses of colonialism, racism, and legalized violence in order to discuss the regime of impunity surrounding border deaths.

III. Colonial Partitions and the Politics of Immobilization

Fanon's ([1961] 2004) account of colonialism, particularly in *The Wretched of the Earth*, brings to view the spatial configuration of "a compartmentalized world" that colonial domination engenders. "The dividing line, the border" between the colonist sector and the colonized sector installs an "apartheid," immobilizing the colonized and making sure that they "remain in [their] place and not overstep its limits" (3, 15). This border

---

[10] For the reciprocity implicit in sensing and being sensed, see Merleau-Ponty ([1964] 1968, 130–55).

[11] For an account of why racialized hyper-visibility amounts to a form of invisibility from Fanon's phenomenological perspective, see George Yancy (2005, 226–27).

establishes a relationship of "mutual exclusion" between the sectors of the colonists and the colonized, as it gives rise to fundamentally different socioeconomic, juridical, and normative orders (4). The colonist's sector is one of affluence and extravagance, parasitic on the dispossession and destitution of the colonized. Besides this socioeconomic disparity, the border introduces us to "the barracks and the police stations" that maintain colonial rule (3). The police or the military become direct enforcers of law under colonialism, without any intermediaries between "the exploited and the authorities," and they deploy "a language of pure violence" in order to keep the colonized under control (4).

Colonialism, for Fanon, transforms the subjects over whom it rules into rightless entities who can be subject to arbitrary rule and violence with impunity. It does that by establishing "a Manichean world" in which the colonized symbolize "absolute evil" and are declared "impervious to ethics" ([1961] 2004, 6). Since the colonized subjects do not belong to the same normative order with the colonizers, they "can be arrested, beaten, and starved with impunity;" moral principles such as "human dignity" are completely emptied of their meaning within this context (9). Even the most extreme forms of violence such as torture are legalized and normalized under these conditions; torture becomes, in effect, "a fundamental necessity" and "a way of life" under colonialism ([1964] 1967, 66). The colonial juridical order does away with the fundamental rights and basic protections associated with the rule of law, and it instead elevates "lawlessness, inequality, and multiple daily murder of humanness" to the status of "legislative principles" (2018, 434). Within this normative universe, even the massacres of the colonized subjects will not arouse any moral indignation ([1961] 2004, 47).

Fanon's account of colonialism can provide crucial insights into the violent practices that contemporary border control policies entail (Proglio 2021). His analysis assumes a critical force especially in the wake of recent scholarship that has challenged the tendency to trace the origins of border control to the rise of the modern nation-state and urged us instead to look to the practices of immobilization and forced displacement that accompanied histories of slavery, colonialism, and imperialism.[12] More specifically, 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."

To revisit the Spanish-Moroccan border introduced at the outset of the article, Ceuta and Melilla, two Spanish enclaves located in North Africa, are the only land borders between the European Union and the African continent. These borders are heavily militarized especially because of the desire to maintain a racialized partition that is quite similar to the one under colonialism. In an interview with CBS (2019), a Spanish border

---

[12] For a critical overview of the connections between contemporary migratory phenomena and colonial histories, see Lucy Mayblin and Joe B. Turner (2021). For an illustration of these connections, see Gurminder K. Bhambra's (2017) study of Europe's response to the 2015 "refugee crisis," which underscores the need to examine the entanglements of Europe's cosmopolitan project with its colonial and imperial histories. See also Radhika Mongia's (2018) analysis of migration control debates and policies within the British Empire for a genealogical account that uncovers the colonial origins of contemporary migration control technologies such as passports.

control officer confirms this desire, as he explains that the border marks "the difference between the Third World and the industrialized world." Characterizing "the Third World" in terms of an absolute lack (of hope, food, and future) and Europe as a space promising "future, democracy, and liberty," he reproduces the Manichean framework that Fanon criticized, overlooking that the prosperity of Europe entails the impoverishment of "the Third World" and that the border he guards can only be maintained through the day-to-day violation of democratic principles propounded by Europe.

The Spanish-Moroccan border also shows how contemporary migration control interweaves colonial techniques of immobilization that Fanon examined—policing, barbed wire—with new technologies such as motion sensors, heartbeat detectors, and cameras tracking body heat (CBS 2019). But the technological sophistication should not detract us from the cruel intentions built into the border fences in Ceuta and Melilla, manifested powerfully by their design. These three six-meter-high fences, equipped with anti-climbing grids, are "topped with barbed wire or even coils of razor blades," which can cause injuries and death; in one case, a Senegalese migrant died due to a pierced artery (BBC 2018). The razor wire used in these fences is known as Concertina wire because it can be spooled like the small, accordion-like instrument it is named after. It is designed to terrorize, maim, disfigure, and kill, as callously advertised by one of the manufacturers: "Concertina wire has sharp blades which can slice deep into your flesh and cause fatal injuries sometimes" (HB Jinshi., n.d.). Spain's socialist government declared in 2018 their intention to replace the razor wire with other measures that "are less bloody and more respectful of the integrity of the people," according to a statement of the Spanish Interior Ministry (Hattam 2018). But even that declaration, moved by a purportedly humanitarian concern, stands as an unwitting admission that the European borders cannot be permanently sealed without violence; "less bloody" measures, after all, are not altogether bloodless.

Just like the colony in Fanon's analysis, the Spanish-Moroccan border is placed under the lawlessness of an arbitrary military-police rule; as I discuss in the last section, to the extent that this lawlessness is legally regulated and sanctioned, it should not be understood as the absence of law altogether. The *Guardia Civil*, Spain's para-military police force, cooperates with the Moroccan border guards to block migrants particularly from "sub-Saharan Africa" from entering Europe. Routinized violence that migrants face in the hands of Spanish and Moroccan officers—e.g., beating migrants with truncheons and wooden sticks, shaking the fence to force migrants to fall down, forcefully expelling even injured migrants who need medical assistance—have been extensively documented through video footage, migrants' testimonies, and investigations by various organizations.[13] As Fanon's ([1964] 1967) account of colonialism reminds us, such acts of violence should not be seen as exceptional or incidental (66). Just as in the colony, within the context of contemporary border control, even the most extreme forms of violence—including those that amount to torture—have been routinized as a necessary component of keeping racialized others in their place.

---

[13] See, for example, Council of Europe: Committee for the Prevention of Torture (2015).

Fanon's work urges us to understand forced disappearance beyond its legal sense in order to attend to practices that render certain categories of living beings superfluous, justify or disavow the violence inflicted upon them, and cast their deaths as foreordained (hence unnoteworthy) incidents. I draw this conclusion from Fanon's ([1961] 2004) claim that the colonized can be subject to violence with impunity because their lives are deemed to be of no substance: "You are born anywhere, anyhow. You die anywhere, from anything" (4). Because they are perceived to lead lives that seem to lack "the specifically human reality," to use a phrase from Arendt ([1951] 1968), they can be injured and killed with impunity (192). There was no "death" to be noted, accounted, mourned, and remembered since there was no "life" worthy of living, to begin with.[14] Moving to the migration context, ordinary forms of violence that racialized migrants routinely face do not elicit any attention because they are perceived as destitute bodies reduced to mere existence. The lives they had in their countries of origin are deemed to lack those elements or traits characterizing a truly "human" life, according to the racialized images of "the Third World," particularly "Africa," as a place of absolute deprivation, devastation, and precariousness (Mbembe 2017, 48–53). Their dangerous journeys to Europe are taken to be an incontrovertible attestation to their desperation, and if they happen to die on their way, their deaths do not elicit any recognition or outrage because such perils are considered to be intrinsic risks of their own wretched lives. There may be some exceptions to this general trend, as we see, for example, in the case of shipwrecks with large numbers of fatalities spectacularized by the media. But any atrocity that cannot be spectacularized remains invisible within this framework, often normalized as an inescapable, albeit tragic, consequence of an inherited and insurmountable destitution. That invisibility, even when it does not amount to extrajudicial killing or torture, also deserves to be described as a form of forced disappearance, phenomenologically speaking. If all living beings are in need of others who can testify to their appearance/being in the world, various forms of legal, political, social, and cultural non-recognition that attend the deaths and disappearances of racialized migrants consign them to a state of oblivion, as if they have never appeared on the face of this earth.

IV. Racial Schemas as Conditions of Forced Disappearance

How is it possible for human beings to be turned into rightless entities to be maimed and annihilated with impunity? Fanon's ([1961] 2004) answer to this question can be found in his analysis of racism as an organizing principle of colonialism: "Looking at the immediacies of the colonial context, it is clear that what divides this world is first and foremost what species, what race one belongs to" (5). Racism is a ruling device that puts the humanity of colonized subjects into question, often animalizing them with "zoological" references (7). It also suspends their status as living beings inhabiting a world characterized by interrelatedness

---

[14] See Judith Butler (2009) for the argument that "specific lives cannot be apprehended as injured or lost if they are not first apprehended as living" (9).

or inter-subjectivity, as it exposes them to a "suffocating reification" (Fanon [1952] 2008: 89). Phenomenologically speaking, embodied beings are not only sensed objects but also sentient subjects actively interacting with and responding to the world around them and other embodied beings. Within a racist social order, however, bodies at the receiving end of the "white gaze" are reduced to mere objects to be looked at through the racialized schemas that affix negative, mythologizing, and deindividuating representations to the color of their skin (Ngo 2017, 64–65). Regardless of what they do or say, they are perceived as "phobogenic" objects that exist solely for the gaze of the (white) other (Fanon [1952] 2008, 129). Building on Fanon, I suggest that border control policies occasion "forced disappearance" also because they hold racialized migrants captive to "a *visible appearance* for which [they are] not responsible" (18; emphasis in the original). Every move of these subjects is perceived as suspicious on the basis of "solely negating" representations that predetermine the meaning of their existence and deny to them any possibility of responding to the world and individuating themselves through their actions (90).

Fanon examines the devastating effects of racism on the subjects who experience it on a daily basis by revisiting the key assumptions that phenomenologists make about the body schema. "Body schema" denotes a pre-reflective sense of one's body and its capacities in relation to the world. As theorized by Merleau-Ponty ([1945] 2012), the concept foregrounds a reciprocal relationship (i.e., "co-existence" or "communion") that exists between the body and the world (221): it is my situatedness in the world that allows me to have a sense of the powers and coordinates of my body, and it is my body that orients me to the world, allows me to perceive it, and endows me with a "habitual knowledge" of it (247).[15] The body that we encounter in Merleau-Ponty's account of the body schema seems to be truly at home in the world: it navigates its environment with ease, maintains its stability and unity in its dynamic interactions with the world, and summons its powers in response to the possibilities opening within its perceptual field. Only in the pathological cases that Merleau-Ponty discusses do we see a disruption of the kind of bodily awareness, coordination, and synthesis that he associates with the body schema. Fanon ([1952] 2008) has this phenomenological understanding of the body schema in mind as he gives the following example illustrating the pre-reflective and effortless movements of a body engaging in an everyday activity:

> I know that if I want to smoke, I shall have to stretch out my right arm and grab the pack of cigarettes lying at the other end of the table. As for the matches, they are in the left drawer, and I shall have to move back a little. And I make all these moves, not out of habit, but by implicit knowledge. (90–91)[16]

[15] For an explication of Merleau-Ponty's concept of "body schema," see Taylor Carman (2020, 100–04).

[16] Fanon's example is very similar to the one that Merleau-Ponty ([1945] 2012) gives in *Phenomenology of Perception*, as he describes the pre-reflective and non-discursive awareness of his own body as he stands in front of his desk and holds his pipe (102).

The example is followed by a brief summary of Jean Lhermitte's argument in *L'image de notre corps*, which was a crucial source for Merleau-Ponty: the body schema denotes "a slow construction of myself as a body in a spatial and temporal world," one that is "not imposed on me" from the outside but rather formed through "a genuine dialectic between my body and the world" (Fanon [1952] 2008, 91).[17]

Fanon takes issue with the generalizing assumptions that phenomenologists make about the body schema, as he examines how racism obliterates the mutually reinforcing relationship between the body and the world and points out that "[i]n the white world, the man of color encounters difficulties in elaborating his body schema" (90). To illustrate these difficulties, he recounts an encounter he had on the train with a little white boy who pointed to him and shouted to his mother in fear—"Look, a Negro! *Maman*, a Negro!" (91). The boy's frightened call to his mother interrupts Fanon's first-person experience of the world as a living, embodied subject, as it locks him out of the world and into his body, or more specifically, into an artificially constructed and denigrating representation of his body. As Fanon becomes aware of his own body through the third-person perspective of the white other, he finds his body torn asunder and pulled in different directions by its embodied experience of the world, the racist representation imposed on it forcefully from outside, and his own internalization of that representation.[18] If the body is supposed to be "an expressive unity" (Merleau-Ponty [1945] 2012, 213)—coordinating movements, synthesizing sensory perceptions, and orienting the living being in the world—racism reduces that unity to ruins: "My body was returned to me spread-eagled, disjointed, redone, draped in mourning on this white winter's day" (Fanon [1952] 2008, 93). Fanon's account of the encounter with the white boy highlights how racial schemas permeate even the most mundane forms of sociability, obstruct possibilities of individuating oneself in the eyes of the others, and leave behind fragmented and undone object-like entities that are denied an equal share in the world of the living.

In light of this negating experience of the body within a racist social order, Fanon revises the phenomenological understanding of the body schema with two interrelated concepts: "historical-racial schema" and "epidermal racial schema." In the case of racialized subjects, the experience of the world via the body is significantly shaped and undermined by the mythologized narratives constructed "by the Other, the white man, who had woven me out of a thousand details, anecdotes, and stories" (Fanon [1952] 2008, 91). These artificial constructs, forming the historical-racial schema, make it impossible for racialized subjects to appear as individuals with distinct trajectories and perspectives. They are instead seen as representatives of a "blackness" that is inextricably tied to "cannibalism, backwardness, fetishism, racial stigmas, slave traders, and above all, yes, above all, the grinning *Y a bon Banania*" (92). Fanon's concept of "an epidermal racial schema" points to

[17] For a comparative analysis of Merleau-Ponty's and Fanon's conceptions of "body schema," see Dilan Mahendran (2007).

[18] Fanon's ([1952] 2008) declaration that "I existed in triple" underscores the fragmented experience of the body schema by racialized subjects (92). Lisa Guenther (2019) identifies the three subjects arising from this fragmentation as follows: "a living, embodied subject of experience; a degraded artifact of white history; and a third being whose skin is formed both in and against a white mask" (200).

the ways in which these historical representations become naturalized as they are affixed to the skin color. As Jeremy Weate (2001) puts it, "[t]he epidermal marks the stage where historical construction and contingency is effaced and replaced with the facticity of flesh" (174). "Epidermalization," for Fanon, captures "the inscription of race," understood as a biological or genetic fact, "on the skin" (Hall [1996] 2021, 342).[19]

Fanon's ([1952] 2008) account of the historical and epidermal racial schemas suggests that one of the key harms of racism is "reification," or being reduced to the status of thing-like entities on the basis of enduring phantasmic images produced by the white imaginary (89). Such objectification can also be understood as a form of "forced disappearance"—one that severs living beings from their embodied experiences of the world, holds their bodies captive to racist representations, and denies them any possibility of individuating themselves through a reciprocal engagement with the world and other living beings. To unpack this point, appearance and being are interchangeable from a phenomenological perspective, as discussed earlier; we become who we are as our appearance in the world is received and acknowledged by others who are also living, embodied subjects. But Fanon's account of racism highlights how appearance can also amount to a form of disappearance when its meaning is already given on the basis of racializing and racist schemas; in that context, one's "*appearance* undermines and invalidates all his actions" (189; emphasis in the original). George Yancy (2008) clarifies Fanon's point, as he points out how the racist gaze locks the Black body into its exterior, hyper-visible surface and reduces it to "a single black thing, unindividuated, threatening, ominous, *Black*" (861). Objectification renders "the very material presence" of the Black body "superfluous," as Yancy (2014) argues, assigning it a pre-determined, fixed meaning and refusing to see it in any other way (57).[20] Because the racist gaze stops at the very surface of a body and marks that surface with a stigma, it makes it impossible for those at its receiving end to appear in their distinctness (Mahendran 2007, 201; Schmitt 1996, 42). Objectification makes the living body of the embodied subject disappear from the face of the earth, in other words, and leaves in its place a figment of the white imagination.

How do we rethink racism in relation to border controls that have given rise to increasing numbers of deaths and disappearances? The history of immigration controls is notoriously racist, as illustrated by infamous examples such as the 1882 Chinese Exclusion Act in the United States, the 1901 "White Australia" policy, and the 1962 Commonwealth Immigrants Act in Britain (Fine 2016). It is tempting to think that the current system of passports and visas, working with the purportedly color-blind criterion of "nationality," is a far cry from these old policies that explicitly discriminated on the basis of "race" and "ethnicity." But as Fanon ([1964] 1967) reminds us, racism continuously reinvents itself and takes "more refined" forms especially in contexts where "vulgar, primitive, over-simple" forms of racism, which are "genotypically and phenotypically determined,"

---

[19] "Epidermalization" also denotes the Black subject's internalization of the racist representations of Blackness (Fanon [1952] 2008, xv).

[20] Alia Al-Saji (2010) makes a similar argument about why hypervisibility of racialized subjects entails invisibility in her analysis of veiled Muslim women: "Racialized bodies are not only seen as naturally inferior, they *cannot be seen otherwise*" (885; emphasis in the original).

cannot be as easily maintained (Fanon [1964] 1967, 32). Within the migration context, "nationality" continues to function in ways that are very similar to "race" and "ethnicity" in constructing "whiteness" as a privileged status granting its beneficiaries unhindered access to mobility and relegating racialized others to a status of "illegality" (Mendoza 2016).[21] Technologies that are used to enforce border controls are not race-neutral either. New forms of epidermalization are introduced with "smart" border controls that incorporate biometric databases (of fingerprints, facial traits, DNA, iris and retinal scans, etc.), algorithmic assessments of risk and threat, thermal imaging, gesture and gait recognition technologies, and drone surveillance.[22]

The racialized partition of the world, instituted by contemporary immigration policies and technologies, highlights that the historical and epidermal racial schemas that Fanon examined permeate the border as a perceptual field. Within the debates on migration in Europe, these schemas can be detected in the imagery of a "civilization" under threat by "savage" hordes on the move. Take, for example, the recent use of the term "*ensauvagement*," which can be translated as "becoming savage," within the French political circles. It was Marine Le Pen, the leader of the far right National Rally (formerly known as the National Front), who popularized this term to draw an association between an alleged rise in crime and "mass migration" (Lichfield 2020). In July 2020, the term moved to the mainstream, as the French Interior Minister, Gérald Darmanin, used it in the wake of a series of violent crimes that involved the youth from the *banlieues* (Berdah et al, 2020). The savage/civilized dichotomy at work in this recent political debate highlights that the mythologized narratives about "Blackness" have not ceased to exist with the formal end of colonialism. They continue to represent Black bodies as an undifferentiated mass, reduce them to phobic objects, and make it impossible for them to appear in their distinctness.

In many respects, *ensauvagement* names the racial anxieties that drive the border control policies of Europe and mark Black bodies as inherently threatening in ways reminiscent of the train scene recounted by Fanon ("Look, a Negro! Maman, a Negro!"). It captures the desire to close off the continent to migrants from African countries. This desire is manifest in the various cooperation schemes that the European Union (EU) devised in order to outsource migration control. Particularly since the 2015 Valetta Summit, which established the EU Trust Fund for Africa, the EU has been providing financial assistance to African countries in return for their cooperation in migration control. The EU and its member states have also signed bilateral agreements with countries such as Morocco, Libya, Mauritania, Nigeria, Senegal, and Ethiopia.[23] These efforts are often presented in a humanitarian light, as if the goal was to stop human trafficking and smuggling and

---

[21] Mongia (2018) highlights that "nationality" was introduced as "an alibi for race" within the debates on migration in the British Empire (136). For a phenomenological account of racialized experiences of motility and mobility, see Sara Ahmed (2007).

[22] For an analysis of how biometric immigration control operates in a racialized manner, see Simone Browne (2010). Tamara Vukov (2016) makes a similar argument about border control technologies that track and inscribe race through the use of biometrics and algorithms.

[23] See, for example, a list of the various migration cooperation arrangements at EU Trust Fund for Africa (n.d.).

protect human lives and rights. That framing conveniently overlooks how such cooperation schemes have criminalized most migration from Africa to Europe, created trafficking and smuggling businesses, and led to the use of more dangerous routes. These schemes, euphemistically defined as "mobility partnerships," aim to immobilize migrants from "sub-Saharan Africa" in particular, as can be seen in the agreement that the European Union signed with Morocco in 2013. The partnership aims, among other things, to support Morocco "in implementing the return of third-country nationals, for the most part sub-Saharan Africans" (European Commission 2013, 19).

Within the European debates on migration, "sub-Saharan Africa" operates as a code phrase inextricably entangled with the colonial imagery of the "Dark Continent." Far from a race-neutral, geographical designation, the term lumps together all of the countries in the African continent despite their numerous differences and excludes only the countries in North Africa whose inhabitants are perceived to be closer to whiteness (Ball, Lefait, and Maguire 2021, 5). Fanon's account of racialized embodiment underscores the need to understand forced disappearance in relation to such racial schemas that immobilize migrants on the basis of reifying representations about who they are and where they come from. Turning borders into "dead spaces of non-connection" and "impassable places" (Mbembe 2019, 99) for racialized migrants, these representations make it impossible for them to appear with their individual life stories and distinct rights claims, as I discuss further below.

V. Law as a Site of *Forced* Disappearance

Phenomenology, as exemplified by Fanon's critique of colonialism and racism, can help us attend to the different kinds of injury ensuing from forced disappearances within the context of border control. Differing from the earlier sections that focused more on unpacking the meaning of "disappearance" in the term "forced disappearance," this final section turns to "force" to understand how law endows racialized violence with an aura of legitimacy. To this date, domestic and international courts have, for the most part, reaffirmed sovereign justifications of violence wielded in the name of border control and shifted culpability from states to migrants crossing borders without prior authorization. Purportedly acting in a color-blind fashion, they have also turned a blind eye to racialized attributions of this culpability, as they have insisted on authorized border-crossing as a condition of eligibility for rights and disregarded the de facto impossibility of such authorization in the case of migrants from certain regions and countries.

Fanon's reflections on law under colonial rule offer critical insights into its complicity in the justification of racialized violence. In describing the crimes committed by colonial authorities, Fanon (2018) argues that they are "irremediably outside the law" (621). But this lawlessness should not be understood as a problem arising from the absence of law altogether. Instead, Fanon ([1964] 1967) draws attention to the monstrous peculiarities of colonial law itself as a mechanism that condones routinized perpetration of atrocities such as torture: "The police agent who tortures an Algerian infringes no law. His act fits

into the framework of the colonial institution" (Fanon [1964] 1967, 71). Fanon ([1961] 2004) draws attention to this legally tolerated regime of lawlessness also in his critique of the commissions established to investigate the crimes committed by colonial authorities: "In the eyes of the colonized, these commissions do not exist. And in fact, soon it will be seven years of crimes committed in Algeria and not a single Frenchman has been brought before a court of justice for the murder of an Algerian" ([1961] 2004, 50). This statement highlights how law participates in the production of a regime of impunity in which the colonizer is in effect exculpated of any wrongdoing.

For Fanon, colonial law is "a form of violence that legalizes, a form of legality that imposes violence," as Gary Boire (1999) aptly puts it (588). To unpack this somewhat puzzling point, we can recall that, even within a non-colonial context, it is ultimately law that delineates the line between legitimate "force" enacted by state agents and illegitimate "violence" perpetrated by non-state actors, and it is again law that determines what would be an "excessive" or "disproportionate" use of force by state agents. Within a colonial context, law makes these determinations often without the conventional norms and principles associated with the rule of law (e.g., equality before the law, impartial application of the law). For example, in April 3, 1955, France declared in Algeria a state of emergency (renewed in 1956), justifying it as a response to the increase in bombings by the F.L.N. (*Le Front de libération nationale*), the main nationalist actor in the Algerian anti-colonial struggle. Law No. 55–385 allowed civil liberties to be suspended, removed restrictions on police power, and effectively sanctioned the routinized practice of torture in Algeria (Boire 1999, 587). This historical context illuminates Fanon's distrust of legal procedures within the colony and illustrates that the regime of lawlessness within the colony is paradoxically maintained by law itself.

While colonial law exempts the colonizer from any culpability, it also presumes the colonized to be always "guilty" (Fanon [1961] 2004, 16). This presumption is justified on the basis of racist narratives such as "the North African criminality" thesis that depicts "the North African" as biologically disposed to criminality, impulsiveness, and aggressiveness (223). Within this pseudo-scientific theory, these traits were characterized as congenital defects tied to the underdevelopment of the cortex—a presupposition that reduces "the normal African" to "the lobotomized European," according to Fanon (227). Colonial law sanctions this "racial allocation of guilt," as it recognizes the colonized as legal subjects only to attribute criminal liability to them (Fanon [1952] 2008, 83).[24] As a result, the colonized are relegated to a "negative personhood" (Dayan 2011, 42); they are denied law's protective elements such as the presumption of innocence and stand before it as always-already suspect and ineligible for rights. To the extent that colonial law works with racial schemas, it engages in the kind of reification that Fanon criticizes in *Black Skin, White Masks*: it turns racialized subjects into phobic objects to be surveilled, disciplined, and punished. Reproducing the white gaze, colonial law participates in "forced disappearance" in a phenomenological sense, as it makes the colonized vanish as living, embodied subjects

---

[24] As Al-Saji (2020) points out, Fanon's account highlights how colonialism disavows its own guilt and projects it onto the colonized (212).

and leaves in their place the negating, dehumanizing representations produced by the white imagination.

Law operates in a quite similar fashion within the migration context, as exemplified by the 2020 ruling of the European Court of Human Rights in the case of *N.D. and N.T. v Spain* (ECtHR 2020). This case concerns the "pushback" of two migrants, N.D. from Mali and N.T. from Ivory Coast, by Spain to Morocco. N.D. and N.T. were part of a group of around six hundred migrants who tried to cross the Spanish-Moroccan border through the border fence in Melilla in August 2014. They succeeded in doing so, but the Spanish authorities immediately returned them to Moroccan authorities, without conducting any identification procedures or any assessment of their individual circumstances. The question before the Court was whether Spain violated the prohibition against collective expulsion and the right to effective remedy by depriving these migrants of the means to challenge their immediate return. In 2017, a Chamber of the ECtHR found violations on both counts, but then the case was referred by Spain to the Grand Chamber, which delivered a troubling ruling in February 2020. The Spanish pushback did not amount to a human rights violation, the Court concluded, because it was the applicants themselves who "placed themselves in an unlawful situation" as they "chose not to use the legal procedures . . . to enter Spanish territory lawfully" (§242). With this move, the Court created a disturbing exception and declared that only those migrants who entered a territory lawfully should expect protections against collective expulsion and access to effective legal remedy. The Court's decision sanctions the rightlessness of migrants who cross borders without prior authorization, as it announces that their culpability disqualifies them from entitlement to human rights.

But the ruling is much more sinister in that it sanctions "racialized rightlessness," in Cacho's (2012) terms, in ways that bear disturbing resemblances to the functioning of law under colonial rule, especially when it comes to assumptions about culpability. In the guise of targeting conduct, the Court targets status; anyone who enters the European space without prior authorization is rendered an "unlawful" being, declared ineligible for rights (9). Within the context of the Spanish-Moroccan border control, "unlawfulness" is a racialized status that disproportionately befalls migrants from "sub-Saharan Africa" who are systematically denied access to legal entry procedures. This problem was even acknowledged by the representative of the United Nations High Commissioner for Refugees, Grainne O'Hara, who testified during the court proceedings that access to legal avenues is in practice available to only persons from the Middle East and North Africa and "virtually impossible for sub-Saharan Africans" (Forensic Architecture 2020).

Paying no heed to the overwhelming evidence documenting this problem, the Court instead presented the applicants as unreasonable subjects who could not produce "cogent reasons based on objective facts" for not following the legal procedures for entering Spain (European Court of Human Rights 2020, §229).[25] Lurking beneath that seemingly color-blind reasoning were the racialized assumptions about disposition to law-breaking,

---

[25] For the Court's insistence on such "cogent reasons," see also European Court of Human Rights 2020, §§210, 211, 218, and 220.

aggressiveness, and impulsiveness—not unlike the assumptions that underlie "the North African criminality" thesis criticized by Fanon, albeit this time attributing culpability to "sub-Saharan Africans":

> In the light of these observations, the Court considers that it was in fact the applicants who placed themselves in jeopardy by participating in the storming of the Melilla border fences on 13 August 2014, taking advantage of the group's large numbers and using force (European Court of Human Rights, §231).

That conclusion, in its deceptively measured tone, calls into question the rationality of the migrants who would rather climb three fences, risk being injured by razor wire, and expose themselves to violence by border guards instead of completing the legal paperwork for asylum. Abou Baker Sidibé, a refugee from Mali and a filmmaker, questions that stupefying reasoning, as he responds to the claim that these migrants could have simply applied for asylum at a Spanish consulate such as the one in Nador: "When I hear such a claim . . . I can't stand it! It is like making fun of people. *Making fun of the human beings that we are*. We are not even allowed to be in the region of Nador" (Forensic Architecture 2020; emphasis added). As this statement strikingly puts it, just as the colonized did not expect the commissions and courts established by the colonial power to deliver justice, migrants who are regularly subject to racism at the border have no such expectation.

This recent case demonstrates the ways in which law itself becomes a site of forced disappearance in the migration context, rendering racialized migrants ineligible for rights, closing off avenues of redress, restitution, and reparation, and relieving states of any legal responsibility for violent practices of border enforcement. Law is complicit in forced disappearance also in a much more phenomenological sense: reproducing the racial schemas that permeate the perceptual field, it declares nonwhite (especially Black) migrants to be inherently suspicious and culpable. The mere act of crossing a border becomes perceived as a belligerent act that can justify even the most disproportionate use of force by state agents, as illustrated by both the Tarajal case discussed at the outset and the ECtHR case examined in this section. Given this problem, we cannot simply appeal to law to remedy the problem of border deaths. Fanon's analysis highlights that lawlessness was sanctioned by law itself under colonial rule; similarly, the regime of impunity surrounding border deaths has been, for the most part, upheld by existing legal frameworks. Lawlessness, which exposes racialized subjects to violence with impunity, goes hand in hand with a certain form of "hyper-legality" that generates an ever-expanding repertoire of legal formulas invented to evade human rights and the rule of law—even the basic premise of the equality of all persons before the law (Dayan 2011, 190–91). What we need is nothing less than a radical critique that carefully examines how law itself becomes complicit in the racialized governance of borders, and Fanon's work offers crucial insights in this regard as it invites us to think about the numerous ways in which the operations of colonial law resurface within the migration context.

Conclusion

This article makes a case for rethinking Fanon's work in response to contemporary border control policies, particularly the problem of migrant deaths and disappearances. I argued that Fanon's analysis of colonialism, racism, and law provide critical insights into the legal, political, social, and ontological forms of non-existence engendered by racialized migration controls. The term "forced disappearance" offers a critical lens for understanding this problem, especially when reinterpreted beyond its legal meaning and in the light of Fanon's critical engagements with the phenomenological tradition. Fanon's account of racialized embodiment suggests that a much more fundamental type of forced disappearance occurs when racial schemas render nonwhite (especially Black) bodies hyper-visible as phobic objects, deprive them of their living presence as embodied subjects navigating and inhabiting the world with other living beings, and lock them into dehumanizing representations that undermine their efforts to individuate themselves and pursue their distinct life trajectories. Forced disappearance, understood in terms of an objectification inflicted by the white gaze, can also occur in the legal domain that is supposed to be a site of remedy and redress. As Fanon's account of colonialism highlights, the operations of law are not immune to racial schemas and can often reproduce them in its determinations of culpable conduct and entitlement to rights.

One of the most fundamental harms inflicted by the racialized partitions of the world then is the transformation of certain categories of living beings into object-like entities. But Fanon ([1961] 2004) also emphasizes that the success of this operation is by no means certain to the extent it is always subject to contestation by those reduced to the status of things. As he puts it in the context of French colonialism in Algeria, "the colonist achieves only a pseudo-petrification," which is continuously threatened by the resistant acts of the colonized (17). It is the struggles of those subjects who refuse to be reified, petrified, and eradicated that carry the fragile promise of "the birth of a human world, in other words, a world of reciprocal recognitions" ([1952] 2008, 193).

One key example of such "world-building" (Arendt [1958] 1998, 96) are the numerous struggles waged by the families of migrants subjected to forced disappearance by border control policies. We can think of, for example, the several organizations established by the Tunisian families of disappeared migrants (e.g., *La Terre Pour Tous*, *Les Mères des Disparus*) (Souiah 2019). With their sit-ins, demonstrations, and petitions, these families contest the regime of impunity surrounding migrant deaths and disappearances and draw attention to the racialized governance of borders. In a petition submitted to the European Union in 2013, for example, Tunisian families highlight the European border policies that push non-European, non-white migrants to ever more dangerous journeys: "Our sons and daughters . . . left crossing the Mediterranean in the only way allowed to them, namely on small boats, as European policies prevent Tunisians to take a plane or a liner boat with the same freedom allowed to European citizens when they come to our country" (Forum Italo Tunisino 2013). Such efforts also challenge states' efforts to make these migrants disappear without a trace. Pushing states to recognize these migrants as "legal subject[s] with rights that include identification, return, burial, and memorialization," they question

the assumption that those who have been forcefully disappeared are banished from the world of the living—stripped of their presence, agency, belongings, and rights (Rygiel 2016, 549).

To conclude, rethinking border deaths as forced disappearances, with the help of Fanon, draws attention to not only the routinized efforts to immobilize, petrify, and obliterate racialized others but also the struggles that vigorously contest such projects of racialized annihilation. As Achille Mbembe (2017) puts it, we owe to Fanon "the idea that in every human subject there is something indomitable and fundamentally intangible that no domination . . . can eliminate, contain, or suppress, at least not completely" (170). The struggles arising from migrant deaths and disappearances reanimate that ineliminable element through the work of remembrance, endurance, refusal, and resistance. In doing that, they bring to view a world in which every living being can claim an equal share.

Acknowledgments

References

Abad, Rocia. 2015. "Investigation into Death of 15 Migrants on Ceuta Beach Dropped." *El País*, October 16. Accessed February 19, 2021. https://english.elpais.com/elpais/2015/10/16/inenglish/1444983469_974647.html?ssm=TW_CC.

Achiume, E. Tendayi. 2019. "Migration as Decolonization." *Stanford Law Review* 71 (6): 1509–74.

Ahmed, Sara. 2007. "A Phenomenology of Whiteness." *Feminist Theory* 8 (2): 149–68. https://doi.org/10.1177/1464700107078139.

Albahari, Maurizio. 2015. *Crimes of Peace: Mediterranean Migrations at the World's Deadliest Border*. Philadelphia: University of Pennsylvania Press.

Al-Saji, Alia. 2010. "The Racialization of Muslim Veils: A Philosophical Analysis." *Philosophy and Social Criticism* 36 (8): 875–902. https://doi.org/10.1177/0191453710375589.

———. 2020. "Frantz Fanon." In *The Routledge Handbook of Phenomenology of Emotion*, edited by Thomas Szanto and Hilge Landweer, 207–14. Abingdon, Oxon and New York, NY: Routledge.

Alonso, Alexandra Délano, and Benjamin Nienass. 2016. "Deaths, Visibility, and Responsibility: The Politics of Mourning at the US-Mexico Border." *Social Research* 83 (2): 421–51.

Arendt, Hannah. [1958] 1998. *The Human Condition*. 2nd ed. Chicago and London: The University of Chicago Press.

———. 1978. *The Life of the Mind*. Vol. 1. New York: Harcourt Brace Jovanovich.

Ball, Susan, Sébastien Lefait and Lori Maguire. 2021. "From Tarzan to the Black Panther: The Evolving Image of Africa." In *Modern Representations of Sub-Saharan Africa,* edited by Lori Maguire, Susan Ball, and Sébastien Lefait, 1–17. Abingdon, Oxon and New York, NY: Routledge.

BBC. 2018. "Ceuta and Melilla: Spain Wants Rid of Anti-Migrant Razor Wire," June 14. Accessed May 20, 2021. https://www.bbc.com/news/world-europe-44485995.

Beltrán, Cristina. 2020. *Cruelty as Citizenship: How Migrant Suffering Sustains White Democracy*. Minneapolis and London: University of Minnesota Press.

Berdah, Arthur, Jean Chichizola, Christophe Cornevin and Albert Zennou. 2020. "Gérald Darmanin: 'Il faut stopper l'ensauvagement d'une partie de la société,'" *Le Figaro*, July 24. Accessed May 25, 2021. https://www.lefigaro.fr/politique/gerald-darmanin-il-faut-stopper-l-ensauvagement-d-une-partie-de-la-societe-20200724.

Bengoa, Aitor. 2017. "Spain Denied Visas to Relatives of Migrants Drowned in Tarajal Tragedy," *El País*, February 7. Accessed August 9, 2021. https://english.elpais.com/elpais/2017/02/07/inenglish/1486459922_718046.html.

Bhambra, Gurminder K. 2017. "The Current Crisis of Europe: Refugees, Colonialism, and the Limits of Cosmopolitanism." *European Law Journal: Review of European Law in Context* 23 (5): 395–405. https://doi.org/10.1111/eulj.12234.

Boire, Gary. 1999. "Legalizing Violence: Fanon, Romance, Colonial Law." In *Law and Literature: Current Legal Issues*, vol. 2, edited by Michael Freeman and Andrew D. E. Lewis, 581–601. Oxford, UK: Oxford University Press.

Browne, Simone. 2010. "Digital Epidermalization: Race, Identity and Biometrics." *Critical Sociology* 36 (1): 131–50. https://doi.org/10.1177/0896920509347144.

Butler, Judith. 2009. *Frames of War: When is Life Grievable?* London and New York: Verso Books.

Cacho, Lisa Marie. 2012. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press.

Callamard, Agnès. 2017. "Unlawful Death of Refugees and Migrants." United Nations General Assembly, Report No. A/72/335, August 15. https://www.refworld.org/docid/59b923524.html.

Carman, Taylor. 2020. *Merleau-Ponty*. 2nd ed. Abingdon, Oxon and New York, NY: Routledge.

CBS. 2019. "How a Border Wall Works in Melilla, Spain, a Gateway Between Europe and Africa," January 18. Accessed May 20, 2021. https://www.youtube.com/watch?v=SaILY9TG-fQ.

Cetti, Fran. 2014. "Border Controls in Europe: Policies and Practices Outside the Law." *State Crime Journal* 3 (1): 4–28. https://doi.org/10.13169/statecrime.3.1.0004.

Clapham, Andrew, and Susan Marks. 2005. *International Human Rights Lexicon*. Oxford, UK: Oxford University Press.

Council of Europe: Committee for the Prevention of Torture. 2015. "Report to the Spanish Government on the Visit to Spain Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, from 14 to 18 July, 2014," April 9. Accessed May 21, 2021. https://www.refworld.org/country,COI,COECPT,,ESP,,553e4fbc4,0.html.

Danewid, Ida. 2017. White Innocence in the Black Mediterranean: Hospitality and the Erasure of History." *Third World Quarterly* 38 (7): 1674–89. https://doi.org/10.1080/01436597.2017.1331123.

Dayan, Colin. 2011. *The Law Is a White Dog: How Legal Rituals Make and Unmake Personhood*. Princeton, NJ: Princeton University Press.

De León, Jason. 2015. *The Land of Open Graves: Living and Dying on the Migrant Trail*. Oakland, CA: University of California Press.

Di Maio, Alessandro. 2013. "The Mediterranean, or Where Africa Does (Not) Meet Italy." In *The Cinemas of Italian Migration: European and Transatlantic Narratives*, edited by Sabine Schrader and Daniel Winkler, 41–52. Newcastle upon Tyne: Cambridge Scholars Publishing.

Distretti, Emilio. 2020. "Enforced Disappearances and Border Deaths Along the Migrant Trail." In *Border Deaths: Causes, Dynamics and Consequences of Migration-related Mortality*, edited by Paolo Cuttitta and Tamara Last, 117–30. Amsterdam: Amsterdam University Press.

Doty, Roxanne Lynn. 2011. "Bare Life: Border-Crossing Deaths and Spaces of Moral Alibi." *Environment and Planning D: Society and Space* 29 (4): 599–612. https://doi.org/10.1068/d3110.

European Center for Constitutional and Human Rights. 2019. "Case Report: Justice for survivors of violent push-backs from Ceuta." Accessed August 9, 2021. https://www.ecchr.eu/fileadmin/Fallbeschreibungen/Case_Report_Ceuta_April2019.pdf.

El-Enany, Nadine. 2020. *Bordering Britain: Law, Race and Empire*. Manchester: Manchester University Press.

EU Trust Fund for Africa. n.d. Accessed May 31, 2021. https://ec.europa.eu/trustfundforafrica/content/about_en.

European Commission. 2013. "Joint Declaration Establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and its Member States," June 3. Accessed March 14, 2022. https://data.consilium.europa.eu/doc/document/ST-6139-2013-ADD-1-REV-3/en/pdf.

European Court of Human Rights. 2020. *N.D. and N.T. v. Spain* [GC]. App. nos. 8675/15 and 8697/15, February 13. Accessed June 1, 2021. https://hudoc.echr.coe.int/spa#{%22itemid%22:[%22001-201353%22]}.

Fanon, Frantz. [1952] 2008. *Black Skin, White Masks*. Translated by Richard Philcox. New York: Grove Press.

———. [1961] 2004. *The Wretched of the Earth*. Translated by Richard Philcox. New York: Grove Press.

———. [1964] 1967. *Toward the African Revolution*. Translated by Haakon Chevalier. New York: Grove Press.

———. 2018. *Alienation and Freedom*. Edited by Jean Khalfa and Robert J.C. Young. Translated by Steven Corcoran. London and New York: Bloomsbury Academic.

Fine, Sarah. 2016. "Immigration and Discrimination." In *Migration in Political Theory: The Ethics of Movement and Membership*, edited by Sarah Fine and Lea Ypi, 126–50. Oxford, UK: Oxford University Press.

Forensic Architecture. 2020. "Pushbacks in Melilla: *ND and NT v. Spain*," June 15. Accessed May 21, 2021. https://forensic-architecture.org/investigation/pushbacks-in-melilla-nd-and-nt-vs-spain.

Forum Italo Tunisino. 2013. "We Demand Your Knowledges. A Petition by the Mothers and the Families of Missing Tunisian Migrants." Accessed March 15, 2022. http://www.forumitalotunisino.com/component/k2/date/2013/3/19.html.

Gordon, Lewis. 2007. "Through the Hellish Zone of Nonbeing: Thinking Through Fanon, Disaster, and the Damned of the Earth." *Human Architecture: Journal of the Sociology of Self-Knowledge* 5 (Summer; Special Issue): 5–11.

Guenther, Lisa. 2019. "Seeing Like a Cop: A Critical Phenomenology of Whiteness as Property." In *Race as Phenomena: Between Phenomenology and Philosophy of Race*, edited by Emily S. Lee, 189–206. Lanham, MD: Rowman & Littlefield.

Gündoğdu, Ayten. 2015. *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants*. Oxford and New York: Oxford University Press.

Gurmendi, Alonso. 2019. "On Calling Things What They Are: Family Separation and Enforced Disappearance of Children," *Opinio Juris*, June 24. Accessed May 29, 2021. http://opiniojuris.org/2019/06/24/on-calling-things-what-they-are-family-separation-and-enforced-disappearance-of-children/.

Gutiérrez Rodríguez, Encarnación. 2018. "The Coloniality of Migration and the 'Refugee Crisis': On the Asylum-Migration Nexus, the Transatlantic White European Settler Colonialism-Migration and Racial Capitalism." *Refuge* 34 (1): 16–28. https://doi.org/10.7202/1050851ar.

Hall, Stuart. [1996] 2021. "Why Fanon?" In *Selected Writings on Race and Difference*, edited by Paul Gilroy and Ruth Wilson Gilmore, 339–58. Durham, NC: Duke University Press.

HB Jinshi. n.d. Accessed March 14, 2022. https://www.concertina-wire.org/.

Hattam, Julian. 2018. "The Razor Wire That Separates Europe From Africa Might Be Coming Down," *The World*, September 10. Accessed March 14, 2022. https://theworld.org/stories/2018-09-10/razor-wire-separates-europe-africa-might-be-coming-down.

Herman, Marc. 2015. "To Repel Migrants, European Border Patrol Turns Bloody." *Deca*, December 11. Accessed March 10, 2022. https://decastories.com/to-repel-migrants-european-border-patrol-turns-bloody.

International Organization for Migration. n.d. "Missing Migrants Project." Accessed March 10, 2022. https://missingmigrants.iom.int.

Kesby, Alison. 2012. *The Right to Have Rights: Citizenship, Humanity, and International Law.* Oxford and New York: Oxford University Press.

Kovras, Iosif, and Simon Robins. 2016. "Death as the Border: Managing Missing Migrants and Unidentified Bodies at the EU's Mediterranean Frontier." *Political Geography* 55: 40–49. https://doi.org/10.1016/j.polgeo.2016.05.003.

Laqueur, Thomas Walter. 2015. *The Work of the Dead: A Cultural History of Mortal Remains.* Princeton, NJ: Princeton University Press.

Lichfield, John. 2020. "The Racist Myth of France's 'Descent into Savagery.'" *Politico*, September 7. Accessed May 25, 2021. https://www.politico.eu/article/marine-le-pen-racist-myth-france-descent-into-savagery/.

Mahendran, Dilan. 2007. "The Facticity of Blackness: A Non-Conceptual Approach to the Study of Race and Racism in Fanon's and Merleau-Ponty's Phenomenology." *Human Architecture: Journal of the Sociology of Self-Knowledge* 5 (Summer; Special Issue): 191–204.

Mayblin, Lucy. 2018. *Asylum After Empire: Colonial Legacies in the Politics of Asylum Seeking.* Lanham, MD: Rowman & Littlefield International.

Mayblin, Lucy, and Joe B. Turner. 2021. *Migration Studies and Colonialism.* Cambridge, UK: Polity Press.

Mbembe, Achille. 2017. *Critique of Black Reason.* Translated by Laurent Dubois. Durham and London: Duke University Press.

———. 2019. *Necropolitics.* Durham and London: Duke University Press.

Mendoza, José Jorge. 2016. "*Illegal*: White Supremacy and Immigration Status." In *The Ethics and Politics of Immigration: Emerging Trends*, edited by Alex Sager, 201–20. London UK: Rowman & Littlefield International.

Merleau-Ponty, Maurice. [1945] 2012. *Phenomenology of Perception.* Translated by Donald A. Landes. London and New York: Routledge.

———. [1964] 1968. *The Visible and the Invisible.* Edited by Claude Lefort. Translated by Alphonso Lingis. Evanston, IL: Northwestern University Press.

Mongia, Radhika. 2018. *Indian Migration and Empire: A Colonial Genealogy of the Modern State.* Durham, NC: Duke University Press.

Murray, Michelle. 2021. "Visualizing the Black Mediterranean." In *Liquid Borders: Migration as Resistance*, edited by Mabel Moraña, 289–302. Abingdon, Oxon and New York: Routledge.

Nadeau, Barbie Latza. 2017. "Giving Dead Migrants a Name." *Scientific American*, August 9. Accessed January 4, 2021. https://www.scientificamerican.com/article/giving-dead-migrants-a-name/.

Ngo, Helen. 2017. *The Habits of Racism: A Phenomenology of Racism and Racialized Embodiment*. Lanham, MD: Lexington Books.

OHCHR. n.d. "International Convention for the Protection of All Persons from Enforced Disappearance." Accessed May 18, 2021. https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx.

Proglio, Gabriele. 2021. "Fanon in the Black Mediterranean." In *The Black Mediterranean: Bodies, Borders, and Citizenship*, edited by The Black Mediterranean Collective, 57–81. Basingstoke, UK: Palgrave Macmillan.

Reineke, Robin. 2016. "*Los Desaparecidos de la frontera* (The Disappeared on the Border)." In *Migrant Deaths in the Arizona Desert: La vida no vale nada*, edited by Araceli Masterson-Algar, Raquel Rubio-Goldsmith, Jessie K. Finch, Celestino Fernández, 132–49. Tucson: University of Arizona Press.

Rockmore, Tom. 2017. "Hegel and Husserl: Two Phenomenological Reactions to Kant." *Hegel Bulletin* 38 (1): 67–84. https://doi.org/10.1017/hgl.2016.66.

Rygiel, Kim. 2016. "Dying to Live: Migrant Deaths and Citizenship Politics Along European Borders: Transgressions, Disruptions, and Mobilizations." *Citizenship Studies* 20 (5): 545–60. https://doi.org/10.1080/13621025.2016.1182682.

Sajjad, Tazreena. 2018. "What's in a Name? 'Refugees,' 'Migrants' and the Politics of Labelling." *Race & Class* 60 (2): 40–62. https://doi.org/10.1177/0306396818793582.

Salamon, Gayle. 2018. "What is Critical About Critical Phenomenology?" *Puncta: Journal of Critical Phenomenology* 1: 8–17. https://doi.org/10.31608/PJCP.v1i1.2.

Scarry, Elaine. 1985. *The Body in Pain*. 1988. Oxford and New York: Oxford University Press.

Schindel, Estela. 2020. "Deaths and Disappearances in Migration to Europe: Exploring the Uses of a Transnationalized Category." *American Behavioral Scientist* 64 (4): 389–407. https://doi.org/10.1177/0002764219883003.

Schmitt, Richard. 1996. "Racism and Objectification: Reflections on Themes from Fanon." In *Fanon: A Critical Reader*, edited by Lewis R. Gordon, T. Denean Sharpley-Whiting, Renée T. White, 35–50. Cambridge, MA: Blackwell Publishers.

Schuhmann, Karl. 2012. "Phenomenology: A Reflection on the History of the Term."
    In *The Routledge Companion to Phenomenology*, edited by Sebastian Luft and Søren
    Overgaard, 657–88. London and New York: Routledge.

Shatz, Omer and Juan Branco. 2019. "Communication to the Office of the Prosecutor
    of the International Criminal Court Pursuant to the Article 15 of the Rome
    Statute; EU Migration Policies in the Central Mediterranean and Libya (2014–
    2019)." Accessed May 28, 2021. https://www.statewatch.org/media/documents/
    news/2019/jun/eu-icc-case-EU-Migration-Policies.pdf.

Souiah, Farida. 2019. "Corps absents: des fils disparus et des familles en lutte ? Le
    cas des migrants tunisiens." *Critique Internationale* 83 (2): 87–100. https://doi.
    org/10.3917/crii.083.0087.

Spijkerboer, Thomas. 2017. "Wasted Lives: Borders and the Right to Life of People
    Crossing Them." *Nordic Journal of International Law* 86 (1): 1–29. https://doi.
    org/10.1163/15718107-08601004.

Sunderland, Judith. 2021. "Europe's Deadly Border Policies." *EU Observer*, October 27.
    Accessed March 10, 2022. https://euobserver.com/opinion/153345.

Vukov, Tamara. 2016. "Target Practice: The Algorithmics and Biopolitics of Race in
    Emerging Smart Border Practices and Technologies." *Transfers: Interdisciplinary
    Journal of Mobility* Studies 6 (1): 80–97.

Walia, Harsha. 2021. *Border and Rule: Global Migration, Capitalism, and the Rise of Racist
    Nationalism*. Chicago, IL: Haymarket Books.

Washington, John. 2021. "'I Didn't Exist': A Syrian Asylum-Seeker's Case Reframes
    Migrant Abuses as Enforced Disappearances." *The Intercept*, February 28.
    Accessed May 18, 2021. https://theintercept.com/2021/02/28/enforced-
    disappearances-asylum-migrant-abuse/.

Weate, Jeremy. 2001. "Fanon, Merleau-Ponty and the Difference of Phenomenology." In
    Race, edited by Robert Bernasconi, 169–83. Malden, MA: Blackwell Publishers.

Weber, Leanne and Sharon Pickering. 2011. *Globalization and Borders: Death at the Global
    Frontier*. Houndmills, Basingstoke, UK: Palgrave Macmillan.

Weiss, Gail. 2018. "Phenomenology and Race (or Racializing Phenomenology)." In
    The Routledge Companion to the Philosophy of Race, edited by Paul C. Taylor, Linda
    Martín Alcoff, and Luvell Anderson, 233–44. New York: Routledge.

Yancy, George. 2005. "Whiteness and the Return of the Black Body." *The Journal of
    Speculative Philosophy* 19 (4): 215–41.

———. 2008. "Elevators, Social Spaces and Racism: A Philosophical Analysis." *Philosophy and Social Criticism* 34 (8): 843–76. https://doi.org/10.1177/0191453708094727.

———. 2014. "White Gazes: What It Feels Like to Be an Essence." In *Living Alterities: Phenomenology, Embodiment, and Race*, edited by Emily S. Lee, 43–64. Albany: State University of New York Press.