



universität
wien

MASTERARBEIT / MASTER'S THESIS

Titel der Masterarbeit / Title of the Master's Thesis

„Protecting the ‘Imperial Mode of Living’?
Violence and the EU Asylum and Migration Policy.“

verfasst von / submitted by

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angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of
Master of Arts (MA)

Wien, 2023 / Vienna 2023

Studienkennzahl lt. Studienblatt /
degree programme code as it appears on
the student record sheet:

UA 066 589

Studienrichtung lt. Studienblatt /
degree programme as it appears on
the student record sheet:

Masterstudium Internationale Entwicklung

Betreut von / Supervisor:

Mag. Dr. Helmut Krieger

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Preface

For me, writing this thesis was an emotional rollercoaster in many ways. Most of the time I was angry, and I still am – about this broken capitalist system that produces crises all over the place: the climate crisis, a crisis of care work and social systems, a crisis of labour conditions and exploitation, and lately the energy crisis, just to name a few. This thesis focuses on the crisis of violence that the EU asylum and migration regime produces outside of the EU, inside, and in between, which affects those who don't have the 'right' documentation, nationality, or cultural identity.

I started this thesis after spending a few weeks at the EU external borders in Bosnia-Herzegovina working as a humanitarian activist with People on the Move who tried to cross the border to Croatia, the European Union. The excessive brutality of the EU border regime – the violent and deadly pushbacks, and the inhumane living conditions People on the Move experience at the external borders – is direct and blunt. The other side of this violent EU migration regime is more subtle but no less brutal: gruelling asylum processes with months and years of waiting, re-traumatising interviews, exhausting legal fights, dull and inhumane accommodations with nothing to do, the insecurity of being rejected and deported, and the expectation to behave gratefully – to “integrate” or leave. Meanwhile, the boundaries of more obvious and subtle violence are becoming more and more blurred.

Through my work as a legal advisor for EU asylum law, I get to know the diversity of experiences the people whom I work with make on the move and in the EU, as well as their many individual histories that led to the decision to leave their countries of departure. All of them had to, and continue to, face several of the crises mentioned above, including, amongst others, the deprivation of their living spaces in the Global South due to the impacts of climate change or conflicts over resources, exploitative working conditions, or precarious situations and racial racist attacks in the EU. Their experiences far exceed those of myself or others from similar backgrounds in the Global North. The connecting link between those lived experiences of different crises, with time, became more and more obvious to me: the systems of oppression of a capitalist society that politicise their bodies and existence.

In legal counselling, most of the time, the framework for addressing the links between the violent experiences of the EU asylum and migration policy and other crises of capitalism is limited. Therefore, I decided to approach the current EU migration and asylum system with the instruments I acquired during my studies of International Development that are critical of capitalism and colonialism. I do that with a critical attitude towards academic knowledge production that, in my opinion, sometimes tends to over-complexify.

The mechanisms of oppression don't look so complex from the perspective of the oppressed. I know that as someone who identifies as a woman* in a patriarchal society, and I am reminded of it by people I work with who often surprise me with their revealingly clear words for their experience of racism and dehumanisation. That and the many discussions in non-academic contexts challenge me to question my privileges and the knowledge systems I rely on.

As previously mentioned, I also draw on my experiences as a legal advisor for asylum law in Germany, Greece, and Austria. However, my perspective as a white female academic in Western Europe with a German passport is of course limited. Therefore, I approach this thesis with a deep sense of responsibility towards all the personal experiences and stories that have been shared with me so trustingly.

Lastly, I am grateful for all the shared moments of anger and frustration, discussions at the kitchen table, the activist spirit, and the softness and strength of those around me whom I can rely on. It is the experience of friendship and sister*hood that does not leave me bitter but inspired and determined. In this spirit, I dedicate this thesis to all those who resist systems of oppression and their allies. To those who demonstrate solidarity beyond cultural, political, and territorial borders, fighting for freedom of movement for all and a social-ecological just transformation.

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List of abbreviations

AVRR	Voluntary Return and Reintegration Assistance
BIPOC	Black and Indigenous People, and People of Colour
BMVN	Border Monitoring Violence Network
CCAC	Closed Controlled Access Centre
CDA	Critical Discourse Analysis
CEAS	Common European Asylum System
EAA	European Asylum Agency
EASO	European Asylum Support Office
ECRE	European Council on Refugees and Exiles
EES	European Entry/Exit System
EU COM	European Commission
EU Pact	EU Pact on migration and asylum
Eurodac	European Asylum Dactyloscopy Database
HMPA	Historical Material Policy Analysis
IML	Imperial Mode of Living
Interpol TDAWN	Interpol Travel Documents Associated with Notices database
IOM	International Organization for Migration
LIBE	European Parliament Committee on Civil Liberties, Justice and Home Affairs
OCHCR	Office of the United Nations High Commissioner for Human Rights
SAR	Search and Rescue
SIS	Schengen Information System
SLTD	Stolen and Lost Travel Document database
TWAIL	Third World Approaches to International Law
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System

1 Introduction: EU asylum and migration policy in crisis?

In recent years, EU asylum and migration policy has been regularly negotiated in public debates and national and EU political fora. As such, in February 2023, the European Council published its conclusions on Migration, pushing for better equipment and infrastructure for border control, including affirmation for fully supporting the European Border and Coast Guard Agency (Frontex), more consequent deportations, and ultimately urging the EU Commission “to continue work on the Pact on Migration and Asylum” (General Secretariat of the Council 2023, 8–12).

At the same time, the brutality against ‘migrants’^{1,2} at the EU’s external borders at land and sea, which result in deaths and people stuck in inhumane living conditions, is still rising. The list is long, as the reports of non-governmental organisations such as the Border Violence Monitoring Network (BVMN, borderviolence.eu), who document violent and deathly incidences along the EU external borders, have shown. A brief mapping of the situation in many EUropean³ border regions in 2022 indicates the systematic extent of violence against migrants. Since late 2021, migrants get stuck in between the Belarusian and Polish border, freezing to death without any access to water, food, or medical care. The Polish Government quickly started to enforce its border to Belarus with fences and barbed wires, denying international press entry to the installed border zone (Amnesty International 2022). In Greece, the practice of violently and illegally pushing back migrants to sea in life rafts towards Turkey, in which national and EUropean border police are involved, is reported regularly (Cossé 2022). In general, so-called pushbacks have become a common practice at the external borders, such as at the borders of Croatia and Bosnia-Herzegovina, or Serbia and Hungary (Augustová and Sapoch 2020; BVMN 2023). At the borders of Spain and Morocco, the attempt of more than 2000 migrants to cross the borders ended in heavy injuries or death for many (ECRE 2022a).

¹ I use ‘migration/migrant(s)’ when referring to people who migrate (beyond international borders). This includes persons who are still on the move, who unwillingly got stuck on their migratory routes, as well as those who have reached their destination. It is important to note that I use the term as political and power-critical category to make visible the experiences of people who move (beyond international borders) and who are affected by violent migration regimes. I am thus very critical of using the term in ways that dehumanise and discriminate those who (try to) migrate beyond international borders, and that make invisible the diversity of their experiences. At the same time, I want to avoid terms like ‘refugee’ or ‘labour migrant’ that already contain pre-assumptions and legal considerations about the reasons for migration and whether they are considered legitimate or not.

² Throughout this thesis, I use single quotation marks for introducing terms and concepts taken from the theoretical approaches and/or whose meaning and use for the thesis are clarified in the text or footnotes. I use double quotation marks for quoted passages and book or article titles. Italics are used for adding emphasis.

³ In this thesis, I use EUrope/EU/EUropean instead of Europe/European when referring to the European Union and its member states. Thereby, I want to draw attention to the fact that Europe, as a geographical, political, and cultural space, is of course much more than the EU and its member states and cannot be clearly demarcated.

As a result, Spain and the EU announced further funding of 30 million Euros to Morocco for “migration control purposes”, while Morocco reacted with arresting and detaining migrants in border regions (ECRE 2022b). On Samos, a so-called Closed Controlled Access Centre (CCAC) was built, where migrants live in dire living conditions in detention-like accommodation centres – a test version of future migrant accommodation in the EU (BVMN 2023, 14). Nevertheless, it should be emphasised that the (post)migrant community and diaspora have been and are getting organised. People in and outside the EU are showing solidarity, building networks of support and alliances between different struggles against social and ecological injustices, drawing attention to the excessive violence (Czollek and Kahveci 2022, 78; Hänsel et al. 2022, 13–14). However, those who vehemently oppose this violent border regime – whether migrants who refuse to be stopped and/or those who show solidarity – have been increasingly criminalised in recent years. They face public court proceedings and tremendous sentences (Amnesty International 2020; OHCHR 2023). Hence, societal struggles are carried out along the phenomena of migration and societal, cultural, and territorial borders, which seem to put EU asylum and migration policy in crisis.

In 2019, the President of the European Commission for the period of 2019-2024, Ursula Von der Leyen, published her “Political Guidelines for the Next European Commission 2019-2024.” It contains six headline ambitions. “Protecting our European way of Life,” outlines the guidelines for the rule of law, internal security, border management and migration (Von der Leyen 2019, 14). The following wording, for which Ursula Von der Leyen was criticised for soon after (Deutsche Welle 2019), describes the European Commission’s views and conceptualises migration and the political approach to it. It puts security narratives, narratives of othering, and nationalist interests at the centre of EU asylum and migration policy.

"For some of us in this debate, the term 'European way of life' seems too politically charged to be used. (...) I disagree. I am convinced that we must not let Europe's opponents take away our concepts. Protecting the values in the European Treaties is the basis of our identity." (Von der Leyen, cited in Deutsche Welle 2019, own translation)

The core values of human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including minority rights, which are enshrined into the European Treaties and are referred to by Ursula von der Leyen, are in stark contrast to the just described violence at the EU external borders. This raises questions about what “the European way of life” entails, which is supposed to offer protection on one hand, but inflict violent practices and treatment of migrants who (try) to enter the EU on the other hand. Who and what needs to be “protected”

from who and what? And how are these contradictions produced and sustained?

The positioning of EUrope as space of freedom, security, and justice, looks rather different from power-critical and antiracist perspectives. They question how ‘normal’ perceptions about who belongs to this space, and corresponding privileges, and who is not is rooted in racist and colonial logics, defining who can voice their interests, and ultimately leading to everyday violence in EUrope, at its borders and beyond:

“ (...) how something is defined as a threat, as a risk, and who is defined as endangered and worthy of protection, depends on who can establish their own life, their mode of living, their mode of existence, their interests as normal and worthy of protection, and thus as ‘valuable’.” (Czollek and Kahveci 2022, 63, own translation)

Ulrich Brand and Markus Wissen argue that the mode of living within the European Union and beyond can be critically conceptualised by the term ‘imperial mode of living’ (IML) (2017). In essence, the concept explains how everyday practices in the capitalist centres are decisive for the societal relations and for society-nature relations in other places (Brand and Wissen 2017, 43). That said, they advocate for researching societal phenomena by placing them into the context of capitalist production. They argue that the ‘Global North’⁴ is securing and expanding a certain standard of living (social, economic, and ecological welfare and rights; technological and economic growth; etc.) through the externalisation of, and therefore ability to ignore, its negative effects such as precarious working conditions or the exploitation of natural resources and the environment.

The imperial mode of living, Brand and Wissen highlight, thus relies on exclusivity and expansion at the same time. Therefore, demarcations on the one hand, and exploitation on the other, both excused by racist and (neo) colonial narratives, are a fundamental part of the IML. Current migration movements can be seen as an answer to conflicts induced by the IML and its normalisation and generalisation. They view migration decisions as a strategy to secure survival and enjoy the benefits instead of bearing the costs of prosperity gains (ibid.: 123). Therefore, current EU asylum and migration policy is crucial for preventing migrants, who presumably pose a threat to it by wanting to enter the EU and claim their share of the imperial mode of

⁴ The terms, ‘Global North’, ‘Global South’ and ‘Global North-South’ relations refer to a relational concept rather than a strictly geographic one. It points to the global structures of inequalities (Brand and Wissen 2017, 189). Global North and Global South, therefore, are political categories to express the privileges and domination respectively struggles in relation to global capitalist development and colonial histories. In the English version of their book, Brand and Wissen further elaborate on their choice of using these terms (Brand and Wissen 2021). Depending on the context, Brand and Wissen respectively use the terms *capitalist centres and periphery* or *elsewhere*.

living. In this context, the societal phenomena of migration can be considered a part of capitalist multi-crises.

This thesis examines the arguments Brand and Wissen make when considering migration and migration control within their concept of the imperial mode of living. With a focus on the New EU Migration Pact on Asylum and Migration, I analyse to what extent a violent EU asylum and migration policy can or cannot be explained by these arguments and the conceptual elements defined by the IML. Thus, the following research question arises:

In what ways is a violent EU asylum and migration policy inherent in an ‘imperial mode of living’?

The aim is to gain a deeper understanding of the structural conditions of a violent EU asylum and migration policy adopting a power-critical approach. This includes taking a normative attitude, and therefore to inform approaches towards a just social-ecological transformation.

Oriented at the constituent parts of the research question, the thesis is structured as follows. The first part addresses the theoretical assumptions, which underly the research concepts used and developed throughout the thesis (chapter 2). I first introduce and discuss the imperial mode of living as an explanatory concept for research questions regarding migration and migration policy. Aiming at building a research framework that is critical of power and capitalism, I elaborate on the theoretical assumptions on the state and globalisation processes on which the concept relies. Following up on that critical attitude, I point out that the blind spots of the concept. Although the concept offers a postcolonial critique, it, to some extent, reproduces a dualism of the Global South and North, and lacks a concept of violence. Hence, the research framework is supported with postcolonial and decolonial theory. Relying on Brunner (2020), I introduce the postcolonial concept of ‘epistemic violence’, and subsequently, give insight into postcolonial and decolonial research perspectives on migration and migration policy. To better understand the current scientific discourse on contemporary EU asylum and migration policy, I give an overview of selected research (projects) from both, historical materialist and postcolonial/decolonial perspectives.

As indicated, a two-dimensional theoretical foundation of materialist and post-structuralist approaches, which, using a Critical Discourse Analysis approach, are integrated into a methodological framework (chapter 3) for analysing the body of research: the EU Pact for asylum and migration as proposed by the EU Commission in September 2020. This provides the groundwork to derive categories for the two-levelled document analysis: a content structuring analysis of the coded segments in MAXQDA, and a subsequent detailed analysis.

To address the second part of the research question, ‘violence’, the analysis is based on the following sub-question: *What are violent elements in the EU Pact, and how and on which levels is violence constituted in the EU Pact?* (chapter 4). The findings are interpreted and structured via introduced three-levelled concept of epistemic violence: (1) the coloniality of being; (2) the coloniality of knowledge; and (3) the coloniality of power.

Finally, the thesis consolidates the learnings from the analysis and theoretical framework (chapter 5). In doing so, I discuss the findings of the analysis using the conceptual elements of the imperial mode of living. By charting the silencing of colonial violence, I reflect on the analytical and explanatory utility of the concept of the imperial mode of living and point out its blind spots, which emerge from the findings. In doing so, I incorporate normative perspectives and formulate implications for approaches towards a just and solidarity-based social-ecological transformation.

2 Theoretical framework: the imperial mode of living and colonial entanglements

This thesis is based on different concepts and schools of thought, providing a specific perspective on EU asylum and migration policy. Answering the research question requires a logical set-up for the theoretical framework in two building blocks of theoretical foundations: (1) the imperial mode of living as an explanatory concept; (2) postcolonial studies and decolonisation. It is important to note that the two blocks should not be considered substantially separate from each other, but rather entangled and complementary. The first block aims at building a theoretical framework for approaching EU asylum and migration policy in the context of social relations and social structure. It explores the basic elements of the concept of the imperial mode of living and the theoretical assumptions it relies on. The second block aims at providing a critical, postcolonial and decolonial account of violence and power, including an understanding of the construction of identities and the production of knowledge. This serves as a foundation for critically questioning the assumptions and claims about migration, migrants, and their experiences of violence and power.

Before elaborating on the two theoretical blocks, I clarify why I choose this specific theoretical approach in contrast to more dominant ones to EU asylum and migration policy that can be found in Migration Studies.

Geddes et. al (2020, 34), in their recent book “Migration and Mobility in the European Union”, identify two prevailing strands of literature in Migration Studies. It centres around two

main theses: EU asylum and migration policy can be characterised, firstly, by a process of securitisation; and/or, secondly, by a governance/policy failure. Authors, who diagnose a securitisation of EU asylum and migration policy, find that public and policy discourses on ‘migration’ are dominated by an argument of (state) security. Geddes et. al argue that while research on this thesis provides valuable thoughts on how controlling and restrictive policies are legitimised, such argument implies “that states have a fundamental interest in maximizing restriction and control, considerations that apparently outweigh business and economic arguments for migration, questions of social cohesion or relations with countries of emigration.” (ibid., 35). Authors who see a governance failure – an inability of EU policymakers to adequately govern migration – take an almost opposite point of view regarding state capacities. Here, EU asylum and migration policy is evaluated by whether policy objectives have been reached or not, and why. The overall objective of ‘governing migration’ is not specifically reflected, rather, the effectiveness of measures and correct understanding of migration dynamics on the basis of which policy measures are developed. This approach addresses causes of migration (see discourse on ‘root causes of migration’⁵) and establishes links to other policy areas such as ‘development policy’ in the light of policy coherency (ibid., 37). However, Geddes et al. criticise that, like the securitisation approach, it somewhat ignores decision-making processes and their underlying power imbalances and societal and global struggles (ibid., 35). The essence of Geddes et al.’s critique is that both approaches in their way “attribute too much rationality and uniformity to the policy process” (ibid., 37). I would further add that these approaches do not sufficiently consider migrant and marginalised perspectives (of the ‘Global South’) in their analyses and thus, among other things, deny them their agency.

I find this critique to be an insightful point of departure. In accordance with Geddes et al. (2020), I assume that the current character of EU asylum and migration policy cannot be simply attributed to a governance failure or a desire for control by state actors. Rather, I would argue that political decision making, including the current EU asylum and migration policy, is an outcome of social struggles. Therefore, it must be conceptualised in the context of the current mode of living, the specific social reproduction within the European Union and beyond – or what Brand and Wissen (2017) define as the ‘imperial mode of living’.

⁵ See for example a recent analysis on the European fight against ‘root causes of migration’ [German: “Fluchtursachen”] by Buckel and Kopp “Das Recht nicht gehen zu müssen – Europäische Politik und Fluchtursachen (2021) (own translation: “The Right to not having to leave – European Politics and Root Causes of Migration”). Here, the authors critically discuss the discourse on ‘root causes of migration’ in European politics.

2.1 The imperial mode of living as an explanatory concept

In 2017, Brand and Wissen published their book “Imperial Mode of Living: Everyday Life and the Ecological Crisis of Capitalism (2021)” [OV: “Imperiale Lebensweise: zur Ausbeutung von Mensch und Natur im globalen Kapitalismus”[2017]]. They elaborate on their concept of the imperial mode of living as a contribution to the discourse on social-ecological transformation. This raises the question of how analysing EU asylum and migration policy relate to the debate of a social-ecological transformation. As indicated at the beginning of the thesis, the so-called ‘migration crisis’ should be linked to other social crises such as the ecological crisis.

“There is no simple or objective definition of crisis. Crises are political constructs that depend on certain interpretations of what is happening and, on the basis of these interpretations, subsequent decisions on courses of action.”
(Geddes et. al 2020, 3)

Brand and Wissen (2017, 20–27), similar to Geddes et. al (2020, 3), advocate for questioning the nature of the crisis at hand when assessing political decision-making. In doing so, they claim the ecological crisis to be part of multiple crises of capitalism that are interlinked by the social structure, dynamics, and mechanisms of the imperial mode of living. Following this approach, I assume the current EU asylum and migration policy to be a manifestation of these multiple crises of capitalism. Thereby, I take a critical attitude towards defining the ‘migration crisis’ to be a “crisis of the number of migrants” (Geddes et. al 2020, 3) that needs to be managed. Rather, I want to question how EU asylum and migration policy perceives and problematises the phenomenon of ‘migration’ and subsequently (re)produces violent and restrictive practices.

With the concept of the imperial mode of living, Brand and Wissen (2017) offer an explanatory concept for how the social life and societal relations to nature are “deeply embedded in political institutions, the economy, culture and mentalities; in the ways in which people see themselves in the world; in the interests of relevant political and social actors; and in the practices of everyday life” (Brand and Wissen 2021, 78). They develop a way of theorising the connection between different localities and their everyday life and experiences to (global) structures and phenomena (ibid., 82), making the analysis of current crises more tangible (Haas 2018, 181). The main argument is that “everyday life in the capitalist centres is essentially made possible by shaping social relations and society–nature relations *elsewhere*” (Brand and Wissen 2017, 45, as cited in 2021, 79). This, as Brand and Wissen argue, is based on inequality, power and domination (Brand and Wissen 2017, 45). Moreover, they explain that the maintenance and safeguarding of the imperial mode of living and the associated patterns of production and consumption need to be “secured politically, legally, and/or by means of

violence” (Brand and Wissen 2012, 550, 2017, 16).

The concept is rooted in a certain understanding of the state and its role in securing and universalising the imperial mode of living; and a critique of globalisation processes and the underlying so-called relations between the ‘Global North’ and the ‘Global South’. Hence, the following section explains the corresponding theoretical assumptions, which developed the concept further. This serves as basis for clarifying the different dimensions of the imperial mode of living as a concept. Subsequently, the arguments and claims that are made specifically regarding migration by Brand and Wissen are presented.

2.1.1 Theoretical foundations of the imperial mode of living – a critical lens on the state and globalisation processes.

The imperial mode of living concept draws on different traditions of Critical Theory (Brand and Wissen 2017, 17). The concept is centred on the critical analysis of societal structures and (global) inequalities. One of the analytical entrance points of the concept of the imperial mode of living is the question of why national, as well as international and global environmental policy do not adequately respond to the ecological crisis even though the past, current and future catastrophic consequences are scientifically well known and understood (Brand and Wissen 2017, 16).⁶ The authors highlighted that (environmental) policies seem to be highly contradictory. Similarly, one could ask how EU asylum and migration policy can repeatedly refer to its values based on human rights, but at the same time, pursue policies that lead to violations of these very values? Also, how are these practices socially mediated, legitimised, and normalised? Essentially, these are questions of how to make sense of political decision-making – questions of how to conceptualise the role of the state and its relation to civil society.

Brand and Wissen approach this analytical problem, of highly contradictory policymaking, using materialist state theory. Materialist state theory is rooted in a Marxist tradition of a critique of political economy (Hirsch 2005, 15). Scholars of materialist state theory usually pursue a historical-materialist⁷ approach of analysing the power relations, which have material basis and are historically rooted in the structures of societal reproduction. Moreover, they understand state institutions and processes as a manifestation of structural relations of domination and exploitation and the conflicts and (class) struggles that result from

⁶ In earlier research, for example, Brand and Görg analyse the lack of radical policy changes in international regulations concerning the appropriation of genetic resources (see Brand and Görg 2008). In another article “Die Regulation der ökologischen Krise Theorie und Empirie der Transformation gesellschaftlicher Naturverhältnisse” Brand and Wissen theorise the discrepancy between crisis awareness and an adequate crisis response (Brand and Wissen 2011).

⁷ I use the terms materialist and historical-materialist state theory interchangeably.

it (ibid., 16, 26).

The theorisation of the capitalist state, as it is used in the concept of the IML, is based on the development of materialist state theory by, among others, Antonio Gramsci, Nicos Poulantzas, and Joachim Hirsch, who aim at criticising political domination, and claim to adopt an emancipatory perspective (Brand and Wissen 2017, 17; Buckel et al. 2014, 22; Hirsch 2005, 15). In their approach to the state, these scholars ontologically differ from traditional Marxist thinkers by not viewing the state as external and separated from the civil sphere in the sense of a superstructure that is determined and occupied by the ruling class. Rather, they assume a relative autonomy of the state to all social classes. Therefore, they see the state as a social relation and a contested and antagonistic form of social organisation (Hirsch 2005, 17; Koch 2022, 3). Further, they analytically make a link between the economy, the state, and the dominating class by understanding the state as a manifestation of a historic form of social reproduction under capitalist conditions (Hirsch 2005, 20). Hirsch describes this relationship to be peculiar to capitalist social reproduction because the political, or the state, seems to be formally separate from civil society and economy while, at the same time, being interlinked (ibid., 25). As indicated, the theorization of this relationship goes back to theoretical assumptions by Antonio Gramsci.

In his hegemony theory, Gramsci developed the idea of the ‘integral state,’ which consists of the political sphere (legislative system, institutions, police, public education, judiciary system, etc.), and civil sphere (private schools, NGOs, trade unions, families, etc.) that are interrelated and interdependent (Demirović 2007, 26–27). For Gramsci, both spheres of the capitalist state, in their dialectical relationship, are crucial for capitalist reproduction and the maintenance of ruling class power. The civil sphere, which was commonly perceived as the realm, where conflicts of interests were privately mediated and represented, also falls within the realm of the state. Gramsci defined two relations of domination. Not only does the ruling class exercise domination through ‘coercion’, which is established through the occupation of the political sphere, it also exercises domination through ‘consent’ within the civil sphere (ibid., 24–25). Hegemony, as Gramsci theorises it, is the ability of the dominant class or class fractions to establish own interests as common interest through coercion and consent (Brand et al. 2021, 6)

Interestingly, Gramsci did not aim at analysing the existence of bourgeoisie class rule per se. Rather, he analysed *how* it is realised and *why* it is so hard to overcome. One of his starting points was his interest in finding an explanation for why western European revolutionary movements of labour forces, following the First World War, failed to end

bourgeoise rule, and why these revolutionary aspirations provoked a major nationalist and fascist backlash (Demirović 2007, 24; Hirsch, Kannankulam, and Wissel 2008, 82). Bringing in consent as an additional fundamental dimension for establishing domination was crucial for a better understanding of the overlapping of the political, the civil sphere, and the economy and of the dynamics within and between them (Hirsch, Kannankulam, and Wissel 2008, 82). Domination by consent means “[...] includ[ing] the however limited consideration of the interests of subordinate groups in state strategies or, at the very least, the production of the appearance of such consideration” (Koch 2022, 3). Gramsci’s main argument here was that this (apparent) inclusion and the production of compromises is mediated culturally, economically, and politically. Within and between the spheres of the state ‘common senses’ (understanding of the world that has become common), which aim at universalising central elements of capitalist social reproduction, are articulated, embodied, and performed individually and collectively (Brand and Wissen 2017, 56–57). They affect the materiality of people’s lives and their beliefs about what is normal. At the same time, different actors have different capacities to defend their interests and to organise and prioritise common senses accordingly. Subsequently, the subaltern actively adopt the interests of the ruling class, because they believe in capitalist values, and/or passively, because they are economically bound to the capitalist reproductive system (ibid., 57).

Thus, hegemony has both a material and a discursive dimension (Brand and Wissen 2011, 19). It is achieved through consent, which is based on an ideologic-material integration of subaltern classes, and secured politically by coercion (Hirsch 2005, 30). Thereby, civil society is an integral part of the state as an arena for the fight of hegemony, or how Gramsci famously put it: “the State = political society + civil society, in other words hegemony armoured with coercion” (Gramsci 1991, 783). Therefore, for transformative change that favours subaltern perspectives, not only coercive domination by the ruling class, must be overcome. At the same time, the societal consent on capitalist reproductive organisation of society must be questioned, counter-hegemonic projects formulated and then culturally enforced.

Nicos Poulantzas defined the state to be the “material condensation of relation of social forces” (Poulantzas 2002, 154) in an ensemble of state apparatuses (Buckel et al. 2014, 19). He developed his understanding of the state influenced by Gramsci’s theorisation of the state. Poulantzas’s theorisation of the state went deeper into the nature and interplay of the different state apparatuses, as well as emphasised the role of social forces and struggles (Buckel et al. 2014, 33). In doing so, Poulantzas made Gramsci’s hegemony theory more tangible for an analysis of the specific manifestations of social struggles, in state apparatuses, under capitalist

societal reproduction (Görg and Brand 2018, 13). With the introduction of the concept of ‘relative autonomy’ of the state, Poulantzas highlighted the following. Firstly, the formal separation of the state from civil society, more specifically from the ruling class and the economy, is a specific characteristic of the state in capitalist societies. The supposedly neutral position of the state through institutionalisation enables it to intervene in societal reproduction (Poulantzas 2002, 19). The specific institutions and apparatuses build the material structure for organising and negotiating the interests of classes and class fractions (Brand et al. 2021, 6). Secondly, within these structures, the different social fractions can strategically organise, and, depending on their structural power, defend their interests. Because the complexity of class relations is materialised into various state apparatuses at the same time, relations of social forces and class struggles, which unfold in civil society, are not identically translated into state apparatuses (Hirsch 2005, 48). They transformed and developed their own antagonistic dynamics and institutionalised contradictions, conditioned by the selectivity of capitalist production and bureaucratic peculiarities (Georgi 2019a, 25). Thirdly, this highlights the role of the state in the light of capitalist contradictions and crises. As mentioned before, a central assumption of historical-materialist state theory is that capitalism is crisis-prone. Crises induce changes in the relation of social forces in society, and at the same time, make changes in the relation of state apparatuses necessary in order to deescalate and maintain its fundamental structures (Buckel et al. 2017, 9). The ‘relative autonomy’ of the state, in its dialectical relationship with civil society, provides the state with “the capacity to formulate and express specific compromises between different social forces” (Brand et al. 2021, 6), and thus, stabilises capitalist societal (re)production (Hirsch 2005, 30). To summarise, “as such, the state is a strategic yet asymmetric terrain on which competing and antagonistic interests of social forces are being organized, articulated and translated into specific policies which contribute to the regulation of contradictions and crisis tendencies.” (Brand et al. 2021, 6). Following this definition, another concept of materialist state theory also needs to be explained: regulation. This term is rooted in the French regulation theory, which was developed in the context of the 1970s global economic crisis. In economic science, this global economic crisis also induced a crisis of Keynesian and became a criticism of neoclassical economic models and of monetarist-neoliberal market radicalism. Hence, scholars of regulation theory were interested in the continuities, the nature of crises, and the historic transformation of capitalist societies. (Hirsch 2005, 83–85) Hirsch, in his development of materialist state theory, following the theoretical assumptions of Poulantzas and Gramsci’s concept of hegemony, created a theoretical link to approaches of regulation theory (Jessop 2018, 75). In particular, he draws on three key

assumptions of regulation theory. First, capitalist development can be differentiated into periods. Second, generic crisis tendencies and crisis tendencies in different historic time periods can be identified. Lastly, crises are overdetermined by a set of social relations in which accumulation is embedded (ibid., 75). The focus on the development of the capitalist societies and crises of capitalism makes it evident that Hirsch saw a theoretical interest in analysing the dynamics and processes rather than steady structures. His aim was to develop a theoretical and analytical concept that enables capturing the specific historical form of capitalist societies and their transformations (Hirsch 2005, 86). In doing so, he draws on and further enhances the concepts of ‘accumulation regime’ and ‘mode of regulation’ (Jessop 2018, 88–90). ‘Accumulation regime’ refers to the capitalist (re)productive structure and patterns of consumption, a strategy of economic growth. ‘Mode of Regulation’ means the social form – the means of coordination and organisation such as norms, laws and institutions in politics and civil society, including the inherent power structures – which enables a constellation of growth (Görg 2018, 31). According to regulation theory, the development of capitalist societies is characterised by periods that are relatively stable followed by a big crisis, which induces a transformation into a modified accumulation regime. Simultaneously, the accumulation regime is accompanied by a mode of regulation, which aims at stabilising the current societal reproduction (Jessop 2018)⁸. Against the traditional Marxist assumption that the societal contradictions of capitalism will drive the capitalist societal reproduction into a “final” crisis, regulation approaches ask how these crises are managed so that they do not lead to the abolition of capitalism (Brand 2003, 147). As Hirsch argues, the state with its materialised institutions and as an arena where hegemony is achieved and secured, plays a central role in the reproduction of a specific regime of accumulation, as well as in its regulation (Jessop 2018, 86). In reference to Gramsci, this means that maintaining a relatively consistent regime depends on political-ideological hegemony (Hirsch 2005, 92; Jessop 2018, 88). In other words, as Brand and Görg describe it, the

„[...] capitalist formations [...] differ in space and time, with their own specific strategies for the valorization of capital, their own political institutional forms and relationships of social forces etc. [...]. The historical development of capitalist societies does not follow an objective logic but is shaped by the conflicting activities of social actors and their ability to pursue their interests, norms and values and give them – mostly through compromises – certain durability.“ (Brand and Görg 2008, 573)

⁸ For a more detailed theoretical analysis of the interplay and interrelation of an ‘accumulation regime’ and the ‘mode of regulation’, see Hirsch (2005, 89ff.).

As explained, Hirsch combined regulation theory with the historical-materialist theory of the state as a social relation. Furthermore, he shed light on another factor: the internationalisation of the state. In particular, he analysed the transition from a period of Fordism, characterised by a Keynesian welfare state, to a period of post-Fordism, characterised by a competitive nation-state (Brand 2018, 128). The analytical deconstruction of the Fordist crisis and following transformation of the accumulation regime and mode of regulation, induced by the increasingly economic and political globalisation and trans-nationalisation from the 1970s onwards, made a theoretical approach to the internationalisation of capital and the state necessary (Brand 2003, 151). Therefore, at centre of the analysis was the role of the state in neoliberal globalisation processes, which brought about a liberalisation of politics, and, above all, a deregulation of the finance and capital market (Brand 2018, 142).

According to approaches of materialist state theory in combination with regulation theory, which further analysed globalisation processes from this perspective, the internationalisation of the state is driven by social struggles. Thus, it is conditioned by a restructuring of the ‘power blocks’ – new alliances between different class fractions (Brand 2003, 151). Subsequently, the relations between the economy and politics, as well as between the state and civil society have experienced a deep transformation (ibid., 151). This process was characterised by “a reduction of specific state functions, namely those of the welfare state, the commodification of social relations, and the strengthening of certain forces, especially internationally oriented capital groups.” (ibid., own translation). Hirsch articulated the thesis that the link of the accumulation regime and mode of regulation, which characterises capitalist developments is not only apparent within nation states and its structural conditions but is embedded in international division of labour (Hirsch 2005, 61, 101). Nevertheless, the nation-state is an important spatial demarcation, along whose lines the division of social classes, as well as specific processes of accumulation and regulation are formulated and performed (Brand 2018, 143). The European process of integration, as Buckel et al. (2014, 37) argue, can be also analysed in the light of the internationalisation of the state; or more precisely, they view the European Union as a specific manifestation of a European post-Fordist ‘state project’.⁹

The globalising capitalism can be described as a complex relation between, and the processes on different levels, with various antagonistic actors and their interests (Hirsch 2005, 102). Furthermore, the transition of nation-states in post-Fordist transformation was guided by values of efficiency and competitiveness, which led to strengthening state apparatuses that are

⁹ For a more detailed theoretical framework of the European Union using historical-materialist state theory, see ‘State Project Europe’ (Buckel et al. 2014, 2017).

important for the establishment of competitiveness, such as ministries of finance and economy or the central banks (ibid., 135). At the same time, as Brand argues, a tendency towards an increasing regulation in policies regarding security, military and migration could – and still can – be observed (Brand 2018, 145).¹⁰

Hirsch concludes that specific national accumulation processes and modes of regulation are dependent on the degree of embeddedness in and the position on the world market, hence the ability to structure the global accumulation process in favour of own national capital fractions. The global accumulation thus produces and at the same time depends on (global) inequalities (Hirsch 2005, 104).

The materialist theory of the state, which Brand and Wissen refer to, further relates to a critical concept of imperialism, which later became “the imperial” of the imperial mode of living (see next section). A critical concept of imperialism, as it is used here, integrates a theoretical approach to exploring the relations between different localities within global capitalism, which is widely referred to as a relationship between capitalist centres and periphery, or otherwise, as a relationship between the Global North and the Global South. Furthermore, it addresses the expansive character of capitalist developments. The concept of imperialism in political and economic critical theory has a long history. Hirsch, in reference to Rosa Luxemburg’s theory of imperialism,¹¹ proposes to use imperialism as a theoretical concept that refers to the existence of international relations of exploitation, violence, and dependencies, which are (re)produced by capitalist societal production and enforced through state apparatuses (Hirsch 2005, 168). Luxemburg’s central thesis was that capitalist societal reproduction and accumulation could only be further maintained by subsuming/invading non- and precapitalist spaces (ibid., 174). Building upon this thesis, the concept helps to develop analytical categories, which allow capturing the structures and dynamics of the capitalist world-system (ibid., 172). However, Hirsch also argues for a modification of earlier concepts of imperialism such as that of Luxemburg. Accumulation processes are not linear, but progress differently in time, space, and depth. Therefore, the expansive tendency of capitalism needs to be described by further dimensions that consider the various (and flexible, or in other words creative) ways in which crises can be regulated and capital accumulated. Capitalist expansion thus occurs not only externally to other territories, but also internally by a deepening of capitalist accumulation, for

¹⁰ Buckel et al. (2014, 30), in reference to Hollifield (2003, 35 f.), describe this phenomenon – the liberalisation of markets, trade and freedom of movement for parts of the world population in the course of globalisation, with simultaneous tendencies towards an increasing isolation – as a “liberal paradox”.

¹¹ See Rosa Luxemburg’s “Die Akkumulation des Kapitals. Ein Beitrag zur ökonomischen Erklärung des Imperialismus” (1970 [1913]) (“The Accumulation of Capital”, own translation).

example with new technology or the invasion of fields of so far non-capitalised societal organisation.¹²

Apart from Hirsch's theoretical enhancements of imperialism as a concept, Brand and Wissen follow up more explicitly on Luxemburg's thoughts on the ecological dimension of imperialism, as well as her critique of colonialism (Brand and Wissen 2017, 45, 72). Luxemburg, when theorising on the capitalist expansion into non-capitalist spheres, did not only refer to the exploitation of labour force, but also addressed the exploitation and destruction of natural resources and the environment through imperial forces. Her point was that "[...] the process of production is based on the continuation of two different, though closely connected factors, the technical and social conditions – on the precise relationship between man and nature and that between men and men." (Luxemburg 1951 [1913], 32). Brand and Wissen, in developing the concept of imperial mode of living, partly argue in a research tradition of Political Ecology, where similar ideas can be found, namely that the society and nature cannot be viewed to be separate spheres but interconnected by what scholars of Political Ecology call 'society-nature relations'¹³. Moreover, the capitalist reproduction is determined by the historical and dynamic mediation of society-nature relations in and between different localities, from local to global, as well as different spheres of life. As such, crises of capitalist periods are also always a crisis of hegemonic appropriations of nature (Brand and Wissen 2017, 72–73).

Furthermore, what is important to notice is that Luxemburg with formalising her theory on imperialism referred to historical colonialism as an early and long-term effective means of imperialism (Schmidt 2013, 7). Capital accumulation and crisis regulation in that sense were, and as Brand and Wissen argue continue to be, dependent on (neo)colonial conquests by the capitalist centres (2017, 77; Hirsch 2005, 77). Accordingly, they assume the colonisation from the 16th century on to be an integral part of early capitalism, shaping the societal relations as well as society-nature relations until today. (Brand and Wissen 2017, 77).

In their article "Imperiale Lebensweise als postkoloniale Verstrickung" ("The imperial mode of living as postcolonial entanglement", own translation), Brand and Wissen highlight their commitment to address the link between historical colonialism and contemporary

¹² Hirsch, also in reference to newer theories of imperialism (see i.a. Harvey (2005)) defines four dimensions of expansion: internal, external, formal, and informal. The latter two describe the means of imperialism by either military force or "soft power" – the creation of dependencies, forcing other parts of the world to accept rules or strategies of deregulation that favour the capitalist ruling class and disadvantage labour class claims (Hirsch 2005, 175).

¹³ The term 'society-nature relations' is also heavily influenced by the work of scholars from Social Ecology (some of which are cited in this research such as Christoph Görg), which is adapting a holistic view of natural and social interactions by working towards integrating and combining models and concepts from different disciplines of ecology, geography, sociology, and physics (see for example Fischer-Kowalski and Weisz 2016).

capitalist globalisation, and everyday practices of people in the Global North (Wissen and Brand 2018). The historical colonisation relied on violent practices, racism, and economic constraint. Until today, they argue, the imperial mode of living relies on the construction of identities and a postcolonial idea of superiority, which both are mediated through a racialised construction of ‘the others’ and an ‘outside’, as well as the access to commodities under social and ecological destructive conditions (ibid., 119, 123). Thus, capitalist historical development until now is permeated by colonial logics (ibid.).

Nevertheless, as I argue later in the second block of the theoretical framework (see chapter 2.2), I assume that to some extent, the concept would still benefit from a stronger foundation of postcolonial theory and decolonialisation, in particular when it comes to the role of knowledge production and the construction of identities in the context of violent developments.

In conclusion, the following theoretical assumptions can be derived from critically understanding the state and globalisation processes, which are crucial for understanding the central elements of the concept of the imperial mode of living. First, capitalism is based on specific societal relations and society-nature relations, which are overdetermined by structural relations of domination such as racism, class relations, and gender relations. Second, capitalist societal (re)production is prone to (multi)crises, which are a manifestation of contradictory dynamics of (global) accumulation processes. Third, the maintenance of fundamental structures for capital accumulation relies on a regulation of crises, and thus, is marked by historical continuities, as well as transformation processes. Fourth, the state cannot be reduced to an external subject of management or governance, nor can it be reduced to an instrument of the ruling class. It is conceptualised as a social relation and characterised by contested hegemony. Therefore, the interaction between capitalist accumulation and mode of regulation is not a determined and automatic process, but an outcome of societal struggles. Fifth, the capitalist state is embedded into an internationalised system of capitalist accumulation and regulation. Capitalist development is not a linear process, it shapes the global structural North-South relationship. Here, the imperialist forces of capitalism play a crucial role. Until today, the interaction between everyday practices and capitalist (re)production are marked by continuities of (neo)colonialism.

2.1.2 The conceptual elements of the imperial mode of living

This section aims at clarifying the conceptual elements of the imperial mode of living, which is developed by Brand and Wissen throughout their book. I assume these dimensions to be

helpful for answering the research questions by identifying certain patterns, processes, or mechanisms that can serve as reference points for a discussion of violent elements in EU asylum and migration policy. Here, the theoretical assumptions on a critical approach to societal organisation and globalisation processes explained in the previous section are crucial for understanding the conceptual elements – the levels and dimensions of an imperial mode of living– and how they are interrelated.

At the beginning of this chapter, I established some of the general ideas behind the IML as an explanatory concept. As a reminder: The concept aims at theorising the dialectical relationship between two conceptual levels: people's everyday life and the societal structures. It offers an explanation for how societal structures and corresponding Leitmotifs, beliefs and discourses, enable political, economic, cultural everyday practices of people in the Global North, and to some extent, in the Global South, “[a]nd it clarifies how domination is normalized in neocolonial North–South relations; in class, gender and racialised relations; and in the everyday practices of consumption and production, to the point where these are no longer perceived as such.” (Brand and Wissen 2021, 82). Hence, the concept refers to the standards of production, consumption, and distribution that are deeply embedded into both, everyday practices, as well as societal structures (Brand and Wissen 2017, 45–46).

The relationship between these two levels, as Brand and Wissen argue, can be conceptualised and structured via four dimensions. Each dimension describes different processes that “designate those moments that can serve to analyse, critique and transform the imperial character of specific patterns of consumption and production.” (Brand and Wissen 2021, 89): (1) capitalist valorisation, accumulation, and reproduction; (2) building of hegemony and subjectivation; (3) hierarchisation; and (4) externalisation. In the following paragraphs, I describe the processes underlying said conceptual dimensions, and the central mechanisms, which drive them.

With the dimension of ‘capitalist valorisation, accumulation and reproduction’, Brand and Wissen want to clarify the close connection between the imperial mode of living and global capitalist development, its phases of stability and of crisis and their regulation (Brand and Wissen 2017, 52). Within this dimension, the processes that produce, sustain, and grow capital, are highlighted. ‘Valorisation’ means the exploitation and commodification of labour force and natural resources, which establishes the possibility to capital ‘accumulation’ – the ability to create a surplus. These societal relations and society-nature relations are not only structured in capitalist centres, but also beyond them, which explains the expansive character of the imperial mode of living and draws the link to imperialist forces such as (neo-)colonialism as inherent to

it. Further, this dimension refers to the ‘reproduction’ of the imperial mode of living, which are the structural conditions that make people in the Global North, but also in the Global South, take part in and sustain the imperial mode of living. With this, Brand and Wissen emphasise that the imperial mode of living is based as much on production as on corresponding consumption (Brand and Wissen 2017, 52–55).

Therefore, central driving mechanisms to these processes of the imperial mode of living are the ability to access external resources (labour and nature), as well as the combination of promising share of the benefits and at the same time (economically) coercive elements, such as being forced to sell one’s labour force for subsistence. The ability to escape from structural conditions and the privilege of benefitting from the imperial mode of living, depends among others, on one’s class, ‘race’¹⁴, gender identities or other socially constructed belongings. (ibid.)

The second dimension describes the processes of ‘building hegemony’ and ‘subjectivation’. In doing so, it aims at approaching the questions of: how is the imperial mode of living inscribed into routines and everyday practices in a way that it is not fundamentally questioned, but socially accepted and politically secured through institutions, despite the contradictions that this very mode of living produces? – Or in other words, how does it become and stay hegemonic?

Brand and Wissen argue very closely to Gramsci’s hegemony theory and its corresponding understanding of power and domination. “The material and ideological elements of domination are stabilized through ‘common sense’, which allows central aspects of social domination to appear unquestionable and natural, and therefore, likewise, not to be domination.” (Brand and Wissen 2021, 96). Brand and Wissen translate this to their concept of imperial mode of living as follows: those who benefit most from the imperial mode of living, the ruling class, want to strategically generalise their interest and world views. At the same time, the subaltern (have to) make these interests their own (Brand and Wissen 2017, 57–58). However, strategic action by the ruling class does not establish hegemony on its own. As explained in the previous section, ruling power interests need to be presented in a way that is also attractive to other classes and class fractions. The way they are presented and formulated emerges through struggles and concessions (ibid.). This refers to processes of organising and regulating capitalist (re)production, e.g. via institutions and policies, which constitute a very material element of hegemony. Moreover, the imperial mode of living and corresponding interests are inscribed into everyday practices and routines (ibid.).

¹⁴ It must be noted that I use the term ‘race’ as a political and power-critical category that aims at making visible the experiences of Black and Indigenous people and people of Colour (BIPOC), in opposition to and critique of the racist idea of biological human races.

With processes of ‘subjectivation’, Brand and Wissen emphasise the processes that take place on the individual level, where wishes and desires become important factors for orientation. The promised benefits of the imperial mode of living become desirable. Thereby, norms of consumption are culturally mediated, normalised, and have become part of individual identities. “Through this avenue, power is ‘naturalized’. It is reproduced by masking differences through consumption, by affirming one’s social position and by ‘self-actualizing’ oneself.” (Brand and Wissen 2021, 99). However, gains in distinction, i.e. a multiplication of possibilities of consumption, go hand in hand with growing social inequality and competition (ibid. 100). This, as Brand and Wissen argue, is also driven by a distinction via racist, classist, or gender-based discrimination, and is inscribed into racialised, sexualised, or otherwise discriminated bodies. Bodies whose devaluation is (re)produced by the imperial mode of living (Brand and Wissen 2017, 58–59). One of the most prominent examples that Brand and Wissen use to explain material and ideological elements of hegemony is the idea of the ‘homo oeconomicus’ as the common image of human beings, which makes the human being seem to be naturally and historically characterised as competitive and oriented towards value exchange (ibid., 57). This image has been, and still is, materialised into institutions such as economic science knowledge production or policy making, but also finds cultural manifestations, which translates into people’s ideologies and identities, and thus shapes their behaviours (ibid.).

In summary, driving mechanisms, which drive building hegemony and subjectivation, are the material-ideological normalisation of domination and of production and consumption norms, and the distinction via consumption status, driven by discrimination.

The third dimension describes the processes of ‘hierarchisation’. This means devaluation processes already partly mentioned above, through which the claims to participation in the imperial mode of living are hierarchised. At this point, Brand and Wissen make it clear that with the imperial mode of living, they don’t mean that life looks everywhere the same (ibid., 62). Rather, they want to describe a general mode of living that can be characterised by the elements described in this chapter, but is reproduced along different dividing lines of society, and therefore makes experiences within it very different. Societal division and inequality are produced, among others, between gender identities, classes and class fractions, races, nationalities, religions, urban and rural areas, and between society and nature. This implicates various and intersecting forms of power and domination, and of discrimination. However, this can only be sustained as long as an upgrading of one’s own situation, or to some extent an overcoming of inequalities, seems realistic for the subalterns within and through the imperial mode of living (ibid.). This only works as long as it is possible to externalise and thus

ignore the socio-ecological costs produced by this mode of living.

The final dimension of ‘externalisation’ is very central for the conceptualisation of the imperial mode of living. Whilst the first dimension was about accessing external labour and nature to create value and capital, this dimension is about externalising the negative effects. It highlights the problems and crises of the imperial mode of living, such as the various forms of destruction of natural resources and sinks and its consequences, exploitation of labour forces, poverty, or violent conflicts resulting from this. In this context, the sociologist Stefan Lessenich coined the term ‘externalisation society’ [German: Externalisierungsgesellschaft]¹⁵, to which Brand and Wissen explicitly refer. Lessenich defines ‘externalisation’ to be “[...] a structure, a mechanism, and a practice.” (Lessenich 2019, 33). With this definition, Lessenich makes visible the structural and coercive elements and mechanisms of externalisation processes, but also calls on individual responsibilities for everyday practices that rely on externalisation (ibid. 2019, 34). He further draws a link to the coloniality of the ‘externalisation society’: “Its colonial past, whose effects are still being felt today, shows how this world system has always operated by outsourcing poverty and violence from the centres to the periphery [...]” (ibid.).

Brand and Wissen, like Lessenich, highlight that externalisation processes do not only refer to the ‘outside’ from a geographic sense. Externalisation processes also occur within the imperial mode of living, such as the externalisation of care work and ultimately the exploitation of (mostly women and/or migrant) care-workers (Brand and Wissen 2017, 63). Yet, the construction of an outside and the exclusivity of the imperial mode of living are central mechanisms of externalisation processes.

2.1.3 Migration in the imperial mode of living

Finally, I want to return to migration and EU asylum and migration policy. In this section, I want to present in what way the concept of the imperial mode of living refers to migration and (EU) asylum and migration policy. What has the concept and the corresponding processes and mechanisms that I described above have to do with migration and EU asylum and migration policy? Does the concept of the imperial mode of living present an idea about how migration emerges and what motivates or forces people to migrate? Does the concept explain current reactions to migration?

Brand and Wissen themselves claim their concept to be an approach to analyse and understand social phenomena such as the “political shift towards the Right and the inhuman

¹⁵ For further reading on the ‘externalisation society’, see Lessenich (2016) “Living Well at the Others’ Expense – the hidden costs of western prosperity” [OV: “Neben uns die Sintflut – Die Externalisierungsgesellschaft und ihr Preis” [2016]].

Refugee or Migration Policy” (Brand and Wissen 2019, 24). In their texts about the imperial mode of living, they draw a link to migration. Thereby, they make certain claims about migration, the forces and reasons that make people migrate, and about the current developments of (EU) asylum and migration policy. Brand and Wissen view the movements of refugees, the restrictive migration policies and racist discourses, as part of the imperial mode of living and observe a symptomatic rise in brutality in defending it (Brand and Wissen 2019, 23). Right from the beginning of their book, Brand and Wissen address migration and migration policy. They note that:

“[...] European politicians vie with one another over proposals and tangible measures of deterrence and defence against human beings, who, driven by existential desperation and the desire for a better life, attempt to enter the EU. The rejection of what is, by any international comparison, a manageable number of refugees is framed as a question of national security.” (Brand and Wissen 2021, 36).¹⁶

The political reaction to migration, Brand and Wissen argue, needs to be viewed in the context of multiple societal crises of capitalism. In particular, the ecological crisis, as many of the people, who were and still are affected by these policy approaches and practices, leave their countries because they have been deprived of their livelihoods, suffered from droughts or from conflicts induced and fuelled by local ecological crises and resource scarcities (Brand and Wissen 2017, 10). This political reaction, however, must also be placed in the context in which it occurs. Namely, a mode of living that on the one hand causes such crises and on the other hand apparently must be defended against others' claims to participation (ibid., 12).

These statements regarding migration, and asylum and migration policy, are repeated in the course of the book along other texts, and are elaborated within the context of the concept. Concerning migration, the authors make the following claims: Migration is a result of, and reaction to, the processes of externalisation, as well as valorisation and accumulation through e.g. land grabbing and exploitation of labour force and nature, which resort in precarious living conditions and conflicts (Brand and Wissen 2017, 167). Consequently, people move and migrate because they fear for their lives, because they seek security, a better life, and their share of prosperity, or because they do not longer accept to bear the costs of the imperial mode of living (ibid. 2017, 14, 123).

¹⁶ Brief comment: the book was written and published during and shortly after the so-called ‘long summer of migration’ in 2015, which describes a moment when hundreds of thousands of people moved beyond EUropean borders and the EUropean border regime (the Schengen and Dublin regime) collapsed. Since then, many of the proposed measures came into force and are still in planning. One of them being the EU Pact on Asylum and Migration.

In regard to EU asylum and migration policy, the authors diagnose a restrictive migration policy with a trend towards an increasing militarisation of external borders, and a securitisation of politics (Brand and Wissen 2017, 167) – hence a development towards a “fortress Europe policy” [German: Abschottungspolitik] (Brand and Wissen 2021, 36).

They further elaborate on their assumptions about the processes and mechanisms behind this development in EU migration politics. Their main assumption is that migration policy serves as a way of physically and ideologically protecting and securing prosperity, which under capitalist societal (re)production depends on an outside that bears the costs of it, for two reasons. Firstly, the international order of nation-states and, in the case of the EU, of a supranational state is crucial for the maintenance of the competitive world market, but also for the construction of an outside and outsiders (Brand and Wissen 2017, 12). The imperial mode of living can only be maintained as long as there is an outside it can access and where its cost can be externalised to (ibid., 15). Secondly, migration policy is a way of regulating pressing societal problems and crises (ibid., 165). In light of growing social inequalities within the Global North, restrictive and violent migration policy seems to offer means to prevent further social deprivation by defending the status quo against others who claim to participate in the imperial mode of living. Hence, social problems, such as growing poverty and precarious working conditions, are transformed into a conflict between inside and outside, respectively between insiders and outsiders, by a hostile, racist, Islamophobic, sexist, nationalist, and generally excluding discourse (Brand and Wissen 2017, 165, 2019, 14).

To conclude, what Brand and Wissen argue is that the imperial mode of living in itself is contradictory, and therefore prone to crisis, violence and restriction, or in their words: “the imperial mode of living is thus becoming a victim of its own appeal and universalization.” (Brand and Wissen 2021, 41). This tension is manifested in the current EU asylum and migration policy (ibid.).

At the beginning of the second chapter, I explained that I find the concept of the imperial mode of living a useful concept for putting migration and migration policy in greater context. In the previous sections, I showed that the concept offers a holistic approach to analysing social phenomena in the context of capitalist societies. On the basis of critical theory on the state and globalisation processes, Brand and Wissen developed conceptual elements which can serve to explain the processes and mechanism of the imperial mode of living, and which form a basis for the construction of categories for this analysis and for the discussion of the research question(s) (see chapter 3). In this section, I presented the extent Brand and Wissen refer to current migration movements towards the EU and to EU asylum and migration policy on the

basis of their concept and the conceptual elements. Yet, to have a robust theoretical framework for the exploration of the research question(s), a brief and constructive criticism of the claims Brand and Wissen make on migration and migration Policy is in order. This concerns two aspects: the understanding of violence and migrant identities.

This thesis aims at critically analysing EU asylum and migration policy. As initially stated, this critique is not an end in itself, but rather intends to contribute to a social-ecological just transformation and a corresponding transformation of migration policy. This attitude requires to acknowledge the agency, experiences and knowledge of migrating people themselves and their communities. Daniel Bendix, criticises the concept of the imperial mode of living, as it does not sufficiently consider migrant perspectives and actions (Bendix 2018). Furthermore, Klaus Dörre (2019) and Stefanie Hürtgen (2018, 2021) argue that Brand and Wissen, in developing their concept reproduce a dualism of the Global North and the Global South by referring to a 'we' of the Global North that, in Hürtgen's words, does not exist (Hürtgen 2018). Hürtgen and Dörre point to the question of class struggle in the imperial mode of living. They argue that Brand and Wissen, by emphasising the externalisation of the negative costs of the imperial mode of living and considering coercive elements of hegemony to be directed towards the global South or located in the Global South to secure the imperial mode of living, they do not adequately consider the coercive elements in the Global North (Dörre 2019, 262). Brand and Wissen, in their later published English version of their book (Brand and Wissen 2021, 10), as well as in a more recent article (Brand and Wissen 2019, 23), admit to this shortcoming. Although clarifying that the Global North-South relation is a relational concept that is not meant strictly in a geographic sense, I would take up this criticism, in particular in regard to the two discussion points mentioned above.

Brand and Wissen's claims and arguments about violence and restrictions in EU asylum and migration policy lacks an elaboration of their understanding of violence. They argue that the imperial mode of living is based on, produces, and reproduces violence (Brand and Wissen 2017, 121). Their arguments do address the role of (neo-)colonialism and racism as legitimising strategies for violence. However, it remains open what is considered as violence, how it is experienced by those affected, and what role the perception of migration and the construction of identities play in this. As they rely on a concept of building hegemony that includes elements of consent and coercion, a lack of a concept of violence also raises questions about the understanding of coercive elements. That is why in the following second block of the theoretical framework, I focus on postcolonial and decolonial theory, respective theorisations of violence

and power, the construction of identities, and post- and decolonial perspectives on migration and migration policy.

2.2 Postcolonial theory and decolonisation

Where we start from, and which histories and epistemologies we acknowledge, will profoundly shape our understandings.

Gurminder K. Bhambra¹⁷

As noted previously, Brand and Wissen relate their concept to postcolonial theory at various points. Their criticism of globalisation processes, as well as their historical materialist approach to state theory to some extent intersects with postcolonial theory. In fact, they claim that their concept offers a point of reference for postcolonial theories, which argue that colonial thinking and practices are inscribed into (cultural) everyday practices Global North (Wissen and Brand 2018, 122). For an essential claim of their concept is to explain how domination is normalised in the practices of consumption and production in neo-colonial North-South relations, in class and gender relations, as well as in racialised relations in a way that domination becomes invisible (Brand and Wissen 2019, 14).

In the following section, I give a brief overview of selected postcolonial theoretical work¹⁸ and approaches to decolonisation. This serves to provide a richer understanding of intersecting arguments with the imperial mode of living as a concept, point out possible theoretical shortcomings and offering enhancing perspectives.

Castro Varela and Dhawan, in their handbook on postcolonial theory “Postkoloniale Theorie: Eine kritische Einführung” (“Postcolonial theory: a Critical Introduction”, own translation) advocate for using the term ‘postcolonial’ in a way that is sensitive to the context (2020, 24). There are various approaches to postcolonial and decolonial studies, rooting in different parts of the world, different schools of thought, and emerging from different anti- or decolonial struggles – “both in a practical sense and in terms of ongoing decolonizations of thought, knowledge, economic power and cultural practices” (Young 2001, cit. in Mayblin and Turner 2021, 18).

Despite different theoretical backgrounds, which I will address below, the essence of postcolonial approaches is the analytical and theoretical deconstruction of the consequences of colonialism and empire – may they be cultural, social, or political-economic (Bacchetta, Maria,

¹⁷ cit in Mayblin and Turner 2021, X.

¹⁸ Whereas the German literature more often uses the term postcolonial theory (postkoloniale Theorie), the English literature refers to it as postcolonial studies or academic postcolonialism. I will use the terms interchangeably.

and Winant 2019, 13–14) – or as Leela Ghandi summarises it: “postcolonialism can be seen as a theoretical resistance to the mystifying amnesia of the colonial aftermath.” (Ghandi 2019, 4). This is important to notice, as the term postcolonial might suggest that there is or was an end to colonialism. On the contrary, postcolonial theory wants to highlight that postcolonialism, firstly, did not occur after former colonised societies achieved independence, but is an ongoing form of resistance against colonial domination and its consequences (Ghandi 2019, 3). In accordance with Ghandi, I view postcolonialism as practice of resistance, because it challenges hegemonial discourses that ignore the structural and everyday consequences of colonialism. It offers a counter-hegemonic discourse that informs activist and otherwise resisting practices by deconstructing colonial knowledge systems, on the one hand. On the other hand, it makes visible past and present anti-colonial, postcolonial and decolonial¹⁹ struggles, experiences, and imaginaries (Castro Varela and Dhawan 2020, 353). Secondly, postcolonial theory argues that colonialism changed and still changes (the relationship of) former colonised and colonising societies, and therefore history must be understood as a process that is not linear but complex and at times contradictory (Castro Varela and Dhawan 2020, 24).

One of the thinkers and authors who is often mentioned in reference to the emergence of postcolonial theory in the humanities is Edward Said. Said, in a Foucauldian post-structuralist tradition and in relying on his experience of exile and racism as a Palestinian and Arab-American scholar, made the analysis of colonial histories of violent Eurocentric epistemologies as part of colonial domination the centre of his intellectual projects. In doing so, he systematically criticised and uncovered the western production of colonial difference and corresponding production of the non-EUropean ‘otherness’ through colonial discourses in text or non-textual discursive elements such as art (Mayblin and Turner 2021, 18). With his research project, ‘Orientalism’, Said brought forward colonial discourse analysis as a useful and productive method to analyse colonial knowledge and systems of representation, which historically constructed the Orient, and in relation to it a Western self-understanding. As much as earlier thinkers within anti-colonial struggles such as Franz Fanon, who interlinked the categories class and race in his analysis (Castro Varela and Dhawan 2020, 52), Said was critical of certain aspects of Marxist criticism of capitalism and imperialism, such as its Eurocentric

¹⁹ The terms ‘postcolonial’, ‘decolonial’ and ‘anti-colonial’ have different backgrounds regarding their geographies, political contexts, intellectual aspirations, and activist practices, out of which postcolonial and decolonial theory emerged. The use of the terms is extensively debated in academic but also in activist practice (Castro Varela and Nikita Dhawan 2020, 24). I regard those terms as part of a common framework aiming at pointing at the consequences of colonialism, without disavowing the historical and contemporary significance of their different backgrounds. For a debate on the terms, see also Hiraide (2021): “Postcolonial, Decolonial, Anti-Colonial: Does it Matter?”.

model of a universal development of capitalism (ibid., 110, 177). Nonetheless, Said drew on Gramsci's hegemony theory when referring to the domination of western cultural forms: "It is hegemony, or rather the result of cultural hegemony at work, that gives Orientalism the durability and the strength I have been speaking about so far." (Said 2003 [1978], 7).

Similarly to Said, and building up on the work of the Subaltern Studies Collective, Gayatri Chakravorty Spivak problematised the representation of the 'Third World' subject, the subaltern²⁰, in colonial discourses. She criticises the western production and representation of the undifferentiated 'other'. However, Spivak argued for a deconstructivist approach, which follows a "negative" but empowering logic. Instead of falling back on reproducing the dualism produced by colonial discourse, using a deconstructivist praxis would empower and recognise the diversity of experiences and identities that exist within colonised societies (Castro Varela and Dhawan 2020, 188). In her often-cited article "Can the Subaltern Speak?", Spivak explored the linkage of feminist theory with postcolonial approaches, theorising the intersections of patriarchal power and domination with colonial power and domination. In doing so, she contributed to naming and problematising colonial structural heritage within (formerly) colonised societies on the one hand. On the other hand, she points out to the actors of the feminist movements in the Global North that the struggles of women in the Global South have a different material basis than those fought by women in the 'First World'. Moreover, as Spivak argues, the othering of 'non-western' women helped legitimising imperial and colonial forces, framing it as social mission (ibid., 174). Here, Spivak makes clear her reliance on both historical materialist analysis of the international division of labour and economic power, as well as on poststructuralist approaches to uncovering, or in her words deconstructing, colonial discourses and colonial structures:

"An understanding of contemporary relations of power; and of the Western intellectual's role within them, requires an examination of the intersection of a theory of representation and the political economy of global capitalism. A theory of representation points, on the one hand, to the domain of ideology, meaning, and subjectivity, and, on the other hand, to the domain of politics, the state, and the law." (Spivak 2010, 237).

Spivak's examination of the role of Western intellectuals in the maintenance and reproduction of colonial structures gave rise to her concept of 'epistemic violence'. Epistemic violence describes the discursive processes of othering, which normalises colonial power, including

²⁰ The understanding of the concept of the subaltern is based on a Gramsci interpretation by Ranajit Guha, the co-founder of the group. Guha defines 'subaltern' as a space that is cut off from all forms of mobility within a colonised territory (Spivak 1996, 288).

different forms of violence. With the concept, Spivak wants to make visible how the violence of colonial dominance and local violent practices are interconnected within the global asymmetric relationship (Brunner 2016, 101). The concept of epistemic violence plays a central role for this research (see next section 2.2.1), as an understanding of violence and the experience of violence is necessary for analysing restrictive and violent elements in EU asylum and migration policy.

In Latin America, similar theoretical reasoning emerged in social sciences, drawing on dependency and world systems theory²¹: decolonial theory. Similar to postcolonial theory, decolonial scholars address the continuities of colonialism, its physical, material but also cultural and ideological power structures. Aníbal Quijano, framed the concept ‘coloniality of power’ in this context. Coloniality of power expresses the assumption that imperialism has changed “the nature of power” permanently and on a global scale – beyond the territorial influence of empire and colonies and also beyond the time of colonialism (Bacchetta, Maria, and Winant 2019, 14). Quijano argues that the global pattern of power is structured by a global capitalist system of exploitation, which absorbed all former known modes of labour control (Quijano 2020, 867 ff.), the nation state as a universalised form of public authority, and Eurocentrism and a Eurocentric idea of modernity, which functions as a colonial mode of self-representation as naturally superior by identifying other groups or societies as racially inferior (ibid. 874). Thereby, Quijano highlights the role of racism as central in the idea of modernity and the global division of labour (ibid., 867, 874).

Decolonial scholars have been criticising postcolonial approaches to some extent, firstly, for not sufficiently acknowledging the Latin American experience with early colonialism and its consequences (Varela and Dhawan 2020, 331). Secondly, they criticise that postcolonial scholars build their work on, and thus reproduce, Eurocentric schools of theory and a Eurocentric way of knowledge production (ibid., 332). For them, the postcolonial critique of colonial power has not gone far enough. In addition to the structural normalisation of physical, material, cultural, or discursive power and violence, they argue that colonialism has also systematically declared entire colonised knowledge resources and “systems of knowledge as intellectually inferior” (Mayblin and Turner 2021, 20). In doing so, they advocate for recognising and producing non-western knowledge that doesn’t fit Eurocentric criteria of academic knowledge production, pointing to the agency of people and societies affected by colonialism.

There is a vast debate of the differences of postcolonial and decolonial theory (see e.g.,

²¹ For dependency theory see i.a. Frank (1969); for world systems theory see i.a. Wallerstein (1988)

Castro Varela and Dhawan 2020, 330 ff.). In accordance with Castro Varela and Dhawan, I find that the line between the two theoretical approaches is hard to draw, as both criticise the local and global consequences of colonialism and argue for a deconstruction and decolonisation of Eurocentric political, economic, and cultural concepts such as modernity, human rights, progress, or Enlightenment (Brunner 2016, 97). I would argue that the approaches don't have to be viewed as contradictory or deficient. On the contrary, the debating and challenging of different approaches brings forward the variety of perspectives and inspires to productively criticise and make visible the colonality of violence from different angles.

2.2.1 The colonality of violence

What is violence? This section aims at exploring this question from a post- and decolonial perspective, pointing towards a wider understanding of violence for analysing the EU asylum and migration and policy. This includes addressing the question of who is committing and experiencing violence and why; how violence is legitimised; and which type of violence is even recognised as violence?

Looking at the concept of violence from this perspective makes sense insofar as a look at post- and decolonial approaches has shown that historical materialist theory, and thus state-centred approaches, can certainly be viewed critically and benefit from being counter-read and complemented with other theoretical perspectives such as post-structuralist approaches. In my opinion, the imperial mode of living can be also situated in this dialectical relationship, relying significantly on a historical materialist understanding of the state, but also explicitly drawing on discourse-theoretical approaches and referring to postcolonial theory. Particularly when analysing violence that originates or is induced by state policies – as is the case in this research – a questioning of the concept of violence in political science is appropriate.

In Aram Ziai's book on postcolonialism and political science (Ziai 2016b) – Claudia Brunner notes in her article on epistemic violence that there are many forms of violence, many of which can be attributed to the European concept of the modern state but have not been recognised as such or even ignored in theoretical conceptualisations of violence – in particular, in political science (Brunner 2016).

In general violence can be defined as physical or psychological coercion or force that causes or is intended to cause harm (Bundeszentrale für Politische Bildung n.d.). When searching for a definition of violence, this very general definition is one of many one can find. However, I find it useful to keep a basic or possibly obvious concept in mind when taking a further step towards what (experienced) violence might mean in relation to state policy.

In political science the concept of violence [German: Gewalt] is closely connected to the concepts of power [German: (Staats-)Gewalt/Macht] and domination [German: Herrschaft], often causing confusion due to the interchangeable use of terms. In English, the distinction between violence, power and domination is more straightforward, at least linguistically. However, this close link can be attributed to the idea of legitimate use of coercion by the modern democratic state, which originates in the concept of (nation) states in general (Brunner 2016, 92). Brunner notes that the European self-representation of the peaceful and nonviolent, democratic, progressive, rational state plays a central role in the conceptualisation of violence and the legitimisation of (violent) state force (Brunner 2016, 94). State force is viewed as a legitimate measure to secure state power and order. Yet, (state) violence is located *elsewhere* and viewed as committed by *others* or not as part of the own present but placed in the own past, something that has been overcome generally (ibid.).

That is why, as Brunner further argues, violence in political science and practice is considered as an external problem that is to be solved rather than as a possibly structural problem and as a process (ibid., 96). Such an understanding of violence closes spaces where criticism can be formulated and where experiences of various forms of violence that are not external to the state but inherent in it are heard and recognised. Thus, the structures and systems that (re)produce violence are made invisible and specific lived experiences of violence are not linked to the responsibility of the state (Ziai 2016b, 19). Moreover, the matter of who has the power to define violence and declare certain forms of violence as legitimate is ignored. Consequently, Brunner proposes to make use of Spivak's concept of epistemic violence that I have touched upon above to take into account the various dimensions and forms of violence, and to explore their structural entanglements when conducting an analysis of violence in political contexts (Brunner 2016, 96, 2020, 254). Maldonado-Torres, in reference to Quijano (2020), Lander (2000), and Mignolo (2007), brought together their concepts of coloniality as three levels of coloniality to make the links and dynamics between lived experiences of coloniality and global structures of colonialism visible: (1) the coloniality of being; (2) the coloniality of knowledge; and (3) the coloniality of power (Maldonado-Torres 2007, 242). Maldonado-Torres elaborates on the three levels as follows:

“While the coloniality of power referred to the interrelation among modern forms of exploitation and domination (power), and the coloniality of knowledge had to do with impact of colonization on the different areas of knowledge production, coloniality of being would make primary reference to the lived experience of colonization and its impact on language.” (ibid.)

Brunner transfers these levels to the concept of epistemic violence. In doing so, Brunner is concerned with a functional understanding of discursive legitimacy of violence on the one hand and direct physical violence on the other. For her, to speak of epistemic violence does not mean merely deciphering the patterns of justification of other forms of violence. It also means taking into account the violent quality of knowledge itself (Brunner 2020, 75). Accordingly, and in that sense, the concept of epistemic violence functions as a logical bridge between the coloniality of being, knowledge, and power (ibid.).

On the level of the coloniality of being, Brunner locates experiences of violence [German: Gewalterfahrung]. On this level the analysis of concrete acts of violence is conducted from the perspective of the actors and subjects of violence: Who is exposed to and who exercises violence, when, and where? (Brunner 2020, 277). The concept of epistemic violence, here, helps to reach beyond a mere categorisation of violent acts. Rather, the concept makes the structures of domination visible because it investigates the historicity, knowledge systems and epistemologies that are inscribed into the bodies and self-understandings of the subjects involved in violent acts (ibid., 278). It also addresses the recognition, acknowledgement, and disregard of violence. Here, Brunner refers, among others²², to Butler's concept of 'normative violence', which points to the fact that violence can only be recognised, and responsibility taken, if the subject who is exposed to the violent act is recognised as such in the first place (ibid., 281). Therefore, (epistemic) violence on that level can be understood as social relation, that must be structurally – on a material as much as on a discursive basis – put into the context of a coloniality of knowledge and power (ibid., 97, 283).

In contrast to the coloniality of being, which Brunner locates on the micro-level, the coloniality of knowledge functions as meso-level for conceptualising violence. Here, the normalisation of violence is examined. Of interest are aspects, institutions, and processes of (academic) knowledge systems, which determine what knowledge is recognised as universally valid. Brunner argues that the self-representation of western knowledge systems as rational, globally standardised and nonviolent need to be questioned, as they are based on global asymmetric division of labour and resources at the same time (Brunner 2020, 286). Not only is violence normalised by colonial knowledge systems, but they also constantly produce the tools for distinction and domination such as the scientific base for political decisions or a certain form of language (ibid., 290). Hence, concrete observable physical violence cannot be separated from the epistemologies that justify or legitimise it. Rather, their entanglements must be made

²² In "Epistemische Gewalt" (2020) Brunner develops her concept of epistemic violence in dialogue with several concepts of violence. Besides Butler's concept of normative violence, she draws on and discusses Galtung's concept of structural violence as much as Bourdieu's concept of symbolic violence.

visible, and their methodological, historical, geopolitical, disciplinary, or operational dimension considered (ibid., 285, 287).

In regard to the conceptualisation and analysis of violence, the colonality of power means taking a Makro-level perspective and looking at the global order of violence [German: Gewaltordnung] (ibid., 291). A postcolonial and decolonial understanding of violence reaches beyond (academic) knowledge and its (re)production and puts violence into a greater political and historic context (ibid.). Accordingly, political, economic, and military violence need to be analysed against the background of global patterns of capitalist expansion and specific epistemic understanding of global governance (ibid., 297). Hence, it is a matter of thinking about the global dimension of colonality, which continues to this day, as an aspect of local manifestations of epistemic violence (ibid.).

To conclude, violent acts and events can harm physically and psychologically, can be committed directly and indirectly, directed internally or externally, performed through physical force or language, based on racist, fascist, classist, ableist, patriarch, or intersecting power structures, and can be performed by political actors and institutions or in civil society. However, the violent event or act must be placed in a reciprocal relationship with its epistemic context. Violence thus has a material and a discursive dimension that might root in the colonality of power and knowledge. Epistemic violence in that sense can function as a link or intersection between different phenomena of violence, both manifest and latent, that characterise colonial modernity (Brunner 2020, 272, 283).

This research aims at analysing violent aspects of EU asylum and migration policy against the theoretical background of the imperial mode of living. Besides relying on the theoretical assumptions of the imperial mode of living and interconnected theories of thought, this entails laying down a theoretical concept of violence as elaborated in this section and with the help of which violent aspects are identified. Further, the presented post- and decolonial approach of epistemic violence leads me, in the following, to also consider post- and decolonial thoughts and theories on migration.

2.2.2 Migration Studies and colonialism

I didn't know that in Europe people get divided in the ones with passports and the ones without. I didn't know that I would be treated as 'a refugee', a person without papers, without rights. I thought we escaped from emergencies, but here our arrival is considered an emergency for the locals. I thought our situation in the camp is an emergency, but in Europe the meaning of emergency for people like 'us' is to be dead.

[...]

I am a girl in a tent and I am thinking about this world as the days won't pass by and I am waiting for the permit to leave this place.

My pen won't brake unless we won't end this story of inequality and discrimination among human kind. My words will always brake the borders you built.

Parwana Amiri, 28.11.2019, Letter to the World from Moria (No. 8):
“**my pen won't brake, but borders will**”; emphasis as in original²³

Mayblin and Turner found that when studying key academic texts on migration, hardly ever was there any reference to colonialism, postcolonialism or decolonisation (Mayblin and Turner 2021, 1–2). Even study programmes were lacking an interest in colonial entanglements or issues of race and racism. (ibid. 2021, 14). In their book *Migration Studies and Colonialism*, whose title I borrowed for this section, they point to the fact that there seems to be a “[...] general lack of interest in the legacies and continuities of colonialism for contemporary migration governance and the experiences of ‘migrants’ and ‘hosts’ today.” (Mayblin and Turner 2021, 2). This, as Mayblin and Turner further argue, is of importance as migration studies as academic field and policy on migration issues are historically closely connected, and the knowledge and knowledge production on these issues have a direct and indirect impact on political decision making and material conditions (Mayblin and Turner 2021, 11). On one hand, migration studies scholars have always been part of national and international policy-making fora. On the other hand, major institutions such as the United Nations High Commissioner for Refugees (UNHCR) or the International Organization for Migration (IOM) engage in (academic) knowledge production and need to be questioned for their own colonial histories and power structures (ibid., 11). Hence, “challenging the intellectual foundations of the field is always part of broader struggles which are not always, or only, academic”. (ibid., 9). Spivak termed the

²³ Parwana Amiri is an author and activist from Afghanistan. She fights with her poetry against discrimination against refugees and for better conditions at European borders. She fled Afghanistan due to political persecution and came to Lesbos in 2019 via Pakistan, Iran, and Turkey. With her "Letters to the World from Moria" (2019 - 2020), the then 16-year-old drew attention to the conditions in the Greek camps.

structural and institutionalised silencing of colonial histories and continuities in the (academic) production of knowledge as ‘sanctioned ignorance’ (Spivak 1999). In reference to this, Mayblin and Turner argue that a lack of awareness of sanctioned ignorance in key academic texts on migration leads to inadequate theoretical assumptions about human mobilities, a reproduction and normalisation of dehumanising and racist language and terms, and a silencing of migrant, refugees, and Global South perspectives, as well as past and present struggles against colonial continuities and global injustices (Mayblin and Turner 2021, 3f.).

That is why, in the following section, I give a brief overview of existing work on human mobilities and migration from critical perspectives. Critical and intersecting perspectives in that context include post- and decolonial theories, so-called ‘Third World Approaches to International Law’ (TWAIL), Black feminist, and queer-of-colour approaches. I intent to give an overall understanding of and visibility to the issues addressed by those perspectives. However, it is important to note that this overview should not be considered as final and exhaustive, but rather set the scene for a critical analysis of EU asylum and migration policy. The three most common starting points, or themes, in critical migration studies are the critique of Eurocentrism, modernity, and racism in relation to migration and mobility (Mayblin and Turner 2021, 196). The strong foundation in post- and decolonial theories is clear. Critical perspectives on that matter can be broadly grouped into two approaches. One stream of literature focuses on questioning the core assumption in conventional approaches to debating migration. Those perspectives and theories criticise the unquestioned and normalised understanding of statehood, sovereignty, and citizenship. Kerem Nisancioglu, in his text “Racial Sovereignty” (2020) criticises the concept of sovereignty as follows:

„European states imagined themselves as having reached the requisite standard of civilisation to legitimately possess (and recognise each other as possessing) sovereignty. In contrast, non-European states were imagined by Europeans to be uncivilised and therefore incapable of self-rule and sovereignty as such. (...) Put differently, the spatial separation of inside/outside produced by sovereignty generates an associated historical closure around the role of race in its origins and making.” (Nisancioglu 2020, 5f.)

Mayblin and Turner argue that this line of argumentation can be fruitful for a criticism of the colonial histories of racist and exclusionary structures in migration politics, which are based on the eurocentrist idea of the modern sovereign state. This perspective allows to fundamentally deconstruct the construction of migrants (who move beyond international borders), but it also questions the construction of citizenship, and the counting, documentation, categorisation, and

control of persons (Mayblin and Turner 2021, 70f.). Against this background, violent practices such as the ‘campization’ (Kreichauf 2018; Sperling 2022) and the immobilisation of bodies can be critically analysed. Further, it makes visible the problematic perceptions of who is a migrant, “[...] who can move, where and under what conditions [...]” (Mayblin and Turner 2021, 196). E. Tendayi Achiume, an international law scholar, who is dedicated to advancing the work of TWAIL argues that a global mobility divide that favours and fosters the mobilities of ‘First World Citizen’ and produces immobilities of ‘Third World Citizen’ can be observed. While “European colonial economic migrants benefitted from an international legal and imperial regime that facilitated, encouraged, and celebrated white economic migration” (Achiume 2019, 1517), Third World citizen who intent to migrate legally either face tremendous legal visa and entry restrictions and those who intend to do so in an unauthorised manner face militarised border regimes (ibid., 1515). Taking her argument further, she theoretically and systematically dissolves the division between migrant and citizen against the background of post- and decolonial questions. Her central argument is that “First World nation-states have no right to exclude Third World migrants, for reasons tied to the distributive and corrective justice implications of the legacies of colonialism.” (Achiume 2019, 1517). Challenging the status quo perceptions of Third World citizen as political strangers to First World nation-states, she argues that Third World citizen who move towards or into the First World in fact are postcolonial citizen claiming their rights to which they are historically entitled to, and therefore practice migration as decolonisation (ibid.,1517).

Another large part of critical perspectives on migration and mobility goes deeper into specific areas such as the rethinking of ‘forced migration’ or security (Mayblin and Turner 2021, 198f.). There is a vast stream of academic work on people who are forced to migrate within or beyond international borders. This stream of literature, which is often referred to as refugee or forced migration studies, has been subject to various criticism by postcolonial, decolonial, TWAIL, and Black feminist scholars (Mayblin and Turner 2021, 110). The central criticisms are, (1) the international human rights and asylum regime; (2) the knowledge about and perception of forced migration; (3) the governing of those who had to leave.

The first concerns silences on colonality of the emergence and implementation of human rights and international refugee regime, specifically the 1951 Geneva Convention. Walter Dignolo, for example argues that human rights imply a definition of ‘human’, which is highly impacted by the historical material and ideological consequences of colonialism and imperialism (Dignolo 2013). Referring to Sylvia Winter (Wynter 2003), who undertook a deconstruction of the colonial production of human as rational, European, white, christian, and

male, he notes that colonialism brought forward specific exclusions and hierarchies within the definition of who is human, and subsequently, entitled to human rights (Mignolo 2013, 46). Further, he advocates for a critical view on the concept of rights itself as part of colonial histories.

For the 1951 Geneva Convention on the Status of Refugees, which brought about the right to asylum, a questioning of colonial histories is interesting as well. The Geneva Convention, in its original version, was only meant to set a legal framework for refugee rights for European refugees (Krause 2021, 613). Only in 1967, due to continuous persistence of Global South and postcolonial countries, non-European refugees, for example those who were displaced from former colonised countries, were included into the scope of the Convention (Mayblin and Turner 2021, 116). This brings to surface the attitude and underlying international power-structures, which led to the focus on European refugees and ignorance of non-European refugees in the world (Krause 2021, 613f.). Moreover, and more drastically, B.S. Chimni argues that “as time passed the 1951 Convention on the Status of Refugees would be undermined by innumerable measures taken by western states to deter, detain and push back asylum seekers as a part of a policy of containment.” (Chimni 2008, 12).

Secondly, and following up on the former, Chimni points out forced migration and refugee studies must be criticised for this Eurocentric idea, and consequently ignorance, on refugee history globally. This entails not only recognising refugee movement within the Global South, but also acknowledging the blurring lines between what seems to be largely categorised into voluntary and forced migration as well as recognising the global entanglement of internal displacements (ibid., 12). Aurora Vergara-Figuera, from a Black-Feminist perspective, adds to this by developing her concept ‘deracination’, which aims at calling out the so-far inadequate, shallow concepts of forced migration, which depict forced migration as ahistorical events, happening in blank and empty spaces: “Current frameworks are neither fair in theorizing the histories of the people being abused, raped, taken away from their property, and killed systematically; nor have they designed effective policy prescriptions to repair the damage such experiences have produced.” (Vergara-Figueroa 2018, 2). Rather, deracination as a term aims at grasping the complex histories of displacements and deep cuts such events cause in the lives of those displaced leaving them uprooted. Further, this conceptualisation wants to make visible how deracination is “induced by elements related to class, race, gender, political and economic violence, or the result of environmental disasters.” (ibid. 2018, 2).

Finally, the third concerns the colonial histories of contemporary response of hosting states, hence the governance of “the uprooted” (Mayblin and Turner 2021, 130ff.). Here,

Achille Mbembe's concept of 'necropolitics' is of interest. With necropolitics Mbembe draws on and at the same time criticises Foucault's theoretical concept of 'biopolitics'. Biopolitics refers to the 'positive' influence on the life and health of citizen by state intervention and regulatories, meaning politics that facilitate the life and health of citizen. Mbembe "explores this concept's relation to the notions of sovereignty (imperium) and the state of exception." (Mbembe 2020, 66). Thereby, Mbembe turns the concept of biopolitics around. Instead of facilitating life, necropolitics refers to "letting die" those who are considered excluded from the sovereign realm of biopolitics. Moreover, „they are targeted because their existence is seen as detrimental to the wider population" (Mayblin and Turner 2021, 131). Necropolitics, Mbembe further elaborates, is the subjectivation of the excluded as enemy and emergency to the sovereign inside, defining "who matters and who does not, who is disposable and who is not" (Mbembe 2020, 80). It entails the creation of 'death-worlds', which Mbembe describes as "new and unique forms of social existence in which vast populations are subjected to living conditions that confer upon them the status of the living dead." (Mbembe 2020, 91). The concept of necropolitics, for example, has been transferred to the context of critical border studies arguing that the drowning of thousands of people in the Mediterranean Sea, or the conditions of European refugee camps is in fact a practice of necropolitics.

Apart from rethinking forced migration, post- and decolonial accounts of migration studies focuses on the securitisation and militarisation of politics and practices concerning migration, in particular border security. They show how border regimes are deeply entangled in colonial histories and racism. Of particular relevance are the militarisation of borders and technologies of border surveillance (Mayblin and Turner 2021, 150, 163). Mayblin and Turner argue that borders play a crucial role, firstly because they represent the territorial demarcation of inclusion and exclusion, but also because at borders "mobility becomes knowable and controllable" by collecting and sharing data about those who cross or try to cross borders (Mayblin and Turner 2021, 149). In this context, Browne (2010) advocates for a postcolonial and decolonial criticism of border security, for example by questioning the racialised biases of the collection of biometric data.

The following section provides a summary of the chapter. Thereby, I give a preliminary conclusion on my encounter of making a postcolonial and decolonial account of violence and perspectives of migration more explicit regarding the concept of the imperial mode of living.

2.3 Epistemic violence, migration (policy), and the imperial mode of living

The previous sections show the relevance of a critical concept of violence in order to reflect on EU asylum and migration policy in the context of capitalist societies. In doing so, I introduced postcolonial and decolonial theory as approaches that aim to deconstruct the past and present consequences of colonial historicity and domination, and, in this sense, also as practices of resistance. Based on post-structuralist approaches and deconstructivism, at the heart of those approaches is the questioning of the discursive and material basis of colonial domination, and thereby, a critique of Eurocentric epistemologies, modernity, and racism. In the development of a critical concept of violence, I, therefore, draw on Brunner's concept of 'epistemic violence', which integrates a three-levelled concept of coloniality – the coloniality of being, the coloniality of knowledge, and the coloniality of power – aiming at deeply understanding different forms and dimensions of colonial violence. For the analysis and discussion of EU asylum and migration policy, this allows me, firstly, to engage with postcolonial and decolonial accounts on migration research, which I introduced in this section, and which will be crucial for identifying violent elements in the EU Pact. Here, two entry points for postcolonial migration research are important: the questioning of the exclusionary structures of statehood, sovereignty and citizenship; and the concepts of forced migration and security. Secondly, it allows me to reflect on the role of violence in the concept of the imperial mode of living.

I argued before that the concept of the imperial mode of living has been criticised for not sufficiently including postcolonial and decolonial, and, accordingly, migrant perspectives, and that Brand and Wissen, in the development of the concept, rely on a universalising 'we' of the Global North. Furthermore, I noted that while Brand and Wissen argue that the imperial mode of living is based on and produces violence, they do not further explain what they mean by violence and how it is constituted. I claim that these shortcomings are linked and can be addressed by a postcolonial concept of violence, which I introduced above, that centres subaltern perspectives and experiences on different levels. I briefly highlight those links.

Brand and Wissen argue that the imperial mode of living underlies processes of building hegemony, which are constituted of consent and coercion. Buckel, in reference to the concept of the imperial mode of living argues that the capitalist order is maintained by consent inside of Europe and secured by coercion beyond its borders (Buckel 2021, 84). I argue that the concept of epistemic violence enables to shift the perspective towards subaltern epistemes and experiences, to get a deeper understanding of coercive elements of the imperial mode of living, and to that extent to rethink the processes of building hegemony – inside the EU, outside, and in between. I further argue that an analysis of EU asylum and migration policy that relates to

the concept of epistemic violence can not only reveal processes of exclusion but also allow for conclusions to be drawn about coercive elements in processes of inclusion, which can further point to subaltern and intersectional perspectives in the Global North and the link between various crises in a capitalist societal organisation. Finally, this will give a more complete picture of the role of migration and migration policy in an imperial mode of living.

Before outlining my methodological design for the analysis of EU asylum and migration policy, I review already existing research specifically on the EU asylum and migration policy that is based on or touches upon the theoretical approaches explained throughout the chapter. Before laying down my methodological design for the analysis of EU asylum and migration policy, I review already existing research specifically on the EU asylum and migration policy which are based on or touch upon the theoretical approaches explained throughout the chapter.

2.4 Selected research on EU asylum and migration policy

The EU asylum and migration policy has been subject to a variation of research. In the following, I want to give an overview of historical materialist and postcolonial and decolonial research (projects) and their accounts on contemporary developments of the EU asylum and migration policy. It must be noted that this is a selection of research that aims to give an orientation of existing research, and therefore does not claim to be exhaustive.

With a focus on a historical materialist research approach, scholars who work on the research project ‘State Project Europe’ should be noted. In reference to the imperial mode of living, Georgi (2019b, 2019c) argues that the current migration regimes such as the EU’s operationalise a hierarchisation of rights to mobility and social inclusion through border and migration controls, and everyday racism. He argues that “restrictive border regimes aim to regulate the structural contradiction between the negative consequences of a capitalist overaccumulation and multi-crisis, on the one hand, and the fundamental obstinacy and relational autonomy of the global working class, and especially its escape strategies, on the other” (Georgi 2019b, 572). In an earlier text, “Globale Bewegungsfreiheit und sozialökologische Transformation: Linke Strategien nach dem Sommer der Migration.“ (“Global freedom of movement and social-ecological transformation: leftist strategies after the Summer of Migration”; own translation), he further argues, an understanding of the capitalist state and the inherent fundamental functions of migration and border control is necessary (Georgi 2017, 45). Moreover, he criticises that discursive strategies such as ‘open borders’ or demanding the respect and implementation of ‘human rights’ need to be aligned with a variation of different types of strategies, in order not to turn out toothless (ibid., 46). Further, he postulates

that a ‘counter-hegemonic project’ of transnational solidarity needs to be created, basically advocating that the transformation of migration policy needs to be a part of a deeper socio-ecological transformation.

Buckel et. al (2017), in their study “Hegemony Projects in the Battle for Migration Policy and European Integration”, advocate for a historical material policy analysis (HMPA) in order to explain the roots, developments and outcome of struggles between different social forces, their vision of (EU)migration policy, and their resources to make it a common ‘political project’. ‘Migration management’, they conclude, is a specific current mode of reacting to migration, as a result of the struggles between neoliberal, social, progressive and left hegemonic projects in the EU (ibid., 33). Using Gramscian hegemony theory and a (Neo-)Poulantzian theory of an internationalised state, they show how the policy outcome is one of domination, but also one of crisis, transformation and making concessions to other – what they introduce as – hegemonic projects in order to create consent on prevailing policy approaches (ibid., 8). HMPA, in this context, focuses on the EU as supra-national political actor and to that extent on an analysis of the materialisation of complex power structures in EU asylum and migration policy. Drawing on the learnings of the research project ‘State Project Europe’, the research group ‘Transformation of the European Border Regime in Crisis’ emerged, which makes the societal struggles over EU asylum and migration policy. In their recent book „Kämpfe um Migrationspolitik seit 2015” (2021) (“Struggles over migration policy since 2015”, own translation) the research group argues that current developments such as further the externalisation of border controls, the establishment of closed camps, illegal pushbacks, the restriction in the freedom of movement of migrants are a result of societal struggles – of attempts to (re)establish EU borders and of resistance practices against it. Thereby, they follow a relational conceptualisation of the state, which understands state apparatuses and institutions as materialisation of societal power relations (Buckel et al. 2021, 11). Furthermore, they emphasise that the European border regime is essentially formed by a two-fold process of externalisation: one in the Global South and one inside the EU. Along these two ‘rings of externalisation’, different EU policy endeavours and resistance practices take place, such as a deepening of the entanglement of development policy and migration control (Kopp 2021); strategic litigation for refugee rights and against the further restrictions in the EU (Pichl 2021); or labour unions who fight for migrant workers’ rights in Germany (Löw 2021).

Critical border studies draw more attention to ethnological, postcolonial, decolonial and anti-racist approaches, thereby linking localities of the European border regime and its violent manifestations. De Genova, in his article “Spatial Convulsions, Racial Concussions: die

Grenzen und Begrenzungen des ‘Europäischen Problems’” (2022) (“Spatial Convulsion, Racial Concussions: borders and limits of the ‘European Problem’”, own translation) takes a critical stance on the framing of migration as a crisis for Europe. He argues that this narrative is rooted in the EUropean ignorance of own colonial and racist past and present historicity, and in extension to that is a manifestation of the actual crisis at hand: a ‘racial crisis’ (de Genova 2022, 338). By pointing to the situation of Roma* migrants who, despite their EU citizenship, experience the harshness of the EUropean migration regime, he describes how the reactionary and racist violence of the EU border regime escalates and is not limited to the territorial borders of the EU and non-EUropean citizen (de Genova 2022, 349f.). However, he also advocates for making visible the powerful dynamics of spatial formations – ‘differential spaces’ – that emerge from creative and practical resistance practices of migrations against the illegalising practices of EU asylum and migration policy. He argues that migrant networks across Europe and beyond can be a starting point for recognising and developing strategies for transformation (ibid. 2022, 350ff.).

Critical border studies furthermore entail the analysis of violent and discriminatory practices of the EU border regime, such as the analysis of the above-mentioned practice of ‘campization’ (Göler 2021) as well as intersectional feminist analyses. Hess et. al, in their article “Dangerous Men and Suffering Women? Entanglements and Articulations of Gender in the European Border Regime” (Hess et. al 2022) criticise the research of the EU migration and border regime of marginalising the “analysis of the interconnection between gender, sexuality and the politics of migration control” (ibid. 361), and therefore of ignoring the diversity of migrants and their experiences. Hess et. al show that in the context of migration and EU migration and border regime, a very binary and discriminatory, and ultimately racist construction of female* and male* migrants has been established: the figure of the ‘dangerous migrant man’, and the ‘female migrant victim’ (ibid.). This narrative, Hess et al. argue, not only leads to an under-complex understanding of migrant perspectives beyond racist and paternalistic logics, but in extension to this has been appropriated for a “vital asset for restrictive migration-control practices” (ibid. 2022, 378). Therefore, the authors highlight that working towards a transformation of a racist and victimising, and consequently, violent border regime must be based on intersectional queer-feminist analysis and critique (ibid.).

Based on the presented different and converging theoretical concepts and approaches in this chapter, and their underlying assumptions about capitalist societies, their crises, and migration (policy), in the next chapter, I develop a methodological framework and respective analytical methods for the analysis of violence in EU asylum and migration policy.

3 Methodological Design

In chapter 1 and 2, I laid down the research problem as well as the theoretical framework I am building my research on. I showed that my research interest is centred around the analysis of violence in EU asylum and migration policy. Concretely, drawing on the above introduced concept of the colonality of violence, I want to analyse what forms and levels of violence can be found within the current EU asylum and migration policy, in order to, in a second step, discuss whether the findings can be explained by arguments used by the concept of the imperial mode of living. Before I explain the methodological design – the empirical framework, body of research, and the choice of methods for analysis – towards the research questions in more detail, I want to lay down what research decisions I took that were necessary in order to suit the scope and the specifics of this research. First, the focus needs to be narrowed to put together a body of material that I want to analyse. Here, two questions need to be answered: (1) What aspect of EU asylum and migration policy do I want to analyse and why? (2) Do I need to narrow down the ‘type of migration’ I am analysing? Narrowing down EU migration and asylum policy is a difficult, foremost conceptual, task considering the theoretical framework and discussion I will rely on. The theoretical approach of the imperial mode of living addresses societal phenomena in the context of society as a whole by making links between different localities, connecting different crises, and relating them to our societal organisation (including i.a. our political organisation). In this context EU asylum and migration policy could be anything that somehow directly or indirectly addresses migration through EU or member states’ policies.

However, the scope of the thesis makes it necessary to narrow down the focus. I decided to focus on the EU Pact on Asylum and Migration (in the following EU Pact). Of course, EU asylum and migration policy goes far beyond the EU Pact. Asylum and migration policy is implicitly and explicitly also done through other policy fields, far beyond the EUropean external borders, and it is developed on different levels – from local to international. Nevertheless, the EU Pact is one of the most recent policy approaches on the EU level regarding EU based asylum and migration policy. As a legal advisor for asylum law in Austria, working daily with those who are directly affected by the EU legislative framework on asylum and migration, I find the EU Pact and the proposed measures of particular interest. Furthermore, the EU Pact is the preliminary result of the past years and decades of EU asylum and migration policy development, old and new societal struggles, and recent negotiations within the EU. It reflects power (in)balances within the EU and how the social phenomenon of migration is structured by different actors. I assume the EU Pact to be a result of a back and forth between

different actors, their peculiarities, realities, perspectives, and power.

Besides touching upon many policy fields, EU asylum and migration policy also concerns many types of migration or people with different reasons to migrate and to move beyond international borders. The EU Pact is embedded into a broader policy agenda²⁴ on migration and asylum (Geddes et. al 2020, 7). This includes approaches towards visa regulations on i.e. labour migration or education migration. The EU Pact itself, however, aims at regulating and ‘managing’ so-called ‘irregular migration’ into the EU. While this means that this research focuses specifically on ‘irregular’ or, as I would define it depending on the context, ‘migration’ or ‘illegalised migration’²⁵, I would also argue that looking at what the EU Commission proposes in the EU Pact – the proposed measures as much as the chosen language and arguments regarding (illegalised) migration – can also tell us a lot about the way migration as a social phenomenon is constructed by dominant forces of an imperial mode of living.

3.1 Critical Discourse Analysis as a framework for empirical analysis

The research’s empirical approach derives from the following epistemological and methodological assumptions. This research takes an empirical approach that is critical to positivist assumptions about social phenomena and their study. Moreover, I am aiming at adopting a self-reflective and critical attitude towards (my own) knowledge production. As an alternative to positivist research criteria, O’Leary (2014, 114) suggests that responsible research production should be assessed by “transparent subjectivity rather than objectivity; dependability over reliability; authenticity over validity; transferability over generalizability; and auditability rather than reproducibility.”. Here, O’Leary points out that central to ‘good research’ is to recognise that multiple truths may exist while trying to capture the deep structure of the phenomenon as well as to recognise and balance subjectivities. The epistemological assumptions are closely tied to the theoretical framework I have built up. As indicated, I have made critical and postcolonial and decolonial migration studies central to my research in order

²⁴ See ‘Agenda on Migration’(European Commission 2015).

²⁵ While it is standard to refer to movements across international borders without the necessary documents or authorisation as ‘irregular migration’ in migration policy, migration activists and organisations often refer to it as ‘illegalised migration’ in order to make visible that people who migrate beyond international borders often have no access to legal pathways into the country of destination, are forced to do it in an ‘unauthorized’ way and are often criminalised for it. For example, so far there is almost no “legal” way to enter the European Union in order to issue an application for international protection – one usually can’t apply for a visa or apply for asylum at an embassy. Thus, in order to apply for asylum people have to cross the border ‘irregularly’, making them very vulnerable to illegal pushbacks which are induced by the idea that they entered “illegally”. I will use ‘migration/migrant(s)’ when referring to people who migrate (beyond international borders) (see FN 1) and ‘illegalised migration/migrant(s)’ when pointing to the fact that those referred to have been illegalised and criminalised by the EU and its member states. On that debate see Geddes et al (2020, 31) or De Genova (2020, 7–8).

to allow for a more “reflexive and situated knowledge production” (Bendix et al. 2020, 5, 32). This lens, which is critical to power imbalances, structural discrimination, and racism as well as sensitive to colonial histories, will be an integral part of the construction of methods, as explained below in more detail.

Besides the epistemological assumptions and the closely linked specific theoretical indications, the nature of the material for analysis is fundamental to the empirical framework. Hereby, my methodological assumptions and steps leading to my research framework need to be explained. I assume the EU Pact to be an outcome of historically developed and current societal struggles over EU asylum and migration policy. Central to these struggles are underlying problematisations of and perceptions on migration, migrants, their experiences, their reasons to migrate, struggles, and subsequently, the EU’s ideas about what ought to be done about it. This is subject of the political discourse reflected and manifested in the EU Pact – as ‘text’ and part of a ‘discursive event’. In understanding the EU Pact as a ‘discursive event’ and ‘text’, I am guided by ‘Critical Discourse Analysis’²⁶ (CDA) shaped, among others, by Norman Fairclough, Siegfried Jäger and Ruth Wodak who drew their critical realist development of ‘Critical Discourse Analysis’ (CDA) to a great extent on Michel Foucault’s Discourse Analysis while linking it to the concept of ideology by Althusser and to Gramsci’s notion of hegemony (see i.a. Fairclough and Fairclough 2011; Fairclough 2010, 2013; Wodak and Meyer 2016). For the specifics of my research project, I borrow and adapt elements and methodological steps from different approaches to CDA.

CDA scholars understand language and discourse as a social practice that “implies a dialectical relationship between a particular discursive event and the situation(s), institution(s) and social structure(s)” (Fairclough and Wodak 1997, 258). This means that language has an effect on and produces ‘the real world’ – power structures, identities, everyday practices, institutions, experiences – and vice versa. Hence, the context of language use is crucial (Wodak and Meyer 2016, 5). In order to make the analysis of this dialectical dynamic more comprehensible, it is helpful to the CDA scholars to make a methodological division into different dimensions of discourse. Fairclough, in his approach to CDA, developed three dimensions: ‘text’ is embedded in a ‘discursive practice’ or ‘event’ of text production, dissemination and consumption, and this, in turn, is embedded in ‘social practice’, a context of

²⁶ Wodak and Meyer’s volume *Methods of Critical Discourse Studies* (2016) provides an overview of the foundations of and different approaches to Critical Discourse Analysis (CDA). Thereby, they refer to the collection of different approaches as ‘Critical Discourse Studies’ while using ‘Critical Discourse Analysis’ when referring to the different approaches to analysis. Other scholars use the terminologies interchangeable. In this thesis, I will use the term ‘Critical Discourse Analysis’.

situation, institutional and social context (Fairclough 2010, 164). It is important to notice that text, discursive practice and social practice should not be understood as closed as figure 1 might suggest at a first glance. Rather, they are embedded into and mutually impact each other.

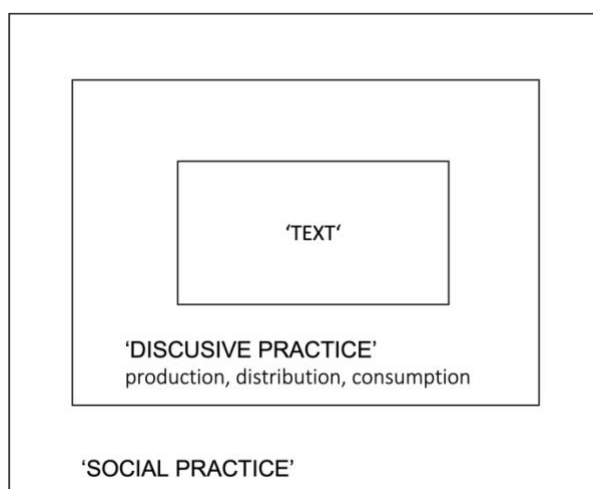


Figure 1: Three-dimensional discourse (N. Fairclough 1992, 73)

What we can read and look at in the ‘text’ – the semiotic manifestation in word and text form – is always a production of social practices, and it produces, reproduces, shapes, and transforms them. Therefore, analysing for example a text document entails looking at words, formulations, and structure; at the production of the text documents in different steps; as well as at the materialisation of the said into ‘non-discursives’ / ‘non-linguistic’ practices such as tangible actions. Furthermore, it is necessary to interpret and identify the meanings of what has been said (or not said). What I find very useful for my research is the close link to theory and critique of power, ideology, and hegemony. ‘Discursive practices’, Wodak and N. Fairclough (1997, 258) argue, shape and are shaped by ideologies – inherent in everyday beliefs and ideas – which contribute to the (re)production of social relations and organisation. Ideologies materialise in institutional practices. They shape the self-understanding of subjects, and they constitute persons as social subjects through positioning processes (for example, belonging to a certain social group) (Jäger and Maier 2016, 112). Ideologies are in competitive and hierarchical relationships with each other; and the dominant ideology in each case is understood as the result of class struggles (N. Fairclough 1992, 30, 86). Based on these assumptions, CDA is “characterized by the common interest in deconstructing ideologies and power through the systematic and retroductable investigation of semiotic data” (Wodak and Meyer 2016, 4).

In this research, I want to find out to what extent the EUropean social organisation and the prevailing ideologies and arguments associated with it produce and reproduce violent aspects of EU Asylum and Migration Policy, and to what extent this can be explained by the

concept of the ‘imperial mode of living’.

While analysing ‘text’ is a fundamental method of CDA, it is motivated by explaining complex social phenomena – such as migration and EU asylum and migration policy – rather than the interest in a linguistic unit itself. Therefore, Wodak and Meyer advocate for a multidisciplinary and multi-methodological approach (Wodak and Meyer 2016, 31–32, 57). Wodak and Meyer, here, refer to ‘triangulation’. Triangulation in empirical research refers to the approach where the research data is analysed from (at least) two points of view (Flick 2011, 11). Triangulation in social sciences was first developed by Denzin from a rather positivist perspective. Now, triangulation aims at broadening and deepening one’s analysis instead of trying to achieve ‘objectivity’ (ibid., 18). Triangulation can for example involve the triangulation of data, investigator, methods, or theories (ibid., 13–16). In line with Wodak and Meyer, the triangulation of methods, and theory fits the present analysis.

As figure 2 shows, the analysis of the EU Pact’s ‘text’ will be conducted via a document analysis, whereby two methods will be used: (1) a qualitative content-structuring analysis using MAXQDA; and (2) a close analysis and interpretation of text fragments.

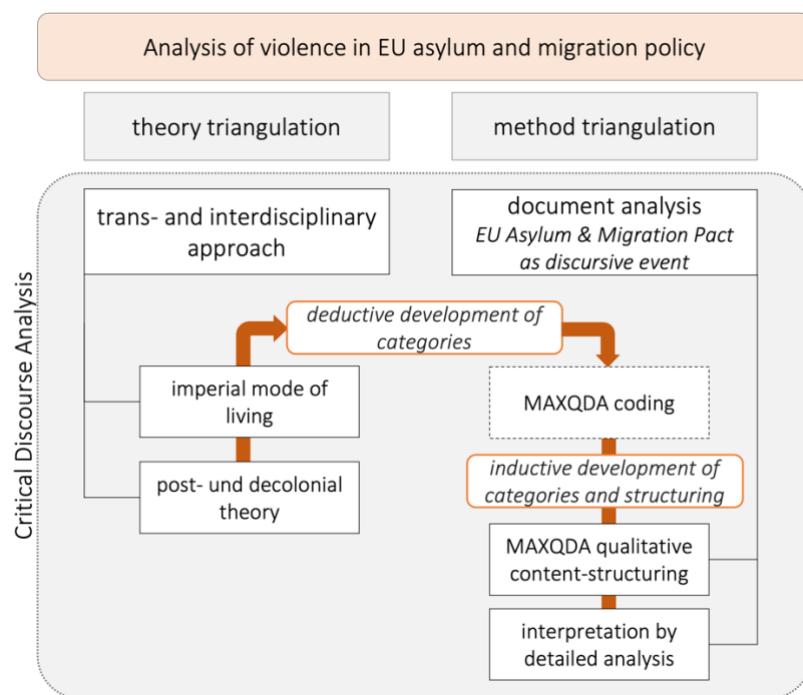


Figure 2: Empirical framework for ‘text’ analysis – triangulation based Critical Research Analysis, own illustration

These are paired with and entangled in a triangulation of theory – “approaching the data analysis with multiple perspectives and hypotheses in mind (...)” (Denzin 1970, 303; cit. in Flick 2011, 14f.). As indicated above, the imperial mode of living as a research concept, as well as postcolonial and decolonial research, derive from and are built upon the interplay of different

scientific disciplines. Recognising their inter- and transdisciplinary approach to science and research, the deductive development of categories for qualitative content analysis, as well as close analysis and interpretation of text fragments will be based on the inter-/transdisciplinary theoretical foundation.

In the following, I present the body of research, the EU Asylum and Migration Pact, before going more into detail about the analytical methods. The description of the production process serves as a basis for data selection as well as a reference for analysis and interpretation.

3.2 Body of research – the EU Asylum and Migration Pact

In September 2020, the European Commission put forward a proposal for the renewal of the Common European Asylum System (CEAS), the New Pact on Migration and Asylum. However, the Pact is based on a legislative process that has started long before. The EU asylum and migration policy went through different crises such as the above mentioned ‘long summer of migration’ in 2015, which showed the shortcomings of the CEAS in many ways, depending on the perspective. Right-wing actors such as the AFD party in Germany or Fidesz party in Hungary, conservative actors like many governing conservative Parties all over the EU as well as progressive actors such as the nongovernmental organisation ProAsyl or community-based civil society organisations and initiatives throughout the EU and beyond expressed their disapproval of the current EU asylum and migration policies. As a result, the Commission issued legislative, non-legislative as well as reform proposals in 2016, 2018, and most recently in September 2020. According to the European Union legislative process, the European Parliament and the European Council are discussing and amending the Commission’s proposals. This has resulted in a huge body of documents that reflect this complex process within and among the European legislative bodies as well as among civil society actors. These documents will serve as raw data and primary data sources for analysis. However, the number of documents that need to be managed is a challenge. Therefore, strategically collecting, reviewing, and selecting the data for analysis is central to the research project.

3.2.1 Data collection

To analyse the constitutive elements and processes of the proposed Pact, I propose to use the different official documents that document the working process, negotiations, parliamentary discussion, and public consultations. As a first step, I collected material using the following methods:

- Researching via EU Databanks (of European Commission; LIBE Committee of EU Parliament; European Council)
- Researching via the Platform ‘State Watch’²⁷: the organization State Watch collects EU Documents concerning the Pact under the category “tracking the pact”
- Researching via common research machines using different keywords/terms (“EU Migration and Asylum Pact Public Consultation”; “EU Migration and Asylum Pact European Parliament Debate”; etc.)

As a result, I gathered more than 50 official EU Parliament, EU Commission and Council of Europe documents – each up to 200 pages – regarding the New Pact on Asylum and Migration. Additionally, I found numerous websites that communicate and present the process and outcomes of negotiations and working sessions, as well as civil society statements, comments, calls for action and studies. Here, it is important to note that the collection of the material turned out to be quite chaotic. While searching for and gathering the different types of documents, it was challenging to make sense of the policy process. This is due to the European Union database and document organization, which is not intuitive. The documents are not easy to find since they are named in a very technical way and are scattered over the different EU bodies’ databases. In the following, the second step, the process of data review and selection, will be laid down.

3.2.2 Data review and selection

As explained above, the number of documents and other sources gathered is nearly endless. A reasonable selection mode needed to be found to make sense of the documents regarding the research question and the scope of the thesis. The question of which and how much material is selected and why is a common challenge in discourse analysis (Keller 2011, 80). The process of selecting material for analysis, and in a further step the detailed analysis, is guided by the theoretical framework and research question, but is also influenced by the subjectivity of the researcher, hence her positioning, previous knowledge and experience, and possible biases. Therefore, the selection of material needs to be made transparent, be explained, and reflected (O’Leary 2014, 57 ff.). Accordingly, in the following I give an overview of my data review process, and subsequently, my grounds for selection.

After reviewing the collected documents, I decided to categorise the documents by ‘part of EU Pact’; ‘actor’; ‘type of document’; and date. This gave a better overview of the structure

²⁷ See <https://www.statewatch.org/search/> (March 9, 2023).

of the EU Pact as well as of its development process. The documents can be organised according to the stages of policy proposals by the EU Commission, the debates, amendments and counterproposals by the European Parliament and Council of Europe and Civil Society comments and statements following each stage of proposals.

In 2016, the EU COM proposed two legislatives: (1) a proposal for a recast directive laying down standards for the reception for international protection (COM/2016/0465 final), aiming at laying down reformed reception standards for asylum seekers; and (2) a proposal for a regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (COM/2016/0270 final), trying to reform the Dublin III regulation which until today is highly contested because of the unequal distribution of responsibility between EU member states with external borders and those surrounded by other EU member states. Additionally, the proposals' adoptions were accompanied by communication via the EU COM's website as well as comments by civil society actors, member states' statements, and communications by politicians (my research summed up to countless documents). Following the two proposals, the European Parliament issued reports assessing, discussing, and amending each proposal. At the same time, the council issued its own legal assessments and amendments. In 2018, the EU COM released two additional proposals: the amended proposal for a regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (COM/2018/633 final), and a proposal for a directive on common standards and procedures in Member States for returning illegally staying third-country nationals (recast) (COM/2018/634 final), which again were debated on within the European Council and the European Parliament, documented in legal assessments and reports.

Building upon the legislative process, in September 2020, the Commission finally published five partly revised, partly new proposals for EU Regulations and issued eight non-legislative – three Recommendations, two Communications, and a Staff Working Document/background document– together forming the so-called EU Pact on Asylum and Migration (see table 1).

Legislative proposals

- 1 On asylum and Migration Management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] (COM/2020/610 final)
- 2 Addressing situations of crisis and force majeure in the field of migration and asylum (COM/2020/613 final)
- 3 On the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818 (COM/2020/614 final)
- 4 Introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (COM/2020/612 final)
- 5 Establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (COM/2020/611 final)

Communications

- 6 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on a New Pact on Migration and Asylum (COM/2020/609 final)
- 7 COMMUNICATION FROM THE COMMISSION Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence (2020/C 323/01)

Recommendations (non-legislative)

- 8 COMMISSION RECOMMENDATION (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways (C/2020/6467)
- 9 COMMISSION RECOMMENDATION (EU) 2020/1366 of 23 September 2020 on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint) (C/2020/6469)

- 10 Commission Recommendation (EU) 2020/1365 of 23 September 2020 on cooperation among Member States concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities (C/2020/6468)

Additional (background) Documents

- 11 COMMISSION STAFF WORKING DOCUMENT Accompanying the document PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management and amending Council Directive (EC)2003/109 and the proposed Regulation (EU)XXX/XXX [Asylum and Migration Fund] (SWD/2020/207 final)

Table 1: September 2020 EU Commission's Proposal of an EU Pact on Asylum and Migration; own illustration.

The legislative proposals aim at regulating and/or installing the responsibility-sharing between the EU member states (1); Situations of “force majeure and crisis”, situations where more people as usual migrate into the EU at the same time (2); the data information exchange between EU member states but also third countries using the European Asylum Dactyloscopy Database (Eurodac) (3); a screening procedure at the external borders (4); and a common procedure for international protection in the EU with a focus on returns (5). Additionally, the recommendations aim to set incentives on legal pathways (8), crisis management (9), and search and rescue activities (10). The communications consist of a public communication about the issuance of the EU Pact policy package (6) and a Commission guidance paper on the prevention of the facilitation of unauthorised entry, transit and residence (7). The additional documents give background information about the EU COM's working process (11). As explained before and according to the legislative process, the European Parliament and the Council of Europe issued their own documents as a response following this package of proposals debating and amending the EU COM's proposals and assessing its legal implications.

Due to the scope of the thesis, the material used for analysis must be narrowed. Due to my above mentioned background as asylum legal counsellor for EU asylum law, and having in mind the impacts of the EU asylum and migration legislatives in practice, I narrow down the documents to the latest legislative proposal of September 2020, with the proposal of the package of EU Regulations, Recommendations, and additional Documents; and if necessary, coming back to the older material in case it is needed for saturation or contextualisation. For interpretation, besides postcolonial accounts on migration and EU asylum and migration policy, I additionally draw on statements and comments by civil society actors on the EU Pact. I had to narrow the material down, a focus on the latest proposal made sense because it partly already

resembles the legislative process until this point. These are the outcome of the legislative process in a broader sense (including the not formally foreseen contribution by civil society) from the first proposal until that point. The aim of analysing the proposal is to identify the constitutive elements foreseen by the EU COM as the body which is entitled to propose legislatives. Naturally, it is also already an outcome of power imbalances between the actors in the ongoing process, an aspect that needs to be reflected throughout the analysis. Due to the scope of the thesis, an analysis of the responses by the EU Parliament and the European Council must be left for subsequent research. Here the identified elements can be supplemented by the institutions' own proposals. A more detailed description of the process and method of analysis will be presented as follows.

3.3 Methods for 'text' analysis

The EU Pact, as it was proposed by the EUCOM, is a compilation of different policy (text) documents. The fact that the EU Pact is already an outcome and still is part of 'discursive practice', the EU legislative process, poses a challenge to analysis, but at the same time makes it very interesting for various reasons. First, the wordings, structure, and formulations in the text itself are predetermined by the language and conventions used in EU policy documents. This will make it difficult to capture the essence of meanings, to make power structures and effects on people's everyday lives visible, and to identify prevailing ideologies. Second, the EU Pact presupposes certain practices and proposes (new) practices as measures to be implemented in order to achieve the legal objectives. These have very direct, or obvious, effects on the reality of people's lives and are, as CDA scholars call it, 'non-discursive elements'. However, what these practices mean, how they are experienced and perceived by different actors, might be contested, and therefore need to be interpreted. To simplify it, I believe the EU Pact is very abstract and very concrete at the same time in regard to the dialectic relationship between the discursive event and the situation(s), institution(s) and social structure(s). Therefore, a structured approach to the construction of the analytical methods that are critical to structures of power and domination at heart is important to make a contextualisation regarding the theoretical discourse and the research question feasible.

As explained above, I find qualitative content analysis using MAXQDA as a first step and detailed analysis of selected text fragments for identification of meanings and for interpretation as the second step to fit the requirements of the 'text' analysis. The development of categories, led by the theoretical background and based on CDA, helps tackle the challenges which are specific to the analysis of selected policy documents. For this, we need to step back

to what assumptions the concept of imperial mode of living as well as ‘postcolonial and decolonial’ studies rely on, and subsequently, translate this to my CDA methodological approach.

As laid down in the theoretical framework in chapter 2, Brand and Wissen (2017, 44–45) make ‘practices’ and the ‘social relations’ central elements of their concept. The IML is produced through discourses and perceptions about how the world is constituted and is maintained, transformed, and (re)produced by practices and institutions. It is based on, and at the same time generates, inequality, power and domination, and violence (ibid.). Hereby, the imperial mode of living relies on the naturalisation and generalisation of social practices, based on prevailing premises and world views. For the process of which premises prevail, become consent, and which alternatives are denied, Brand and Wissen argue, leitmotifs, as well as emotions or perceptions, are important (ibid., 56).

In postcolonial and decolonial studies questions about what kind of knowledge is (re)produced and which subjectivities are constructed, whose experiences are valid, which elements constitute our world and form the basis of knowledge production should be central to research projects (Bendix et al. 2020, 6). Aram Ziai (2016a), in explanation of his approach to discourse analysis, argues for a deconstruction of the references to knowledge about society or human beings that might “serve as legitimating ideology for certain types of domination” (ibid., 10).

N. Fairclough understands ideologies “to be significations/constructions of reality (the physical, social relations, social identities) which are built into various dimensions of the forms/meaning of discursive practices, and which contribute to the production, reproduction or transformation of relations of domination.” (N. Fairclough 1992, 86–87). This leads us back to the challenges and specific conditions of the selected documents, the ‘text’. We can make sense of the very abstract and at the same time very concrete characteristic by translating the above questions through CDA into a system of categories. In doing so, I have conducted a logical vertical division of the categories into (1) linguistically constructed elements: knowledge and identities; and (2) proposed means: actions, practices and the establishment, transformation or strengthening of institutions.

Furthermore, Fairclough and Fairclough (2011) argue that policies often contain a certain logic of argumentation which, when deconstructed, can be useful for a Critical Discourse Analysis of policy, and which I have adapted in order to fit my analysis of the EU Pact. To look at the argumentation in policy documents is critical because political decisions, at least if they have some form of democratic claim, are not merely based on who has the power

but also on how power is constituted. What reasonings about what ought to be done lead to the claim that this is the right thing to do, it's acceptance and subsequently to action? Are they informed by certain values and stated goals and objectives? (ibid., 244). I assume that the latter question helps to further systematise the analysis of the 'text'. Therefore, I defined *values* and *goals and objectives* to form additional categories that are somewhat crosscutting (or horizontal) to the other categories and will help to interpret and contextualise the findings.

	Main categories	Markers	Subcategories
<i>horizontal categories</i>	knowledge and identities	<i>linguistic construction by words, formulations, structure</i>	Circumstance / problematisation
			Migrants
			Europe / EU
			Outside
	means	<i>proposed elements by EUCOM</i>	Actions Institutions
<i>vertical categories</i>	values	<i>stated guiding values</i>	
	goals and objectives	<i>stated policy objectives</i>	

Table 2: System of categories and subcategories based on theoretical framework and translated through CDA for qualitative content analysis using MAXQDA.

Figure 3 gives an overview of the analytical process, which are carried out in chapter 4. In a first step, the text is screened and coded using MAXQDA with the help of the defined categories. If further categories emerge during the screening and coding phase, the analysis is extended to include them in order to saturate the analytical process. Subsequently, the coded segments are structured by a qualitative content-structuring analysis using MAXQDA. Then, in a second step, elements and fragments from the findings of the first phase are interpreted in close analysis with the help of postcolonial and decolonial perspectives, and where necessary, in reference to the EU Pact production process. The close analysis aims at understanding the essence and meaning, and more importantly to capture the violent quality of what has been subtracted from the data. This step is conducted in dialogue with the third step: the systematisation of the findings in regards to the levels of the colonality of violence. Here, the different forms and levels of violence will be identified and interpreted. Finally, in chapter 5, I

debate whether the results show patterns of arguments, processes and mechanisms or dynamics that can be explained by the conceptual elements of the imperial mode of living.

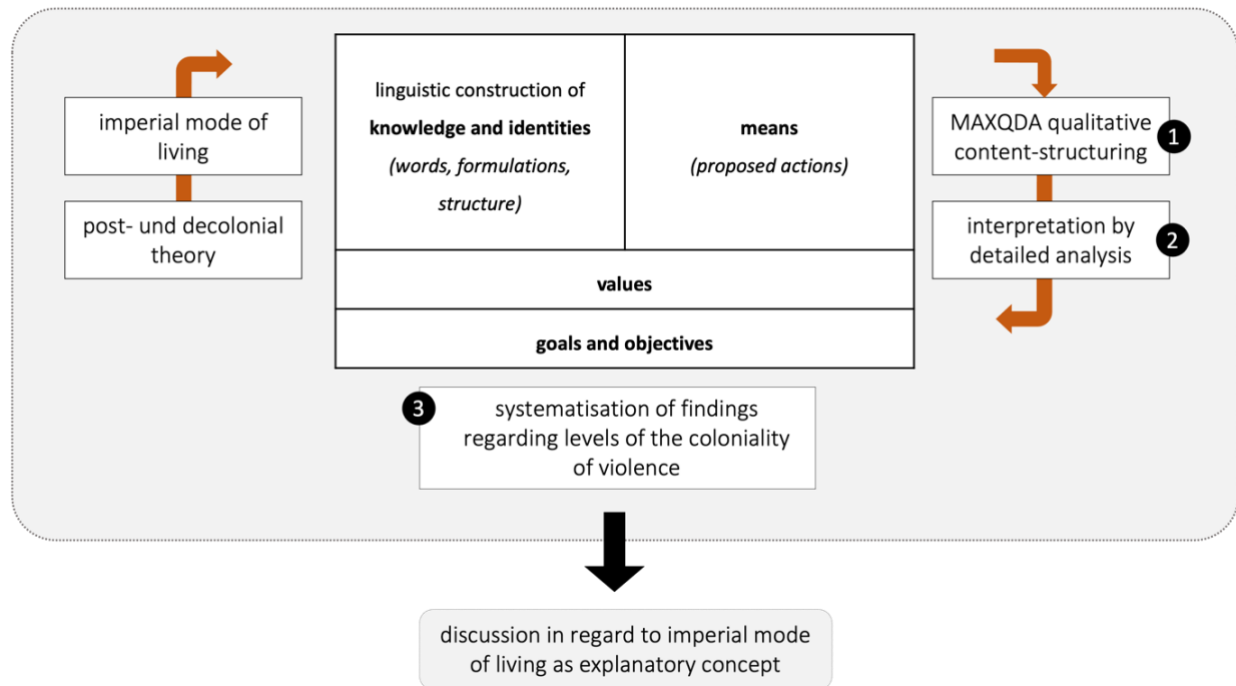


Figure 3: Analytical process, own illustration

4 Analysis of violence in the EU Pact

As outlined in the previous chapter, my analysis of the New Pact on Asylum and Migration (in the following: EU Pact) as it was proposed by the European Commission in September 2020 focuses on identifying violence in the EU Pact by generating, structuring and interpreting knowledge about (1) proposed actions; and (2) how the issues that ought to be tackled by EU asylum and migration policy (*circumstance/problem*²⁸) and migration as a phenomena are defined, and how migrant identities and a (self)understanding of the *EU* and an *outside* are constructed within the above described policy package of the EU Pact. As introduced above, the interpretation, and hence identification, of violence is guided by Brunner's concept of epistemic violence which is structured via the three levels of the colonality of being, the colonality of knowledge, and the colonality of power. Accordingly, in the following, I use the term (colonial) violence in the sense of this concept of violence.

I use MAXQDA as coding tool for conducting a content-structuring qualitative analysis of the material, following a deductive-inductive approach (Schreier 2014). Hence, in practice the MAXQDA analysis is conducted, firstly, through screening and coding the material, and

²⁸ In this chapter, the categories for analysis are written in italics.

secondly, by structuring and evaluating the coded material.

I conduct the analysis of the material starting a first phase of screening and coding of the Staff Working Document (COM 2020_STAFF)²⁹, which is the background and working document, containing a presentation of the context, details about the working process, and a description of the different policy proposals and recommendations. For this screening and coding phase, I used the codes based on the categories I deducted from the theoretical framework. During this first phase of coding the material, I defined the categories more clearly, and inductively generated extra subcodes. I added a family code for *context*, where text segments about the development process of the EU Pact were coded. This served for a better structural understanding of the coded text, and to structure information about which policy elements were debated by whom and at which point. Here, I also added the subcodes *process* and involved *actors*. Furthermore, I added the subcode *negative values* to the vertical code section, in order to already differentiate between positive and negative values while coding.

Following this, I screened and coded the five most recent legislative proposals (COM 2020_EURODAC³⁰, COM 2020_SCREENING³¹, COM 2020_BORDER³², COM 2020_AMR³³, COM 2020_CRISIS³⁴). Figure 4 shows the MAXQDA code system as it was used in this phase of coding.

²⁹ Evidence document detailing the evidence and experience that underpin the legislative initiatives proposed under the Pact (SWD/2020/207 final); Note: during this chapter, the data analysis, I use the document references assigned in MAX QDA for better reading purposes, instead of the official EU assigned document number. In this case COM 2020_STAFF for SWD/2020/207 final.

³⁰ Commission amended proposal revising the Eurodac regulation (COM/2020/614 final).

³¹ Commission proposal for new Screening Regulation (COM/2020/612 final).

³² Commission amended proposal revising the Asylum Procedures Regulation (COM/2020/611 final).

³³ Commission proposal for a new Asylum and Migration Management Regulation (COM/2020/610 final).

³⁴ Commission proposal for a new Crisis and Force Majeure Regulation (COM/2020/613 final).

Codesystem		+	3507
context			2
context_process			31
context_actors			54
horizontal			0
means			0
recommendation			57
institutions			134
> actions			653
knowledge and identities			0
> outside			63
> EU			83
> circumstance/problem			249
> migrants			993
vertical			1
norms and principles			142
> goals and objectives			623
> value			422

Figure 4: code-system for MAXQDA screening and coding, see also Annex I

In a second step, I coded the European Commission Recommendations and Guidance Papers accompanying the EU Pact (COM 2020_SAR³⁵, COM 2020_LEGAL PATH³⁶, COM 2020_UNAUTH³⁷), the 2018 proposals on the European Asylum Agency (EAA formerly EASO) (COM 2018_EAA³⁸) and on a common return procedure (COM 2018_RETURN³⁹), as well as EU Commission press releases on two third country agreements (COM 2022_NIGER⁴⁰, COM 2022_MOROCCO⁴¹), a Commission Questions and Answers publication (COM 2020_FAQ)⁴², and Fact Sheet⁴³ on the EU Pact (COM 2020_INFO WEB). This second step served to enhance and deepen the generated data material, where there was no saturation achieved yet or where background information was still missing.

After coding the material, I reviewed, structured, and evaluated the coded segments. In this first interpretive step, I grouped code segments of each code and put them into subcodes,

³⁵ Commission Recommendation on Search and Rescue operations by private vessels (C/2020/6468).

³⁶ Commission Recommendation on Resettlement and complementary pathways (C/2020/6467).

³⁷ Commission Guidance on Facilitators Directive (2020/C 323/01).

³⁸ Commission amended proposal for a regulation on on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (COM/2018/633).

³⁹ Commission proposal for a directive on common standards and procedures in Member States for returning illegally staying third-country nationals (recast). (COM/2018/634).

⁴⁰ Commission Press release (15 July 2022). Strengthening cooperation in the fight against migrant smuggling: the European Union and Niger launch operational partnership to tackle migrant smuggling (IP/22/4536).

⁴¹ Commission Press release (8 July 2022). European Commission and Morocco launch renewed partnership on migration and tackling human smuggling networks (IP/22/4388).

⁴² Commission Questions and Answers (23 September 2020): New Pact on Migration and Asylum: Questions and Answers (QANDA/20/1707).

⁴³ Commission (23 September 2020). Factsheet: New Pact on Migration and Asylum.

which serve as a basis for further detailed interpretation. Here, it must be noted that there are a lot of doublings of code segments due to the structure of the analysed documents. The Commission's proposals each contain a section on the context; rationales on the legal basis of the proposals; comments on the stakeholder consultations; detailed explanation of the specific provisions; the proposed legislation; and a section on budgetary implications and management measures. All these sections contain text on proposed actions and are at times repeated across the sections and throughout the text documents. In addition to that, some actions are mentioned across various documents and as well in COM 2020_STAFF, the Staff background working document. Hence, I use findings based on the quantitative occurrence of coded segments only with reservations. Nevertheless, while the sheer number and repetition of coded segments per code is not very meaningful, I argue that the number of codes in relation to each other can already give an indication of the priorities set by the Commission.

The detailed interpretation is achieved by reviewing coded segments in their context; linguistic considerations; by reviewing code segments by cross-coding, meaning interpreting code-segments that have been coded with various codes (e.g. *problematisation x migrants*); by putting coded segments into the context of horizontal codes *goals and objectives* and *values*, defined within that text passage, and thereby following a CDA approach for analysing arguments in policy documents; or by using literature external to the coded text for interpretation.

In the following, I present the findings regarding violent elements found in the EU Pact based on the content-structuring qualitative analysis using MAXQDA and subsequent detailed interpretations. I structure the presentation of my findings in accordance with a postcolonial understanding of epistemic violence as conceptualised by Brunner (2020) (see section 2.2.1). Hence, in a first step, on the level of a colonality of being, I analyse the EU Pact for violent practices and normative violence. Secondly, I uncover the violent quality of knowledge (production) within the EU Pact. Thirdly, on a rather macro level, I point to the colonality of power, which Brunner (2020) in reference to Quijano (2020) defined as the global order of power and violence.

4.1 Violent practices and normative violence in the EU Pact

In this section I present which elements of 'lived experience of colonial violence' on the level of a colonality of being can be identified in the EU Pact. Here, the focus lies firstly on policy measures that directly (re)produce violent practices, to make visible their colonial logics, and their lived experience by those affected. Secondly, I present findings on normative violence in

the pact.

Thus, the analysis of the pact with regard to experiences of violence takes place on two different levels that reflect the dialectic relationship of exercised and lived violence in the real world through the envisaged implementation of the proposed EU policy measures; and through language that is found in this particular discursive event – the EU Commission’s proposals – which points to the constructed subjectivities of experienced violence: who is exposed to violence and who exercises violence?

For the identification of violent practices, I draw on the category of *actions*. Thereby, I give an overview of the findings and conduct an interpretation regarding the violent quality of selected actions. The categories *migrants* and *EU* are used as the basis for the analysis of subjectivities in the EU Pact.

4.1.1 Violent practices of surveillance and forced immobility

The coded segments of the code *actions* contain all the proposed actions – general and specific – that are laid down in the documents of the EU Pact and that are subsequently casted into the legal text (the general provisions and articles) of the policy proposals. Overall, the code *actions* comprise 632 coded segments throughout all coded documents. The content structuring of the coded segments resulted in six broader groups, which partly are further sub-grouped. Accordingly, the code segments are grouped into proposed actions regarding (1) data collection and technology; (2) physical restrictions; (3) legal restrictions; (4) rights-based measures; (5) external action; and (6) management and monitoring. It should be noted that some of the coded segments are attributed to several groups and subgroups. Table 3 shows the groups and subgroups, their according code names, and incidence (count).

Groups and Subgroups	Code Name	Count
(1) technology and data collection	actions_tech	(121)
(biometric) data generation	actions_data	(108)
tech equipment for border protection	actions_equip	(13)
(2) physical restrictions	actions_phys	(295)
detention	actions_det	(19)
return	actions_return	(121)
prevent entry	actions_entry	(27)
health and security check	actions_check	(22)
new border procedure	actions_border	(43)
designating location	actions_loc	(30)

(3) legal restrictions	actions_legal	(63)
penalties	actions_pen	(15)
time limits	action_limit	(29)
data rights	actions_datarights	(8)
appeal	actions_app	(11)
(4) rights-based measures	actions_right	(68)
monitoring mechanism	actions_mon	(19)
family and children	actions_famchild	(12)
guarantees	actions_guarantees	(20)
work	actions_work	(8)
humanitarian assistance	actions_hum	(1)
(5) external action	actions_extern	(21)
(6) managing and monitoring	actions_man	(14)

Table 3: inductively created groups and subgroups by content structuring analysis of coded segments in code ‘actions’ in MAXQDA, own illustration (Annex I).

For an analysis of violent practices on a micro-level, the findings of the first three groups are of interest. The three groups together make the biggest share of coded segments (121, 295, 63), which indicate a prioritising of these measures by the Commission. On a qualitative level, the analysis of the groups helps to identify the violent quality of the proposed actions. Additionally, an analysis of the group (4) rights-based measures is conducted. At first glance, these measures suggest a counterbalance, or regulative, ensuring the accordance with the fundamental rights of migrants. It is therefore interesting to investigate the rights-based approach underlying those measures, and how these measures relate to the lived experiences of violence.

The first group (1) technology and data collection (*actions_tech*) is comprised of policy measures regarding the generation and collection of biometric data⁴⁴ (*actions_data*), and the necessary equipment and infrastructure for screening and border controlling (*actions_equip*). The Commission devotes two entire policy proposals – the development of the Eurodac system (EU COM 2020_EURODAC) and a pre-entry screening mechanism (EU COM 2020_SCREENING) – to data collection and sharing, but also gives a great degree of space to measures that enable and implement the collection and sharing of biometric and other data for identification throughout all the other analysed documents.

More concretely, the commission proposes to widen and restructure the collection of identification data of migrants who (try to) enter the European Union. The data which shall be

⁴⁴ As Brown (2010) defines it, “in simple terms, biometrics is a technology of measuring the living body”.

collected comprise 27 data points – i.a. fingerprints, facial image, sex, name, nationality(ies), date and place of birth, and data regarding the asylum application such as the responsible member state, and procedural status. (COM 2020_EURODAC, Art. 13) The proposal also foresees to lower the age for taking fingerprints from 14 to 6 years old and to extend the period of storing data from three to five years for persons who have crossed the external border “irregularly” and those who are “staying irregularly” in the EU (COM 2020_STAFF, 100; COM 2020_EURODAC, Art. 13 (1)). The collection of data is conducted during the foreseen screening period and provisions an identity check and a security clearance using and linking respective databases. The identity check is conducted using the European Central Identity Repository (CIR), where the collected data is checked and fed in, but also national and EU databases such as the Schengen Information System (SIS), the European Entry/Exit System (EES) or the Visa Information System (VIS) (COM 2020_SCREENING, 15; *ibid.*, Art. 10). For the security check, European and international data bases such as the Europol and Interpol databases (SLTD and TDAWN⁴⁵) or the European Criminal Records Information System (ECRIS-TCN) can be consulted, “in order to verify whether the third country nationals [sic] does not present a security threat.” (COM 2020_SCREENING, 16; *ibid.*, Art. 11). According to the proposals, the data bases should be further linked, and access to those data bases for border police, law enforcement, asylum authorities, Frontex, and the European Border and Coast Guards eased (COM 2020_STAFF, 94).

Based on the fed in data, statistics on e.g. the amount of asylum applications, transfers, or secondary movements should be produced on a monthly basis (COM 2020_STAFF, 107; COM 2020_EURODAC, 12; *ibid.* Art. 9). Additionally, the Commission proposes to “conduct a study on the technical feasibility of adding a facial recognition software to the Central System for the purposes of comparing facial images, including of minors” (COM 2020_STAFF, 95).

For implementation purposes the Commission foresees to strengthen the technical infrastructure and equipment of the authorities that are involved in data collection, security checks, and data sharing (actions_equip). This includes among others the training of border guards (COM 2020_SCREENING, 42); operational support and necessary equipment for competent authorities (COM 2018_EEA, (6)); and the development of intra- and interorganisational communication infrastructure (COM 2020_EURODAC, 19). In general, the Commission proposes to strengthen the mandate and capacity of Frontex and its involvement in border surveillance and return at the EU external border but also outside its territory such as

⁴⁵ Stolen and Lost Travel Document database (SLTD) and Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

in Niger (COM 2020_INFO WEB, 8; COM 2020_STAFF, 106; 0722_Commission_Niger, 2).

A closer analysis of selected examples of the coded elements shows the violent quality of excessive data collection, sharing, and equipping of border control authorities. Here, a look at the *values* and *goals and objectives* associated with the measures in line with a CDA analysis of policy argument, give orientation.

Measures regarding the collection and sharing of data are subordinated to the overall objective of successful migration management (COM 2020_INFO WEB, S. 10; COM 2020_EURODAC, S. 11; COM 2020_EURODAC, S. 11). The evaluation of coded segments in this group which were cross-coded with the code *value* shows that the collection of data is associated with the values ‘efficiency’ and ‘effectiveness’, *values* that are somewhat typical to management logics, and which on the one hand points to a coloniality of knowledge – a violent quality of knowledge – that underlies the pact and which I cover in section 4.2 in more detail. On the other hand, it is interesting to notice, what concrete management *goals and objectives* are envisaged on the basis of such knowledge production in the form of data – what makes efficient migration management?

As noted above on a quantitative basis, the expansion of documentation and tracking of people who want to enter and/or move within the EU “irregularly” or “unauthorised” is indeed given a large amount of space in the new regulations and is used as basis for most of the other policy measures.

“Aggregating these data with other type of data such as those regarding transfers under the Regulation on Asylum and Migration Management will supply the appropriate input for the right type of policy response in relation to unauthorised movements.” (*goals and objectives*, COM 2020_EURODAC, 12)

The measures regarding the collection of data and strengthening of according (border) technologies and equipment follow two main objectives: they serve migration control with the purpose of making people easier to find, control, or “return”; and determine to a large extent to what practices, treatment and privileges screened people will be exposed to:

“(…) in order for Eurodac to effectively assist with the control of irregular migration and with the detection of secondary movements within the EU.” (*goals and objectives*, values, COM 2020_EURODAC, 17; emphasis added).

“(…) which are however strictly necessary and proportionate to reaching the objectives pursued, of increasing the security of the Schengen area and ensuring a smooth process of referring third-country nationals present at the external border without fulfilling the entry conditions to the appropriate procedures regarding asylum or return.” (*goals and objectives*, COM 2020_SCREENING, 13)

These two exemplary code segments show how discursive links between data collection and the terms “security” and “control” are created throughout the EU Pact. By repeatedly using those terms in the context of data collection and storage, these measures are brought forward as “necessary” and “proportionate” for internal security reasons compromising the bodily integrity and to some extent the rights to data protection of persons that are (unwillingly) measured and registered.

Further, the violent quality of the Commission’s proposals to widen data collection can be made visible when recognising the fact that the identification and control of people is linked to body markers. Browne (2010, 139) argues that the counting and registering by collecting identity-constructing data points based on the bodies of people has colonial historicity. Accordingly, she refers to the collection of biometric data as part of historically produced surveillance practices that measure the living body “for the purposes of reading, sorting, or categorizing the body, and sometimes for profiling and pre-emption”, (ibid., 137). In particular regarding biometric data, Browne deliberately points to the historical practice of accounting and inventories of the bodies of slaves in slave registers (ibid., 139) in order to set the stage for a reflection on the historicity of the (dis)embodying and dehumanising logic of current practices. A comparison with historical enslavement should be made with caution, so as not to trivialise its horrific scale. However, I agree that it offers a critical perspective on such practices that link fragmented body markers to nationalities, which Browne describes as a “disembodied gaze cast by surveillance technologies [that] also does the sorting work of nationalizing, and by extension racializing (...)” (ibid., 142), ultimately determining at the border on the basis of data points who is posing a risk, and who is not (*action_data*, COM 2020_SCREENING, 10); and “who has access to movement and stability, and to other rights“ (ibid., 142). The border, hence, is not only strengthened by extended mandates, capacities and equipment of national border polices and Frontex who were reportedly involved in violent pushbacks⁴⁶ and deportations in the past and present⁴⁷, but also by an increased digitisation of border surveillance. The location of border, as Browne argues, therefore, must be put into the context of an increasingly digitised world, where borders “must be understood as a trans-actional and often automated space with multiple locations, including electronic data-bases.” (ibid., 138).

⁴⁶ The social initiative Border Violence Monitoring Network (BVMN) defines pushbacks as follows: „Pushback describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast to the term “deportation”, which is conducted in a legal framework. Pushbacks have become an important, if unofficial, part of the migration regime of EU countries and elsewhere.“.

⁴⁷ DER SPIEGEL (27.04.2022): Frontex in illegale Pushbacks von Hunderten Flüchtlingen involviert. <https://www.spiegel.de/ausland/frontex-in-illegale-pushbacks-von-hunderten-fluechtlingen-involviert-a-086f0e5a-0172-4007-b59c-7bcd325cc75> (March 9, 2023).

The second group (2) *physical restrictions* comprise of measures that further physically restrict migrants of entering (*actions_entry*) and freely moving within (*actions_det*, *actions_border*, *actions_check*) the European Union, and measures that enable forcibly deportations (“returns”) of migrants out of the EU (*actions_return*), which make the largest proportion of coded segments under the code *actions* (see table 3 above). In more detail, the proposals foresee a screening procedure, a “pre-entry triage process” (COM 2020_STAFF, 73) that is taking place outside or at the external borders in screening facilities or an external border area (COM 2020_SCREENING, 23) and during which entry to the EU is not permitted (COM 2020_SCREENING, 6, 10, 19). Depending on the “outcome of the screening persons are channelled to a relevant procedure (the border procedure or the regular procedure) to be applied” (COM 2020_STAFF, 11). Entry will not be permitted in cases of “an identified security threat, a strong indication for an unfounded claim or the country of origin, should it indicate a low recognition rate or visa-exempt country” (*actions_check*, *actions_entry*, COM 2020_STAFF, 73). Further, the practice of issuing entry bans in case of forcibly deportations is upheld by the pact (COM 2018_RETURN). In regard to detention (*actions_det*), the Commission’s proposals introduce extended possibilities for detention by establishing a minimum initial duration of detention to three months and adding more grounds for detention in cases where return decisions have been issued (COM 2018_RETURN, 9).

In sum, the findings in the second group show a tendency towards producing what I call ‘forced immobility’, with the prevailing goal to “prevent irregular entry” (*goals and objectives*, COM 2020_STAFF, S. 74, 86; COM 2020_AMR, S. 47) and “unauthorised movements” (*goals and objectives*, COM 2020_BORDER, 17).

The violent logic of the structures of domination of those produced forced immobility can be demonstrated by a detailed analysis of coded segments on the newly introduced border procedure that foresees to keep “certain categories of applicants” (COM 2020_BORDER, S. 14) in “controlled centres” (COM 2018_EEA, 10, 20) during their asylum and/or return procedure located at the external border (*actions_border*). The border procedure is adapted from the existing practice of the ‘Hotspot Approach’ on the Aegean Islands in Greece (COM 2018_EEA, 10; COM 2020_STAFF, 41) where first reception centres and asylum accommodation centres are located on remote islands at the EU external border, and where only selected categories of persons are allowed to travel on to the mainland. For a critical examination of those measures, Kreichauf (2018) offers a revealing perspective on the role of accommodation practices in Migration and Asylum Policies:

“Accommodation practices are material realizations of asylum laws, and refugee accommodation illustrates the physical space of administrative and political acts of power. This space is politically developed for the purpose of separating the “own” and the “(ethnic) stranger”; citizens and non-citizens.” (Kreichauf 2018, 14)

Based on this critical perspective on accommodation practices, Kreichauf further introduces the concept of ‘campization’ to explain the development of tightening laws and policies on asylum and reception in EU asylum and migration policy and the impact this development has on lived experiences in accommodations in the urban surroundings of Athens, Berlin and Copenhagen. Kreichauf defines campization as a process of “legal stabilization of permanent, remotely, enlarged, isolated camps (...) with closed character” and with “their functions to territorialize, marginalize, contain, and deter immigrants.” (Kreichauf 2018, 4, 18). The Commission's proposal shows clear signs of further campization of accommodation practices:

“They can choose the locations where to set up the necessary facilities for that purpose anywhere at the external border or in the proximity of the external border and transfer those applications covered by the border procedure to those locations regardless of where the asylum application was initially made” (COM 2020_BORDER, S. 16; emphasis added).

“Member States should retain discretion in deciding at which specific locations at the external borders such facilities should be set up.” (COM 2020_BORDER, 23; emphasis added).

The Commission not once uses the term camp throughout the proposal. Rather they refer to the planned accommodations as “facilities” or “controlled centres”. Kreichauf (2018, 2) as well as Göler (2021, 382) argue that in the context of EU Migration and Asylum policy the term camp is mostly used when referring to accommodation practices in the own past, located in the Global South, or when referring to temporary transit zones or informal settlements. Even though the term is deliberately not used, the coded segments show the camp-like characteristics (cf. Kreichauf 2018; Göler 2021) of the proposed accommodation within the border procedure. The proposals foresee a further institutionalisation of socio-spatial separation of migrants and the regularised EU population, keeping certain categories of migrants at preferably hidden locations at the external border. The contact and exchange between inside and outside thus are to be kept to the minimum, with clear boundaries and physical demarcations, supposedly creating locations deprived of history or identity (Göler 2021, 294).

“(...) ensure rapid processing by carrying out the entire or part of the administrative procedure for international protection including in the controlled centres and to assist the judiciary in handling of appeals.” (COM 2018_EEA, 20; emphasis added by author)

“It is necessary and proportionate to ensure that a third country national who was already detained during the examination of his or her application for international protection as part of the asylum border procedure may be kept in detention in order to prepare the return and/or carry out the removal process, once his or her application has been rejected.” (COM 2018_RETURN, 17; emphasis added by author)

For those groups of migrants, the whole asylum procedure will be processed within the camps, placing the concentrated presence of the authorities at those locations, which defines the functionality of the place (Göler 2021, 290). The analysis shows that, even though procedural guarantees are foreseen in the proposals (COM 2020_SCREENING, 30), the whole procedure – throughout the screening, sorting, and asylum procedure – is streamlined towards forced return. Hence, the lines between reception, asylum accommodation and detention are blurred in closed camp-like structures that host all procedural steps (Kreichauf 2018, 13; Göler 2021, 290). Göler and Kreichauf in their studies on accommodation structures in Europe conducted interviews with asylum applicants living there. They find that the experience of living in separated camp-like socio-spatial structures creates a feeling of being stigmatised as criminal, abnormal or in general ‘other’ due to the symbolism but also physical fact of remoteness and seclusion (Kreichauf 2018, 10); further most people problematise losing their autonomy and being controlled through and dependent on the reception staff and structures (Kreichauf 2018, 15); in general this type of organising accommodation create an experience of permanent insecurity that quickly outweigh the notion of feeling secured and protected in the provided accommodation upon arrival after their dangerous travel (Göler 2021, 293). In a survey by the organisation Greece organisation Refugee Support Agean on the accommodation situation in Greece, a inhabitant of a camp in Greece expressed his experience as follows:

“When I was transferred to the camp a month ago, I felt like I was dumped there. There is nothing around the camp. To enter and leave the camp, you have to show your papers. The camp is surrounded by walls. I feel locked in, even though I am allowed to go outside (...).” (Refugee Support Aegean 2022)

As mentioned above, the close analysis border procedure serves as an example of identifying forced immobility promoted by the proposed measures. Those forced immobilities are legally secured by various (3) *legal restrictions*. Those legal provisions introduce penalties for “false” behaviour, e.g. for not complying with the obligation to cooperate, or autonomously trying to

move to another EU member state (*actions_penal*). Those penalties include for example administrative sanctions, or the restriction of access to material reception conditions such as accommodation, social security, and food supply only to the forced destination of the person which had been designated to them through the common distribution system (COM 2020_STAFF, 86). Additionally, the time limit until the state's responsibility for an applicant of international protection ceases is planned to be prolonged (COM 2020_AMR, 6, 26) in order to “prevent” and “sanction unauthorised movement” (*goals and objectives*, COM 2020_STAFF, 13, 67) to another member state. At the same time the time limits and grounds for appealing decisions are proposed to be limited (COM 2020_AMR, 67; COM 2020_STAFF, 13, 85).

The group (4) rights-based measures contains coded segments where the EU Commission refers to its responsibility that the proposed measures must be in line with fundamental rights and rights concerning procedural guarantees. The coded segments thus are sub-grouped into coded segments that concern a proposed ‘fundamental rights monitoring mechanism’ (*actions_mon*), the rights regarding (unaccompanied) minors and family units (*actions_famchild*), that refer to procedural guarantees and reception conditions of those who issue an application of international protection (*actions_guarantees*), and that propose to provide for legal pathways for migrants with certain working skills or educational diploma (*actions_work*). Additionally, the subgroup humanitarian assistance (*actions_hum*) contains a coded segment where the Commission recommends that “humanitarian assistance that is mandated by law cannot and must not be criminalised (...)” (COM 2020_UNAUTH, 6). Close analysis of the content of the coded segments reveals traces of resistance practices, progressive forces and their demands. At the same time, it shows how the demands are structured by colonial and racist logics, and as will be shown later, rights undermined.

In this respect, the recommendation not to criminalise humanitarian assistance, including Search and Rescue (SAR) operations, can be viewed as a result of non-governmental and activist SAR operations, their documentation and scandalising of cases where humanitarian and SAR activists were legally persecuted, and strategic litigation⁴⁸. Still, the was only included as part of a recommendation, and “(...) there is very little on the essentials of SAR as such. The focus (...) has rather been on ‘migration management’ through the prevention of arrivals.” (Moreno-Lax 2022, 169).

⁴⁸ On the effectiveness of strategic litigation and activist action for changing EU jurisdiction and legislation, see i.a. Buckel (2021) on strategic litigation on the applications of the EU human rights framework in the context of SAR operations and Pushbacks in the Mediterranean and Moreno-Lax on the criminalisation of SAR operations (2022).

Similarly, following the many allegations of fundamental rights violations during screening and asylum processes at the EU external borders (Jaeger et al. 2022, 9), and the calls by many civil society organisations and academia for an independent fundamental rights monitoring mechanism thereof (Karamanidou and Kasperek 2020), the Commission refers to the obligations to respect the fundamental rights of migrants and proposes such a mechanism:

“(…) relevant information obtained during the screening should be provided to the competent authorities to support the further assessment of each individual case, in full respect of fundamental rights.” (COM 2020_SCREENING, 19)

“(…) obligation for the Member States to set up an independent monitoring mechanism in order to ensure that the Charter of Fundamental Rights and other EU and international obligations are complied with during the screening.” (COM 2020_STAFF, 73)

However, the code segments also illustrate that as of the proposed fundamental rights monitoring mechanism as well as of the references to the member states’ obligation to respect migrants’ fundamental rights, the provisions remain unspecific. Throughout the proposals the Commission does not provide any binding specifics on how a fundamental rights compliance is to be implemented by the member states or what the fundamental rights monitoring mechanism entails – how it is financed, how it’s independence and accountability would be ensured, and what consequences would be taken in case of non-compliance (European Council on Refugees and Exiles (ECRE) 2020). The Commission’s references to the procedural guarantees and reception conditions of migrants (*actions_guarantees*) remain equally unspecific. The commission proposes for example that “it shall be checked whether persons referred to in paragraph 1 are in a vulnerable situation, victims of torture or have special reception or procedural needs” (COM 2020_SCREENING, 31), and shall have “access to effective remedy” (COM 2020_AMR, 67). Those proposals are undermined by the above-mentioned proposed screening process and border procedure that aim at speeding up application procedures and immobilise migrants in closed camp-structures or detention, “rendering it unlikely that groups whose particular needs are more difficult to uncover, for instance mental health issues or traumatic experiences, are discovered.” (Aberg 2022).

Furthermore, the proposals clarify the obligation to assess the best interest of the child (COM 2020_SCREENING, 21), foresee to exempt “unaccompanied minors and minors below the age of 12 and their family members” from the border procedure (COM 2020_BORDER, 15), and widen the definition of family members in regards to the determination of the member state responsible (COM 2020_AMR, 39).

“The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing unauthorised movements.” (COM 2020_AMR, 35; emphasis added)

The code segment suggests that this provision is a response to the resistance practices of those who have been deliberately moved on to EU member states other than the one established as responsible for their asylum applications in order to reunite with their families, causing great administrative costs for subsequent applications and possibly costs for deportation to the first member state of application. Those are important, but rather small concessions. Thinking those provisions further by questioning who cannot benefit from it, namely predominantly single men*⁴⁹, they also reveal colonial and racist logics of who is worthy of humane living conditions and international protection, and who is not. An intersectional and decolonial queer-feminist perspective must also point out the experience of colonial violence by racialised men* by disregarding their experience and humanity, and, in extension to this, their rights (Mendez 2015, 15). The disenfranchisement of those who (try to) enter the EU by a meticulous and dehumanising practice of othering is addressed in the next section.

To conclude, the proposed actions predominantly serve as practices of surveillance and forced immobility that (re)produce experienced violence. Nevertheless, it must be noted that the planned restrictions need to be seen in the light of creative and persistent resistance of people on the move who in the past and present escaped from dehumanising treatment and living conditions within and at the external borders of the EU. The proposed restrictions, therefore, can and should be also recognised as a result of ongoing struggle against border violence and for a freedom of movement. “These resistances articulate both the dehumanizing logics of border regimes and ways to imagine humanity beyond the colonial/modern ‘man’/huMan.” (Mayblin and Turner 2021, 147).

In the following I present the findings regarding how subjectivities and humanity are constructed through the EU Pact and, from there, questioning who exercises violence, and who experiences violence?

4.1.2 Normative violence: meticulous and dehumanising practices of othering

In this section, the analysis focuses on what I before introduced as ‘normative violence’ (see chapter 2.2.1). To briefly review: normative violence points out that violent acts can only be

⁴⁹ I use the character * to point out that gender is socially constructed and a political category. The * also represents Trans men and non-binary persons who are socially perceived as men.

recognised as such, if the subject who is exposed to the violent act in the first place is recognised as one that can experience violence. Therefore, the construction of identities and subjectivities in the EU Pact must be questioned. On the basis of the coded segments on the codes *migrants* and *EU*, this part of analysis explores the construction of identities – that of migrants and that of the EU and its member states. The content structuring analysis of the coded segments in category *migrants* resulted in two groups (table 4): the first group contains coded segments that indicate a (1) Categorisation of migrants throughout the text. These were further divided into types of categorisations, namely a categorisation of migrants by nationalities (*CAT_nat*), legal status (*CAT_legal*), and economic value (*CAT_value*). In addition, I have created a group under which I have subsumed (2) attributions – negative (*mig_NEG*), positive (*mig_POS*), and numeric (*mig_No*) – that the text contains when referring to migrants.

Groups and Subgroups	Code Name	Count
(1) Categorisation	mig_CAT	(527)
Categorisation by nationalities	CAT_national	(72)
Categorisation by legal status	CAT_legal	(380)
Categorisation by economic value	CAT_value	(14)
Exceptions	CAT_except	(41)
(2) Attributions	mig_attribute	(466)
negative	mig_NEG	(350)
positive	mig_POS	(25)
numbers	mig_No	(91)

Table 4: inductively created groups and subgroups by content structuring analysis of coded segments in code *migrants* in MAXQDA, own illustration (Annex I).

The detailed analysis of the sub-groups in group (1) categorisations shows that the EU Pact establishes and maintains a complex and interlocking system of categorisation that hierarchises people according to various factors and grants certain rights and treatment accordingly. The categorisation according to legal status (*CAT_legal*) means the institutionalised ordering of people according to their procedural status: e.g. those who (tried to) enter the EU (irregularly), “applicants of international protection”, “beneficiaries of international protection” or “those whose claims for international protection have been rejected”, hence “illegally staying” and “to be returned”. The categorisations according to nationality (*CAT_nat*) and economic value (*CAT_value*) feed into this system of hierarchisation. Table 5 shows a detailed structuring of the coded segments found in the subgroups. Depending on which category(ies) a person that enters or tries to enter the EU is assigned to, different measures take effect. For example,

persons from low recognition rate countries are simultaneously categorised as persons who are unlikely to receive protection and are granted less rights and reception standards, respectively are directed towards the border procedure, as those who come from high recognition rate countries; persons who are identified as highly skilled or talented receive more favourable treatment than those who are identified as low skilled workers; or those whose asylum applications have been rejected are granted the least rights in comparison with other legal categories.

<i>CAT_legal</i>	<i>CAT_national</i>
Fulfil entry conditions	third country national
Irregular entry; CAT 2	Stateless persons
Disembarked from Search and Rescue	low recognition rate (<20% or <75% in times of crisis)
overstayers	High recognition rate (>75%)
applicants of international protection; asylum seekers	mentioning of single countries or groups of countries (e.g. Syria, Venezuela, Afghanistan, Morocco)
Persons who are likely to receive protection	
Subsequent applicants	
Persons who are unlikely to receive protection	
in need of protection; beneficiaries of international protection; refugees; persons granted immediate protection	
not in need of protection; negative decision	
Illegally staying; to be returned; returnees	
Secondary movements; onward movements; unauthorised movements	

<i>CAT_value</i>
Seeking work
Low skilled
Medium skilled
Highly skilled; highly talented; able to show diploma for higher education

Table 5: Detailed structuring of coded segments in subgroups *CAT_legal*, *CAT_nat*, *CAT_value*; own illustration.

The deconstruction of this system of categorisation reveals a rationalising and nationalising construction of ‘migrant’ identities. The sheer complexity of this system of categorisation suggests at the first glance a differentiated consideration of the diversity of migrants’ needs, histories, and motivations. However, and on the contrary, it constructs an under-complex ‘other’ whose needs are rationalised by legal categories and identities defined by their nationality and labour power.

The evaluation of the second group (2) *attributions* further reinforces this impression. The subgroup *mig_No* contains coded segments that refer to migrants with numbers – statistics and accountings regarding for example the number and composition of people entering or moving within the EU, or equivalent sums of money per Person. The most coded segments in the subgroup *mig_No* are located in the Staff Working Document (COM 2020_STAFF), which serves as the background document for the formulation of the pact.

“The most frequent nationalities of irregular migrants on all routes in 2019 were Afghan (around 34,000 persons, 24% of the total), Syrian (24,000, 17% of the total), unspecified sub-Saharan nationals (14,000, 10% of the total), Moroccans (8,000, 6% of the total) and Turkish (also 8,000, around 6% of the total). Frequent other nationalities also include Iraqi, Algerian, Pakistani, Palestinian, Iranian and Somali nationals, but with a smaller share of the total (...).” (COM 2020_STAFF, 30; emphasis added by author)

The breaking down of human mobility to numbers and statistic serve as a factual foundation for introducing and evaluating policy measures. At the same time, the meticulous recording and measurement of human mobility (re)produce rationalising and dehumanising language that makes invisible the diverse identities and experiences. This can be illustrated by the grouping of 14.000 persons into “unspecified sub-Saharan nationals”, or the assignment of an economic value per person that is staggered according to region of origin or other characteristics.

“Member States may qualify for an incentive payment of EUR 10 000 per resettled person from priority regions or particularly vulnerable groups and EUR 6 000 for other resettlements.” (COM 2020_LEGAL PATH, 3)

Besides the dehumanising impact this has, the assignment of a money equivalent to a person also illustrates the connotation of dealing with migrating persons as a (economic) burden that needs to be compensated. This is also represented in the subgroup *negative attributions*.

The subgroup *mig_NEG* makes the biggest subgroup under the category *migrants*. It contains 284 coded segments that use negative language when referring to *migrants*. Throughout the text, the knowledge and identities of migrants are constructed as threatening. The box in table 6 contains examples of coded segments in *mig_NEG*.

<i>mig_NEG</i>
Mass influx; burden; pressure; unauthorised movement; absconding; irregular; illegal; risk; security risk/threat; health risk/threat; AVRR ⁵⁰ shopping; asylum shopping; misuse rights; abusive applications; avoid border checks; hamper return; obstruct return; not cooperating

Table 6: Selected coded segments in sub-grouped code *mig_NEG*. Most coded segments have been found multiple times throughout the text; own illustration.

The coded segments are textual discursive elements that repetitively refer to migrants as “illegal” (COM 2020_SCREENING, 9), “irregular” (COM 2020_EURODAC, 7), a “burden” (COM 2020_STAFF, 21, 22, 44), or a “security risk” (COM 2020_SCREENING, 9). Consequently, a discursive link between migrants and the risk to (border) security, health, the governance system, and the rule of law is constructed. Throughout the text it is suggested that

⁵⁰ AVRR = Voluntary return and reintegration assistance (COM 2020_EURODAC, S. 14).

migrants deliberately break laws, hamper law enforcement or “misuse rights” (COM 2018_RETURN, 14). Moreover, terms such as “shopping” (COM 2020_EURODAC, 14; COM 2020_BORDER, 8) trivialise the lived experience of (forced) migration as a practice of consumption.

This is in stark contrast to how the EU is defined throughout the text. As illustrated in table 7, the evaluation of the category *EU* shows that throughout the coded segments the EU is predominantly presented as being under threat (*EU_threat*). The second most references to the EU presents the EU as striving for unity and solidarity and defining itself as an area of free movement and protection (*EU_union*). Thirdly, the EU is referred to as actor of governance and statehood (*EU_gov*).

Groups and Subgroups	Code Name	Count
(1) under threat	EU_threat	(42)
(2) area of unity, solidarity, free movement, protection	EU_union	(21)
(3) actor of governance and statehood	EU_gov	(20)

Table 7: inductively created groups and subgroups by content structuring analysis of coded segments in code *EU* in MAXQDA; own illustration (Annex I).

These findings point to the production of a colonial dualism, where the “EU” and “migrants” are diametrically opposed. The EU is produced as exposed to “a situation of crisis” (COM 2020_STAFF, 76), and “under pressure” (COM 2020_STAFF, 91). The code segments in subgroup 2 contain terms with positive connotations such as “solidarity” (COM 2020_AMR, 20) and “act[ing] in unity” (COM 2020_FAQ, 19). The EU is presented as a rational, rights-based, modern state actor by using text elements such as “detailed analytical” (COM 2020_CRISIS, 9) or “migration management system” (COM 2020_STAFF, 9) when referring to EU actors and institutions. The threat/crisis thus is presented as an external threat which is experienced by the EU and its member states.

To conclude, on a micro-level of colonial violence two dynamics can be identified. Firstly, the EU Pact (re)produces lived experiences of violence by promoting violent practices of surveillance and forced immobility. Secondly, by relying on the concept of normative violence, I revealed the discursive processes of ‘othering’ throughout the EU Pact. These processes include a rationalising and dehumanising of migrant identities and their experiences, while at the same time positioning the EU as an actor of legitimate use of power that ought to protect.

In the next section, I examine the EU Pact in terms of its underlying knowledge base

and production more thoroughly, and thereby take up the concept ‘coloniality of knowledge’ which I introduced in chapter 2.2.1 and which already became apparent in these two sections.

4.2 A ‘modern’ and efficient Common European Asylum System (CEAS)

As I argued above, in postcolonial and decolonial theory, the deconstruction of the references to knowledge about society and human beings are promoted as a critical practice for identifying strategies and processes that legitimate violence and domination (Ziai 2016a, 10). This section focuses on questioning what kind of knowledge is (re)produced in the EU Pact. This entails analysing the knowledge base which is (re)produced on the policy issue which ought to be addressed by the proposed measures (*actions*) I examined above. As a starting point, I take a closer look at the category *circumstance/problem*, under which I coded all text segments that contain references about the policy issue(s) mentioned in the text. Table 8 presents the grouping that resulted from the content structuring analysis of this category. The coded segments could be sorted into two groups. The first group (1) *external problem* contains coded segments that present the policy issue(s) as something that is external to the EU. Coded segments that problematise internal processes of governing and managing are grouped into the second group which I broadly termed (2) *governance issue*.

Groups and Subgroups	Code Name	Count
(1) external problem	prob_extern	(156)
force majeure	prob_force	(7)
migrants/migration	prob_mig	(132)
third countries	prob_third	(17)
(2) governance issue	prob_gov	(84)

Table 8: inductively created groups and subgroups by content structuring analysis of coded segments in code *circumstance/problem* in MAXQDA; own illustration (Annex I).

The group *external problem* is further sub-grouped into text segments that, firstly, suggest situations beyond any control or predictability, such as natural disasters or the Covid-19 Pandemic (*prob_force*) (COM 2020_CRISIS, 10). In the EU Pact, the (legal) term “situations of force majeure” is used (COM 2020_STAFF, 14). Secondly, another share of coded segments locates the policy issues that need to be addresses by the EU Pact in third countries (*prob_third*). Accordingly, a “deterioration of the political, security and economic situation” (COM 2020_STAFF, 35), “exceptional situations of armed conflict” (COM 2020_STAFF, 96), or the “geopolitical situation in relevant third countries may affect migratory movements” (COM 2020_AMR, 82). Thirdly, the largest group of coded segments problematise the number of

migrants or migrant behaviour (*prob_mig*). Especially in this subgroup, a particularly large number of coded segments were also coded with the code *mig_NEG* and *mig_No* which, as I elaborated above, create a predominantly negative, threatening, and under-complex knowledge about migrants and their decision-making. The group external problem thus reveals a problematic and Eurocentric construction of knowledge about the policy issue(s) to be addressed by the EU Pact. This finding also becomes apparent when looking at the process of drafting the proposals (*context*), where community actors are underrepresented in the stakeholder consultations, and EU-based academia, think-tanks, and EU internal policy actors dominate (*context_actors*) (see Annex II).

The second group of coded segments problematise (2) *governance issues*. A closer analysis of text elements in this group enables us to further critically reflect on the mode of policy-making and the type of knowledge (production) it relies on. The code-segments do suggest internal criticism by the EU at a first glance, which problematises among others a “lack of integrated approach to implement the European asylum and migration policy”; “National inefficiencies and lack of EU harmonisation in asylum and migration management”; “absence of a broad and flexible mechanism for solidarity”; “inefficiencies in the Dublin system”; a “lack of targeted mechanisms to address extreme crisis situations”; or a “lack of fair and effective system to access fundamental rights”(COM 2020_STAFF, 70). During the evaluation of the coded segments in the group I noticed that many of the coded segments are cross-coded with the code *negative values (value_neg)*, which I already added to the category system during the coding process. It can be observed that the policy issues are predominantly defined around those negative values. Existing policy measures and practices are described as “inefficient” (COM 2020_STAFF, 48) or “ineffective” (COM 2018_RETURN, 8). However, discriminatory, and possibly violent practices and structural problems are not challenged. Rather, this indicates that the status quo is maintained, and the policy issue is a matter of better management. This is also illustrated by the This logic can be further investigated by looking at the *guiding values* on which the EU relies in formulating the proposals. Apart from the *negative values*, I sort the code segments in category *guiding values* into two groups: (1) *management (value_man)* and (2) *good governance (value_GG)*. Table 9 below shows the three groups and the most frequent mentions in each group.

The group management contains guiding values which characterise the EU’s management approach in the EU Pact. Accordingly, the policy issue can be approached and evaluated by making current policy measures and practices “more efficient” (COM 2020_STAFF, 71), “more effective” (COM 2018_RETURN, 3), or “quicker” (COM 2020_STAFF,

74). Moreover, and as has been shown above, the EU Pact focuses on numbers and statistics, and thereby presenting their policy measures to follow an “analytical” path.

“A detailed analytical Staff Working Document accompanies the legislative proposals which is based on publicly available EU data and statistics, as well as on the experience gathered by the Commission and its agencies about the asylum and migration situation on the ground.” (COM 2020_CRISIS, 9)

This demonstrates that the EU Pact is driven by a mode of policy-making that proclaims to be “evidence-based” but does not allow for a deeper understanding of human mobilities, and thus is informed by a positivist Eurocentric epistemology. The proposals foresee to produce more data and statistics, and subsequently, to intensify its own knowledge production by strengthening and assigning EU agencies such as the newly formed European Asylum Agency (EAA) and EURODAC to produce more frequent and more “accurate” (COM 2020_STAFF, 80, 95) statistics in order to “contribute to a more efficient migration management by monitoring and anticipating migration flows” (*institutions*, COM 2020_BLUE PRINT CRISIS, 3). This fits into what Casas-Cortes et. al (2015, 9) critically introduce as “migration knowledge hype” in order to describe the international discourse on a need for better data for “evidence-based” Migration policy. Stielike, in her article on knowledge production in migration research points out that this mode of policymaking implies that knowledge is independent to context and neutral and that the establishment of a linear link between knowledge and political decision-making is unproblematic (Stielike 2022, 221).

Groups and Subgroups	Code Name	Count
(1) negative values inefficient; deficient; ineffective; lack of coherence; unsustainable	value_neg	(43)
(2) management efficiency; effectiveness; objective; analytical; accurate; quick; cost-effective	value_man	(224)
(3) good governance solidarity; fair; justice; uniform; comprehensive; fundamental rights; sustainable; humane	value_GG	(155)

Table 9: inductively created groups by content structuring analysis of coded segments in code *values* in MAXQDA, most frequent mentions in each group below; own illustration (Annex I).

Group (3) good governance contains coded segments of the category *guiding values* that use positive connotated values of governance such as “solidarity” (COM 2020_STAFF, 52), “fair” (COM 2020_AMR, 8), “reliable” (COM 2020_STAFF, 54), or “sustainable” (COM

2020_SCREENING, 2). The values in this group point to a self-representation of the EU as an actor of modern statehood which acts rational and based on the rule of law and reason. Morales-Vega (2021) argues that this type of language firstly, suggests “progressive entanglements” of policy endeavours. Secondly, she argues that the reference to concepts such as “constitutional justice, freedom or the rule of law, [...] have the function of ordering discourses and [...] are presented as neutral and complete frameworks in themselves, subject to rationality and, therefore, incontestable.” (Morales-Vega 2021, 34). Thereby, violent practices are legitimised or go unnoticed. The modernist linguistic and structural construction of knowledge about the mode of policymaking can be also illustrated by for example questioning what the very prominent value of “solidarity” means in the context of the EU Pact or by challenging the repetitive references to human rights or fundamental rights (COM 2020_SCREENING, 41) as guiding values and norms. As of the value of “solidarity” in the pact, a close analysis shows that solidarity is introduced as a guiding value in the relation between member states, and hence shows that although creating a friendly and positive sentiment by using this term, a very limited version of solidarity is envisioned that explicitly excludes those who (try to) enter the EU. As shown above, the references and measures regarding fundamental rights obligations in the EU Pact should be also critically reflected. A rights-based approach per se should be welcome and should also be acknowledged as an in parts successful struggle against the violations of migrants’ fundamental rights. However, the described epistemological as much as ontological problematics indicate that those are rather small concessions.

“A more effective border procedure such as this will allow asylum and migration authorities to more efficiently assess genuine claims inland, deliver faster decisions and thereby contribute to a better and more credible functioning of asylum and return policies, in full respect of fundamental rights. On the other hand, the obligatory nature of a border procedure for certain categories of applicants needs to be seen in the broader context of the overall set of measures presented by the Commission in the Pact and in the accompanying, as well as the pending, proposals.” (COM 2020_BORDER, 14; emphasis added)

As this code segments shows, the fundamental rights framework is, firstly, undermined by inadequate western colonial epistemes about human mobility that reproduce pre-existing “problem solutions” which are led by management values. Secondly, it is undermined by a colonial and violent subjectivation of migrants that I described in the previous section, and which works as a “racializing construction of modernist ontology itself as a precondition” for who can benefit from a fundamental-rights framework and who cannot. (Chandler 2022, 338, 348) Or in other words: colonial thinking allows to propagate equal rights for all, but at the

same time find “good” reasons for why some people are more equal than others and why the latter should not have the same rights after all (Ziai 2016b, 13).

Considering all together, the EU Pact (re)produces colonial knowledge systems which normalise and legitimise violent practices. The analysis shows that the colonality of the knowledge systems on the one hand is rooted in the Eurocentric construction and presentation of the policy issue as an external problem and a problem which is attributed to migrants and their behaviour. Furthermore, the EU Pact foresees to not only rely on inadequate assumptions about human mobilities, it also actively produces the tools for distinction and domination by for example producing itself the scientific base for political decisions. On the other hand, it is based on the idea of the EU as a rational modern state actor which legitimately manages and governs migration.

In the following section, I bring together the analysis so far, and examine the EU Pact for global patterns which point to a colonality of power.

4.3 Coloniality of Power

In chapter 2.2.1, I argued that both, violent practices and normative violence as much as violent knowledge (re)production should be understood as embedded into an ongoing colonality of power (Quintero and Garbe 2013). Which elements from the analysis of violence in the EU Pact outlined above thus point to a macro-level of colonial violence on a global scale, and thus to the colonality of power that has emerged in the entanglement of capitalism, the state and Eurocentrism as the dominant pattern of the global order of the colonial era?

My approach consists of an analysis of the category *outside*, and, in that context, a structuring and interpretation of the previous findings. Where applicable, coded segments are contextualised by an analysis of the line of policy argument (CDA), using the category *goals and objectives*. This allows me to examine the EU Pact for that point to existing global inequalities and power asymmetries on the one hand.

Within the category *outside* the code segments can be structured into four groups: (1) return; (2) security; and (3) development.

Groups and Subgroups	Code Name	Count
(1) return	out_return	(24)
(2) security	out_sec	(22)
(3) development	out_dev	(17)

Table 10: inductively created groups by content structuring analysis of coded segments in code *outside* in MAXQDA; own illustration (Annex I).

The groups display a matrix of how the non-EU world is represented and situated in the EU Pact by attributing certain functions and characteristics to it. Here, inside-outside relations become more apparent. The first group (1) *return* contains code-segments which present third countries as destinations of returns of persons who were not found eligible for granting entry or stay in the European Union (*out_return*). Most code-segments in this group criticise third countries for showing a “lack of cooperation” (COM 2020_AMR, 49; COM 2020 BORDER, 14) in returns. Consequently, the EU proposes to push “the identification of any measures which could be taken to improve the cooperation of that third country as regards readmission, taking into account the Union’s overall relations with the third country” in cases where the EU Commission considers that third countries do not cooperate sufficiently (COM 2020_AMR, 49).

The second group (2) *security* consists of code segments that link third countries to a discourse on a security and migration. This link is constructed in two ways. Firstly, third countries are characterised as locations of insecurity and instability, which causes migration but also poses a threat when persons from these countries try to make their way towards or into the EU (XXX). Therefore, measures of EU asylum and migration policy in third countries supposedly serve the “fight against international criminality, terrorism and other security threats.” (COM 2020_EURODAC, 44). The trope of a fight against terrorism (or ‘war on terrorism’) has been theorised by critical researchers who make visible the links between global capitalism, (Anti-Muslim) racism and border security (Mayblin and Turner 2021, 142). Kapoor (2018) argues that the construction of a fight against terrorism creates a “suspect population”, and thereby racialises whole groups of populations in the ‘Global South’ (Kapoor 2018, 17). It also legitimises ‘Western’ humanitarian and military interventions in the ‘Global South’, and obscures the links between own imperial/neo-colonial aspirations and experienced violence and human displacement caused by such interventions (Evans and Duffield 2011, 93).

Secondly, and accordingly, the code-segments indicate that non-EU countries function as localities where border security and border management can be offshored or externalised to, and where the objective of preventing “irregular migration” can be achieved. This can be also observed by evaluating the following two text segments of group *security* which are retrieved from in 2022 published country agreements with Niger and Morocco which form part of the EU Pact:

“The working arrangement between Frontex and Niger, currently under discussion, will support the Nigerien authorities with regard to integrated border management by strengthening risk management and assessment capabilities with a view to facilitating legitimate border crossings and tackling

irregular migration and cross-border crime.” (*goals and objectives*, COM 2022_NIGER, 2)

“The new operational anti-smuggling partnership between the Commission and Morocco to tackle human trafficking will cover, in particular, support for border management, enhanced police cooperation (including joint investigations), awareness-raising on the dangers of unlawful migration and enhanced cooperation with EU agencies responsible for home affairs.” (COM 2022_MOROCCO, 1)

Borders present territorial, and as I have argued above, also digital demarcations of inclusion and exclusion. The fact that the EU Pact foresees to place border security (far) away from its external borders into the ‘Global South’ such as to Morocco or the Sahel region by training border polices or stationing Frontex, including access to Eurodac, there, illustrates the securitisation and militarisation of border security. Furthermore, it also shows the increasing externalisation of “the dirty work” EU asylum and migration policy such as increasingly violent border practices or, as shown in section 4.1.1, the containment of undesired migrants in closed camp-structures foreseen in the EU Pact. Part of this are also the sorting and categorisation of migrants at externalised borders, where the deep entanglements of border regimes in colonial histories, capitalism and racism become visible. For, as the findings of the analysis in section 4.2.1 on normative violence show, migrants are categorised according to capitalist and dehumanising logics such as by their economic value or nationality.

The third group (3) *development* is comprised of code segments which locate the causes of migration in third countries. In most code segments the need for “addressing socio-economic challenges” (COM 2022_NIGER, 2), “creating economic opportunities close to home, especially for youth” (INFO_WEB), or otherwise worded the need for “(...) addressing the root causes of irregular migration” (COM 2020_AMR, 45; COM 2022, MOROCCO, 1), is expressed. This shows how the EU Pact is aligned with what recent critical researchers of migration studies termed as the discourse on root-causes of migration [German: Fluchtursachen-Diskurs] (Buckel and Kopp 2021, 43), which since 2015 bases on the assumption that migration can be reduced and prevented by development (Castles and van Hear 2011, 288f.). A deconstruction of this assumption reveals that it inherits a three-fold colonial debate of migration and development, and that can be also identified in the EU Pact.

Firstly, the debate on migration and development often remains bound to a modernisation-theoretical paradigm of development, which is the colonial idea of development as project of modernisation, as progress and ‘normatively good’. This also includes a world view, where some countries, the Global North/West are considered modern/developed, while

some, mostly countries and regions of the Global South are considered deficient/still developing. Development, thereby, is essentially understood as economic growth (Schwenken 2018, 190). Secondly, Buckel and Kopp argue that approaches based on the idea of fighting root-causes of migration are characterised by a EUropean ‘postcolonial paternalism’. Accordingly, EUropean politics are rooted in the conviction that deficient societies ought to catch up (Ziai 2016b, 29), and based on the self-perception as superior and socio-economically advanced (ibid., 41), it is suggested that Europe's external intervention – presumably as a party not directly involved in Global South crisis situations – could eliminate the causes that force people to leave (Buckel and Kopp 2021, 45).

“At the same time, EU support under the NDICI - Global Europe instrument in terms of human development, governance and sustainable and inclusive economic growth, including through EUR 195 million in budget support, will help Niger in its efforts to implement key reforms and address security and socio-economic challenges as well as challenges related to migration management. The Operational Partnership will be complemented by projects seeking to promote economic development and improve the availability of and access to high-quality public social services for communities in Niger, particularly in the Agadez region.” (COM 2022_NIGER, 2)

Here, it is also worth to critically reflect the construction of settlement (making people stay) as desirable and a precondition to development against the background that, in contrast, in the EUropean context mobility, or freedom of movement, is a positive marker of highly developed societies (see analysis of category *EU* in section 4.1.2). Bakewell (2008, 1342), in this context, argues further that the constructed norm of settlement is historically based on colonial administrative practices where the control of the movement of colonised people was a central objective. Furthermore, Bakewell criticises that the norm that people want and should stay in their place of origin also pervades many development initiatives for a lack of Global South perspectives (Bakewell 2008, 1354).

Thirdly, the discourse on root-causes of migration makes structural North-South relations of the global history of capitalism and migration invisible (Buckel and Kopp 2021, 46). As shown above, the EU constructs the policy issue as an external problem, suggesting no own involvement whatsoever regarding the causes of migration. In the EU Pact, no indications are made that acknowledge the own entanglements in colonial histories of exploitation of labour and the environment. The under-complex idea, and in the next step problematising of migration as “people seeking a better life [...]” (COM 2022_NIGER, 1) puts this colonial construction of human mobility in a nutshell, or in Mayblin and Turners’ words (2021, 31):

“Because without acknowledging colonial history, South-North migrations become the primary migrations of interest in the world, become potentially illegitimate, become something detached from sedimented and unequal global racial and economic power relations. They become about individualized aspirations for a ‘better life’ set apart from the broader global historical context in which they might be understood.”

To summarise my findings: The analysis of the EU Pact using a combined approach of content-structuring analysis of the coded segments following a close analysis of linguistic aspects, structural aspects, or line of argumentation in line with a Critical Discourse Analysis approach, showed that various forms of violence on different levels can be identified in the EU Pact. On a level of coloniality of being, I identified two dominant violent practices: practices of surveillance and forced immobility. Additionally, by using the concept of normative violence, I showed that the EU Pact rationalises, demonises, and dehumanises migrants and their diverse experiences while positioning itself as non-violent and rational state-actor. In a second step, I showed that violent practices are based on, and therefore legitimised and normalised by colonial knowledge systems. The policy issue is based on the (re)production Eurocentric epistemes, which constructs as a problem of the number of migrants and their unlawful behaviour, and as an external problem of the Global South. On the other hand, it is based on the idea of the EU as a rational modern state actor which legitimately manages and governs migration (in violent ways). Finally, I analysed the EU Pact, for structural patterns of global relations of power and domination. I aimed at making visible the coloniality of power, in which the identified aspect of a coloniality of being and knowledge are embedded. The analysis demonstrated that the EU Pact attributes the Global South certain functions: a location of disposal of unwanted migration, and externalisation of border practices. Furthermore, deeply colonial construction of the Global South could be identified – the Global South as undeveloped, and the origin and location of terrorism and insecurity – which revealed neoliberal discourses on the one hand. On the other hand, it exposed the lack of responsibility for own entanglements in the (re)production of global inequalities and the crises that result from it.

In the following chapter, I discuss my findings with the theoretical framework of the imperial mode of living as an explanatory concept, which I developed in Chapter 2. This is where I approach my research question and discuss in which ways violence in EU asylum and migration policy are inherent in an ‘imperial mode of living’.

5 Violent EU asylum and migration policy in an imperial mode of living

Using a methodological approach based on a Critical Discourse Analysis approach and adapted with my theoretical framework in chapter 2, I analysed the EU Pact on Asylum and Migration (EU Pact) for elements of violence. I applied an analytical process that consisted of a combined method of qualitative content-structuring, and a subsequent detailed qualitative analysis, whereby I identified different forms of violence at the levels of a coloniality of being, coloniality of knowledge and a coloniality of power in the EU Pact.

In this chapter, I discuss to what extent the conceptual elements and dimensions of the imperial mode of living can help to structure and explain the findings in a broader context of capitalist multi-crises. Accordingly, I bring the results into discussion with the processes and driving mechanisms of ‘capitalist valorisation, accumulation, and reproduction’; ‘hegemony and ‘subjectivation’; ‘hierarchisation’; and ‘externalisation’ (Brand and Wissen 2017, 51ff), aiming at answering the research question: “In what ways is a violent and restrictive EU asylum and migration policy inherent in an ‘imperial mode of living’?”. In doing so, I first evaluate the findings regarding prevailing ideologies, and how they are materialised in institutional practices, as well as positioning processes and power structures. In the second part of the discussion, I address the silencing of colonial histories in the EU Pact. In extension to this, I also constructively reflect on blind spots and problematic perceptions of migration in the concept of the imperial mode of living.

In accordance with the logic of the research question, I identified violent elements in the EU Pact, and now aim to translate this into the overall research framework. However, before engaging in a discussion within the framework of the imperial mode of living, I situate the findings of the analysis of the EU Pact (as ‘text’) within the general developments of European asylum and migration policy as described by scholars of critical migration studies (see also Literature review, chapter 2.3).

The findings show that the EU Pact is in line with what critical migration researchers have described as a development towards a more violent and restrictive EU asylum and migration policy. For instance, Georgi, who engages in further developing the concept of ‘fortress capitalism’, argues that the dominant trend of EU migration and border control regime since 2015 has been “an expansion and radicalization of restriction” (Georgi 2019, 560). I showed that the EU Pact proposes to intensify practices of surveillance, detention, and immobility. This includes a further institutionalisation of ‘campization’ and of the increased use of de facto detention of migrants who try to or have entered the EU “irregularly”. This development has been called out, for example, by Matevžič (2019) in her report on the

problematic practice of detention of protection-seekers at the EU's external borders.

The EU Pact demonstrates that the collection and sharing of data, especially biometric data, plays an essential role in the control of migrant mobility as a main objective of EU asylum and migration policy, confirming a continued development of 'biometric bordering' (Sontowski 2018). Furthermore, the EU Pact foresees stricter rules and legal provisions, aimed at illegalising and criminalising migrants, as well as increased investment in the deportations of unwanted migrants. In the document analysis, I demonstrated the violent quality of these practices, which includes but goes beyond the physical experience of violence and domination.

I consider it a relevant part of this thesis to locate and test the EU Pact in terms of the trends in EU asylum and migration policy identified in previous studies. Nevertheless, while I derive elements of violence from an evaluation of the concrete policy measures, I have made it clear from the beginning that my aim is to achieve a deep understanding of the structural conditions of violence rather than to empirically confirm the trend of a violent development of EU asylum and migration policy per se. That is why, I chose a postcolonial concept of violence and additionally analysed the EU Pact in relation to colonial knowledge systems and global power structures, using a critical post- and decolonial concept of violence. That said, in the following, I discuss the findings with the conceptual elements of the imperial mode of living.

5.1 Discussing violent processes and mechanisms of an imperial mode of living

In chapter 2.1, I introduced the concept of the imperial mode of living. In doing so, I elaborated on the theoretical assumptions the concept builds upon. The concept is informed by various approaches to critical theory, most notably historical materialist state theory, but also critical accounts from sociology, social-ecology, and postcolonial theory. The aim of this section is to structure the findings of the analysis of violence in the EU Pact along the conceptual elements of the imperial mode of living, and thereby to bring them into dialogue with its theoretical foundations. This contributes to a deeper understanding of the role of EU asylum and migration policy in European capitalist societal organisation, its institutions and corresponding world views, and in turn, how inequality, power and domination is (re)produced.

Brand and Wissen developed the concept of the imperial mode of living as an explanatory concept that links different localities and everyday practices with a corresponding social structure. Essentially, Brand and Wissen argue that everyday practices are shaped by the social structure in which they are embedded, and vice versa. Furthermore, everyday practices are normalised and universalised through emotions, perceptions, and societal guiding 'Leitmotifs', which ultimately lend rationality to everyday decisions. At the same time, they

are overdetermined by structural relations of domination such as racism, class relations, or gender relations; and they shape everyday life, and the societal organisation *elsewhere*. (Brand and Wissen 2021, 117)

As explained above, and illustrated in the right half of figure 5, this link between the conceptual levels of everyday practices and societal structure, is explained through four conceptual dimensions, each describing certain processes and mechanisms of an imperial mode of living (Brand and Wissen 2017, 51 ff.; see chapter 2.1.2). The left side of the figure shows the results of the analysis: the identified elements of violence, according to the level of the colonality of being, the colonality of knowledge, and the colonality of power. The arrows represent meaningful points of connection between the results of the findings and the dimensions of the imperial mode of living that I discuss in this section.

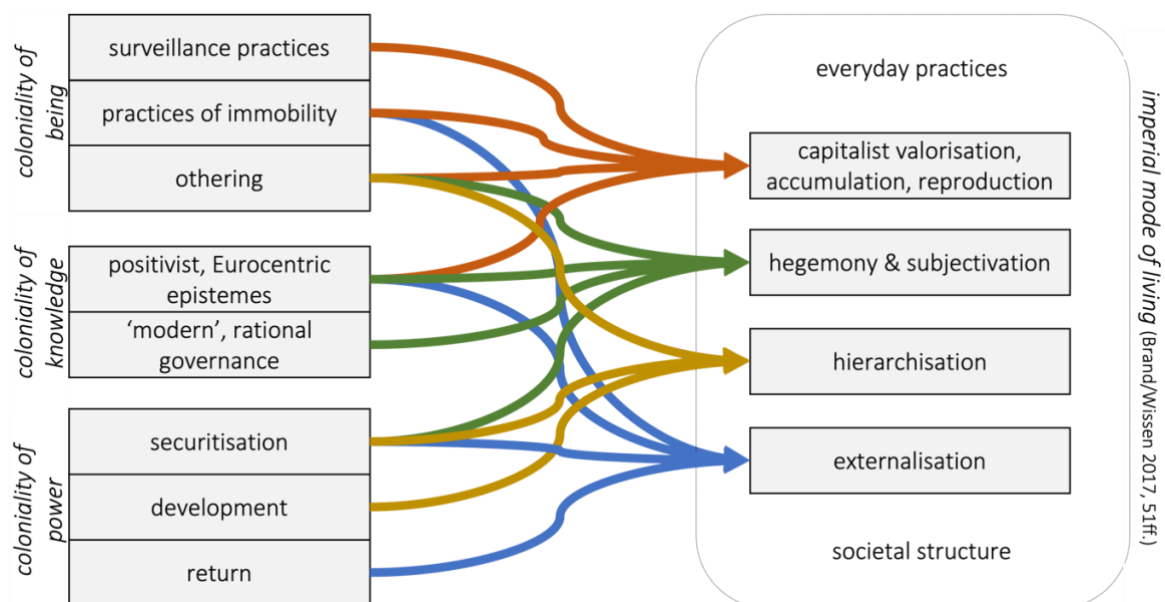


Figure 5: Structuring of findings of colonial violence in EU Pact from analysis along conceptual elements of the imperial mode of living; own illustration

Brand and Wissen, point out that the domination and violence of the imperial mode of living become invisible through the normalisation of everyday practices (ibid., 49). Earlier I argued that the concept of the imperial mode of living lacks a defined critical concept of violence. The leading question, therefore, is: How is violence constituted and to what extent do the mechanisms and processes of the imperial mode of living generate and/or are based on a violent EU asylum and migration policy?

The analysis of the EU Pact reveals violent elements which drive processes of capitalist ‘valorisation, accumulation, and reproduction’. Georgi (2010, 153, 2019) argues that migration management follows a “utilitarian rationale”. What is meant here is that asylum and migration policy, through a utilitarian rationale, seeks to access external resources such as labour and

nature, while keeping out unwanted people who are dismissed as useless for the reproduction of capitalist accumulation (Buckel 2013, 52; Buckel et al. 2017, 32). The commodification of labour power and nature is essential to capitalist expansion (Brand and Wissen 2017, 52). As elaborated in the analysis, the EU Pact uses utilitarian rationales to categorise migrants seeking to enter the EU according to their economic value. As a result, (highly-)skilled workers have a higher chance of being allowed to enter the EU as those who cannot present any formal evidence of useful labour power other than their bodies, which are further devalued by discriminatory practices of othering. The latter are subjected to violent surveillance and immobilisation practices that increasingly rely on detention, ‘campization’, and forced deportation. The public and political debate in recent years about the shortage of skilled workers in many EU member states and the subsequent partial opening of the labour market to asylum seekers and illegalised persons who are supposed to do precarious but necessary work for sustaining the socio-economic infrastructure of the imperial mode of living and thus the perceived well-being of the population⁵¹, also illustrates this logic of ‘selective inclusion’ for a deepening of capitalist accumulation processes. The measures provisioned in the EU Pact primarily aimed at ‘irregular migration’. Therefore, my analysis of the EU Pact can only partially depict the extent of utilitarian strategies, as it does not fully consider all visa regime strategies. The discourse on skilled migrant workers is reflected in the EU Pact nonetheless. Accordingly, strategies and future policy efforts in the EU Pact that aim to attract “talents” and highly skilled workers and “to urgently catch up in the global race for talent” (COM 2020_INFO WEB, 13) are prominently promoted in public communications such as the presentation of the EU Pact on the EU Commission’s website.

Looking at the violent quality of why and how the EU Pact deals with so-called irregular migration in the context of accumulation processes is of interest as it makes visible the colonial continuum of inclusion and exclusion, rather than viewing them in opposition to each other. The dehumanising practices of categorisation as entry requirement, the normative violence which I identified through the analysis, and the subsequent violent treatment of those who are to be excluded all follow the same colonial logic. Mezzandra and Neilson, in this context, identify a ‘proliferation of border’ as a process of capitalist expansion. Borders, as they argue,

⁵¹ See e.g.: Parlament Österreich 2023: Talkformat Politik am Ring zu Fachkräftemangel und Zuwanderung. <https://www.parlament.gv.at/aktuelles/news/Talkformat-Politik-am-Ring-zu-Fachkraeftemangel-und-Zuwanderung/> (March 9, 2023); Zeit Online (04.02.2020): Fachkräftemangel: Hälfte der Geflüchteten hat nach fünf Jahren einen Job. <https://www.zeit.de/wirtschaft/2020-02/fachkraeftemangel-fluechtlinge-arbeitsmarkt-erwerbstaetigkeit> (March 9, 2023); Tagesspiegel (16.10.2022): Mehr Geflüchtete, weniger Fachkräfte: Ist es nicht verschwenderisch, diese Potenziale nicht nutzen zu wollen?. <https://www.tagesspiegel.de/meinung/mehr-gefluchtete-weniger-fachkraefte-ist-es-nicht-verschwenderisch-diese-potenziale-nicht-nutzen-zu-wollen-8753659.html> (March 9, 2023).

“establish multiple points of control along key lines and geographies of wealth and power” and articulate “capital and political power whether they coincide with the territorial limits of states or exist within or beyond them” (Mezzadra and Neilson 2020, 7). This can be made visible by looking at the specific manifestation of the logics of domination in institutions and practices of inclusion and exclusion in the EU Pact, such as excessive data collection, detention or ‘campization’ which show a deep entanglement with colonial histories, and positivist Eurocentric knowledge systems that build legal, digital, physical, or cultural borders. Taking this argument further, with the objective of formulating a constructive criticism that informs efforts towards a social-ecological transformation of capitalist society and its corresponding asylum and migration policy, I want to make three points by this reflection of the role of asylum and migration policy in capitalist valorisation, accumulation, and reproduction processes. Firstly, in accordance with Georgi, who refers to the concept of the imperial mode of living, views EU asylum and migration policy as part of a regulation of capitalist accumulation (and their multiple crises) which enables certain mobilities while violently containing others, using utilitarian rationales but also racist logics (Georgi 2019, 563). However, and this is my second point, this mode of regulation materialises into practices that are systematic and have a specific colonial history that goes beyond a strategic, or neo-colonial, aim of securing access to labour power and natural resources. An awareness of these specificities is necessary in order to rethink and transform violent attitudes and practices towards human mobility in a productive and solidarity-based way. Thirdly, I would like to point to the traces of resistance practices that can be identified by deconstructing the deepening of surveillance and immobility practices. As shown in the analysis, the Commission problematises uncontrolled movements into (“irregular entries”) or within (“secondary movements”) as one of the main policy issues to be addressed by the EU Pact. Moving away from the perception of migrants solely as victims of intensified violence, I advocate for also adopting a reverse view. Looking at violence in EU asylum and migration policy as a reaction to creative and assertive ways of migrants’ resisting practices against controlling and governing measures of state actors, and against the coercive elements of an imperial mode of living, opens insightful perspectives. This argument is not intended to romanticise migrant movements and experiences. Rather, I intend to shed light on the agency of migrants and enable a differentiated look at the diversity of motivations and experiences, highlighting their emancipatory power. Hence, I would criticise Brand and Wissen in their (re)production of the under-complex construction of migrants seeking to participate in the imperial mode of living or fleeing its destructive effects as their main motivation to migrate (Wissen and Brand 2019, 43).

Taking this further, I argue that while migration can be perceived as an escape strategy, it should also be recognised as a powerful strategy of voice and visibility. In my opinion, the degree of the intensification of violent practices seen in the EU Pact demonstrates the power of such strategies. I argue that an awareness of the power of those experiences and creativity can help to address the link between everyday practices and experiences and societal power structures in order to develop transformative strategies. The violent backlashes, therefore, are a manifestation of those practices of resistance. Moreover, the colonial violence I identified in the pact is a manifestation of a specific mode of policymaking in capitalist societies overdetermined by colonial knowledge systems – a Eurocentric worldview and the idea of a modern state – which in itself is violent. Here, I agree with Brand and Wissen's argument that these dynamic processes should not be underestimated. Resistance does not always have an emancipatory effect, but can lead to increasingly restrictive right-wing and authoritarian policies, which can have a stabilising effect on the imperial mode of living, at least for a while. (Brand and Wissen 2017, 60; Wissen and Brand 2021, 748). The imperial mode of living does not dictate decisions, but gives, or limits the range of opportunities, and therefore mediates between autonomy and coercive action that (re)produce and transform everyday practices.

This can be further discussed by translating the findings of violence in the EU Pact into processes of building 'hegemony and subjectivation', where processes of the construction of identities and worldviews, and subsequently, their underlying knowledge systems are questioned. As elaborated above, hegemony building involves processes that establish the interests of the ruling class as common interests, whereby domination is normalised and thus no longer experienced as such and not questioned. Brand and Wissen, in developing their concept highlight that hegemony has both a material and a discursive dimension (Brand and Wissen 2011, 19). Following Gramsci, it is thus achieved through the establishment of consensual material and ideological elements and secured politically and socio-economically by coercion (Hirsch 2005, 30). By analysing the EU Pact for colonial violence, I identified various elements of epistemic violence which point to processes of building hegemony and subjectivation, on a discursive as much as on a material level.

The EU Pact is fundamentally rooted in the idea of sovereignty and statehood. This is accompanied by the construction of its own identity as a modern and rational actor of governance, and an area of economic prosperity and freedom of movement on the one hand, and a migrant identity of dangerous subjects who abuse the EU's asylum and migration system and its social systems and therefore need to be controlled on the other. On an ideological level, the proposed violent measures are legitimised by Eurocentric and positivist epistemes, firstly

by the (re)production of borders and migration control as a normal and necessary part of statehood and fair governance, and secondly, by a security discourse and utilitarian rationale, which however is deeply racist and chauvinist. Here, the EU Pact also speaks to an individualised level, by framing migration as a threat to the privilege of freedom of movement and to the own socioeconomic security and position in the imperial mode of living. Based on the analysis results, I agree with Georgi and Heller et al. who argue that problems and crises of the capitalist societies experienced by the working class in the Global North are transformed into a conflict between inside and outside, respectively insiders and outsiders, via a violent EU asylum and migration policy (Georgi 2019, 569; Heller et. al 2022, 421) by supposedly making concessions to subaltern class fractions and thereby preventing them to fundamentally question the status quo of societal relations. As such, the EU Pact reflects and at the same time secures processes of subjectivation of the imperial mode of living.

At this level it can be argued that the idea of EUrope as a place of the rule of law and human rights respectively fundamental rights has become an integral part of identity that is irritated by repeatedly reported human rights violations, deaths, or precarious living conditions of migrants. In addition to that, it should be noted that the fundamental and human rights regime has also been an instrument of struggles and reappropriation for the freedom of movement and the rights of migrants. Subsequently, and as indicated previously, the EU Pact makes concessions by introducing fundamental rights monitoring mechanism, and the recommendation unblock and not criminalise of Search and Rescue (SAR) operations at sea (COM 2020_SAR). Still, the emphasis has to be on 'recommendation' as the support for SAR operations is not included in any binding proposals and, as I argued above, the EU Pact provides the bare minimum of a rights-based approach. On the contrary, what prevails is a disenfranchisement of migrants (Hess 2022, 95) through processes of 'hierarchisation' and distinction driven by colonial logics such as the EU Pact's meticulous and dehumanising categorisation of migrants and other forms of violence. The EU Pact (re)produces a global hierarchical regime of mobility that is fast and safe for the privileged and slow and deadly for those who are undesired in the imperial mode of living (Heller et. al 2022, 406). Before discussing the processes of hierarchisation in more detail, I want to point out the material dimension of building hegemony. As just indicated, hegemonic processes do not only affect people's beliefs about what is normal but are at the same time based on and materialised in everyday practices, institutions and institutional practices, and they affect the materiality of peoples' lives (literally). They are embodied and performed individually and collectively. As such, sovereignty and statehood are hegemonic practices which have a very material basis in

societal institutions such as immigration control practices, passports, institutions of policing borders, or institutions of knowledge production, as provided for by the proposal for a revised Eurodac Regulation (COM 2020_EURODAC). The violence experienced in these contexts is a material reality for those who are exposed to it. “Thus, racist or nationalist-chauvinist positions in favour of the exclusion of non-citizens and the closing of borders find a basis in the material structure of the state.” (Buckel et al. 2017, 15). Similarly, but to a lesser extent, the fundamental and human rights regime is materialised in institutions, and therefore frames the options for policymaking and everyday decisions. Correspondingly, antagonistic forces in policy-making such as found in the EU Pact, are a result of societal struggles which were before (historically) materialised into the societal structure.

Brand and Wissen emphasise that they understand the imperial mode of living as a concept that makes visible the connection between people’s everyday decisions and experiences, and societal structures (Brand and Wissen 2017, 13). This involves linking processes of hierarchisation on a micro- and global scale. In this context, Brand and Wissen point to the concept of the colonality of power as a useful perspective to make visible historical processes of domination (Wissen and Brand 2019, 41–42). The findings of the analysis show that the EU Pact is infused with an idea of superiority and its own modernity. I identified discourses of development and security in the EU Pact that are rooted in Eurocentric epistemes and reflect postcolonial structures of economic, political, military and cultural domination and paternalism. The hierarchisation within a global order of power [German: globale Gewaltordnung] is based on a the hierarchisation of the global population through processes of racialisation and other intersecting forms of discrimination, and vice versa. In the same vein, the findings of the analysis indicate that colonial violence at the level of global societal structures is entangled with experienced violence on a micro level.

I have argued above that the processes of inclusion and exclusion share the same patterns of violence and are interdependent. The processes of inclusion and exclusion hierarchise who benefits from the imperial mode of living, but also who has to bear its negative effects. The fourth central dimension of the concept of the imperial mode of living is ‘externalisation’. As explained in the theoretical framework, Brand and Wissen’s core argument in that sense is that the imperial mode of living is highly dependent on the ability to externalise the over-exploitation of labour, in particular care work, and of the environment (Brand and Wissen 2017, 62 ff.). Migration is then the consequence of the negative socio-economics effects of the imperial mode of living (Lessenich 2016, 167; Wissen and Brand 2019, 43). Subsequently, a violent migration policy aimed at preventing South-North migration is a

reaction to this. Hence, migration policy functions as a containment of the effects of externalisation. This function can be clearly identified in the EU Pact. I have found that the EU Pact works towards a further externalisation of border and surveillance practices, which are in fact violent practices, and thereby towards an offshoring of the border further and further South to the margins of the EU and beyond the EU's external borders in order to prevent migration at an earlier stage. Furthermore, the EU Pact foresees to intensify the digitisation of borders. Authors of critical border studies refer to the "process of territorial and administrative expansion of a given state's migration and border policy to third countries" as "border externalization", or more precisely as "border externalization management practices" (Casas-Cortes et al. 2015, 73). In addition, by containing migratory movements towards the EU, asylum and migration policy then also serves the function of being able to ignore the negative effects of the imperial mode of living, and not having to account for them (Lessenich 2016, 181).

By externalising the policy issue to third countries and migrants themselves, as shown in the analysis, the EU Pact explicitly avoids acknowledging responsibility for the factors which cause people to decide or be forced to leave their homes. I use this as an entry point to criticise the imperial mode of living as a research model for explaining the violent EU asylum and migration policy for falling short at this point. In my opinion, when considering the multi-dimensional violent quality of the EU Pact, EU asylum and migration policy is not only at the end of a chain of causal effects, but is deeply entangled in the structural, material, ideological, and ultimately colonial conditions of an imperial mode of living. This includes, firstly, the offshoring of violence, or more broadly the "dirty work", and thus the determination of who has the privilege of not participating in it. With the EU Pact, the Commission wants to maintain or further expand the practices of campization and detention, as well as the deportation of illegalised migration. In this way, the EU is not only maintaining its ideological self-image. It is also shifting the materiality of these practices outwards. Secondly, the EU Pact points to an increasing overlap of migration policy and entanglements of the policies regarding so-called "development cooperation". The nexus between migration politics and development cooperation has been described by several critical researchers as a two-way relationship. On the one hand, EU finances bound to the field of development politics are often appropriated for the objective of preventing unwanted migration towards the EU. Buckel et. al (2021, 33) argue that this development can be also identified in the European Infrastructure Trust Fund for Africa (EU-ATIF). On the other hand, North-South dependencies are (re)produced by tying money and support for third countries to conditions such as cooperating in creating opportunities for deportation (ibid., 32). Thirdly, and as established above, by framing the policy issue as

something external that needs to be managed, it is possible to uphold the status quo and circumvent deep structural transformations of the imperial mode of living in the Global North and beyond. At the beginning of the chapter, I raised the question of how violence is constituted in EU asylum and migration policy and to what extent it can be explained by the processes and mechanisms of the imperial mode of living. In summary, the structuring and discussion of the findings of the analysis of the EU Pact using the conceptual dimensions of the imperial mode of living has shown that a violent EU asylum and migration policy is crucial for securing the capitalist organisation of society. To conclude on this question, and in order to answer the research question of this thesis, a reflection on what I call a ‘silencing of colonial violence’ is in order.

5.2 Charting the silencing of colonial violence

In this section, I want to address the transformative power of deconstructing the silencing of colonial violence in EU asylum and migration policy and its role in the imperial mode of living. In doing so, I highlight the explanatory utility of the concept of the imperial mode of living to make visible the links between everyday practices of demarcations and global power structures of capitalism and corresponding bordering processes. Furthermore, I formulate constructive criticism based on the arguments developed in the previous chapter, pointing out blind spots in the concept.

A key finding of the analysis of the EU Pact is the vehement dismissal of any entanglement of its own capitalist past and present – the own societal structures and everyday practices – with the causes of migration elsewhere. An essential strength of the concept of the imperial mode of living is to make visible the connection between different crises and phenomena such as the ecological crisis, a crisis of skilled labour in the Global North, or phenomena of migrant movements worldwide, by pointing out key mechanisms and drivers of capitalist societal organisation, its norms of consumption and production, on a material and discursive level. The concept then helps to understand migration and border regimes not only as the enforcement of spatial-territorial borders in order to protect capitalist (re)production but also as demarcations of what is and is not experienced by parts of the population. Thus, ecological and social crises occurring across borders are if anything, a limited part of realities in the Global North, even though they are closely entangled with it (Book et al. 2019, 8). Against this background, and as shown above, the silencing of colonial historicity of migrant movements in policymaking, is indeed violent and can be explained by the concept. As such, there is no sign in the EU Pact that the EU acknowledges its responsibility for ecological crises,

the lack of crisis preparation of entire regions in the Global South, or its own role in the outbreak of internal and international conflicts, which would lead to corresponding political measures, such as the revision of the grounds for persecution provisioned by the Geneva Convention.

At the same time, the concept helps to make sense of the dynamics between authoritarian developments of the EU asylum and migration policy, while at the same time including certain rights-based concessions. In this respect, the imperial mode of living always involves a contradictory simultaneity of integration and submission on the one hand and subversion on the other (Wissen and Brand 2019, 41).

Policymaking in the EU regarding asylum and migration can thus be accused of the same thing that Mayblin and Turner, in reference to Spivak, rightfully accuse mainstream migration research of: practising ‘sanctioned ignorance’ of colonial historicity (Mayblin and Turner 2021, 2, 9). The concept of the imperial mode of living, by relying on materialist and poststructuralist theoretical assumptions, offers an approach to make visible the structural conditions of migration and migration policy, that are otherwise, and I have problematised this in the beginning of this thesis with regard to the migration research perspectives of ‘governance failure’ and ‘securitisation’, ignored in mainstream migration research.

However, this thesis also shows that a stronger foundation of postcolonial and decolonial approaches can enrich the concept to include subaltern perspectives more consistently, providing a deeper understanding of the violent quality of the imperial mode of living, and subsequently pointing to radical and solidarity-based approaches for a just social-ecological transformation. Essentially, I want to point out the following blind spots:

When it comes to migration and migration policy, Brand and Wissen, reproduce an under-complex and partly Eurocentric picture of the phenomena of migration. My argument is that they overestimate the appeal of the imperial mode of living for migrants. In doing so, they reproduce a dualism between the Global North and South, and between migrants and the EU. Here, I agree with Hürtgen’s (2018, 2021) and Dörre’s (2019) criticism that Brand and Wissen rely on the construction of a universal ‘we’ when referring to the Global North, and thereby disregard to some extent the diversity of experiences not only in the Global North, but also in the Global South. Even if, in response to the academic debate on this very critique, they concede this point of criticism and clarify that by referring to Global North-South relations they also mean the peripherising and hierarchising dynamics within the Global North and South (Wissen and Brand 2021, 744 ff.), ultimately, they are not entirely consistent in their argumentation. The findings on colonial violence in EU asylum and migration policy illustrate this blind spot. I argued in the previous section that the coloniality of violence of proposed policy measures such

as practices of surveillance and immobility, including the categorisation of migrants through racist and utilitarian logics, demonstrates the continuum of exclusion and inclusion. Those logics lead to experienced violence inside the EU and its margins. The volume “Grenzregime IV: Von Moria bis Hanau – Brutalisierung und Widerstand” (“From Moria to Hanau - Brutalisation and Resistance”, own translation) (Hänsel et al. 2022) provides a critical account of the structural conditions and links between violent attacks such as the racist killings in Hanau, Germany, in February 2020, including its aftermath, the violence at the European external borders, and the offshoring of border practices to the Sahel zone. Recognising the diversity of experiences within the EU allows for the recognition of a diversity of experiences beyond the EU, and then opens up the possibility to see and develop fierce and empathetic resistance practices that question hegemonic practices of statehood and governance, including their institutions, and empower a deep social-ecological transformation.

The findings of colonial historicity in the common practices of EU asylum and migration policy do exactly this: they point out their violent quality and specific expression of the own colonial past and can offer a concrete entry point for transformation strategies. This brings me back to criticising the overestimation of the appeal of the imperial mode of living to migrants by pointing out the colonality of knowledge systems such as the found Eurocentric assumptions in EU asylum and migration policy, which Brand and Wissen partly reproduce. This includes, on the one hand, recognising that the vast majority of contemporary forced migration movements are in fact South-South migrations on the one hand (UNHCR 2023), and on the other hand recognising the power of migration as a practice of resistance, practices of voice and how Achiume terms it the practice of ‘migration as decolonization’ (Achiume 2019)., Ultimately, I want to highlight again the benefit of making the deconstruction of epistemic violence an integral part of the imperial mode of living as a research concept, as it makes the concept more robust for addressing the link between everyday practices and societal structure and for developing transformative strategies.

Finally, the research question can be answered as followed. The analysis of the violence of the EU Pact and the discussion of the findings within the framework of the concept of the imperial mode of living shows: A violent EU asylum and migration policy is inherent to an imperial mode of living in three ways. Firstly, EU asylum and migration policy fulfils the function of protecting the imperial mode of living by functioning as a mode of physically and discursively regulating the (de)stabilising effects of the imperial mode of living. Secondly, a violent EU asylum and migration policy is inherent as it does not only secure the imperial mode of living in a reactionary way by building a fortress like the European Union. Rather, the EU’s asylum

and migration policy constitutes a driver of the imperial mode of living by enabling a deepening of accumulation and valorising processes, the building of hegemony, subjectivation, hierarchisation, and externalisation. Thirdly, it is inherent to an imperial mode of living, as it demonstrates the specific ways of expression of colonial history, while at the same time pointing out the obstinacy and transformative nature of everyday practices on a micro-level, which are embedded in a capitalistic societal structure of colonial power.

6 Conclusion: Resistance in a crisis of colonial violence

At the beginning of the thesis, I quoted the current President of the European Commission, Ursula von der Leyen. This thesis shows that what she calls worthy of protection, “a European way of life”, indeed can and should be critically reflected and conceptualised by what Brand and Wissen termed an imperial mode of living. Moreover, it demonstrates that this mode of living is permeated by colonial violence, which is expressed within the EU, at its external borders and beyond, in the way how knowledge is (re)produced and identities constructed, and in power structures of global systemic contexts. In the previous chapter, I concluded that EU asylum and migration policy does not only fulfil the function of protecting and securing the imperial mode of living of those who are left uprooted by its negative consequences, and those who claim their space and voice, but is a fundamental driver of the imperial mode of living and has its own specific dynamics that are rooted in its colonial historicity.

I don’t want to lend the last words of this thesis to the President of the EU Commission. Rather, I want to turn to those who resist the violent border and migration regime and thereby contribute to a just and solidarity-based social-ecological transformation. The thesis showed that the concept of the imperial mode of living, which is founded in historical materialist theory, as well as post-structuralist theoretical approaches, proves to be a useful concept to place EU asylum and migration policy in what Brand and Wissen call the multiple crises of capitalism. Addressing those crises means understanding what those crises are constituted of, and to question the perspective from which the crises are looked at. Based on the findings of this thesis, I conclude that from a power-critical and anti-racist, perspective, the imperial mode of living (re)produces a crisis of colonial violence and racism.

In a co-authored article “Challenges for Social-Ecological Transformations: Contributions from Social & Political Ecology”, Brand addresses the role of critical research for a social-ecological transformation (Görg et al. 2017). In this article, the authors point to the challenges for politicians, researchers, and activists to bridge the gaps between an analysis of the societal and ecological crises and their structural interrelations, the formulation of political-

strategic approaches, and normative perspectives. In this vein, they criticise that there is a tendency towards what they call a ‘new critical orthodoxy’, “a tension between the call for a comprehensive societal transformation and a strong trust in existing institutions like the state, market, science, technology and (Western) knowledge.” (Görg et al. 2017, 1–2). Hence, they call for a better alignment of research perspectives (analytical, political-strategic, and normative) on social-ecological transformation. As stated above, the concept of the imperial mode of living proves to address those gaps by making the structural conditions of a violent EU asylum and migration policy visible. On the other hand, by not consistently following through with their own arguments regarding migration and migration policy, Brand and Wissen also tend to (re)produce certain patterns with their concept and consequently run the risk of missing potential entry points for transformational strategies and to be open to alternatives (Dörre 2019, 262 ff.). This concerns the reproduction of an analytical dualism, by constructing under-complex migrant identities and experiences in their arguments, and a category of an undifferentiated ‘we’ in the Global North.

A recognition of the localities of the colonial violence of EU asylum and migration policy and their complex relation to global power structures sharpens the awareness for (post) migrant perspectives in the Global North and South. It offers found criticism for deconstructing those practices and hegemonic institutions and imagining solidarity-based, non-exclusionary alternatives. It also makes visible the continuum of exclusion and inclusion through utilitarian, racist, or otherwise discriminatory logics as a fundamental part of the imperial mode of living, and further points to the link between racist attacks on (post)migrant communities in the Global North, the coercive dynamics of the imperial mode of living in a global capitalist system, and violence at the EU external borders and beyond. Thus, this thesis contributes to criticising systematic colonial violence on a meta-level, but also to point out, where colonial knowledge systems inform political decision-making and the construction of identities, and subsequently delivering concrete arguments to making visible experiences of violence and develop resisting strategies for those affected and allies. Ultimately, this leads me to agree with among others Mbolela (2014), Heller et. al (2022), Georgi (2017), and Heinz (2021) who in essence argue that ‘freedom of mobility for all’ is a necessary utopia. As already indicated at several points, this thesis argues that migration should be also recognised as a resisting practice. This perspective points to the fact that illegalised migrants do enforce their ‘freedom of mobility’ against all constraints. Their resilience, experiences, and obstinacy can and already do inform transformative and empowering strategies, social initiatives, and the building of alliances (Czollek and Kahveci 2022). As such, ‘freedom of movement for all’ has become a commonly

declared and guiding goal for many social political initiatives and activist groups and networks such as #AbolishFrontex, which work towards “ending the EU border regime; dismantling the border-industrial complex, and building a society where people are free to move and live” (abolishfrontex.org). Similarly, this claim is expressed in art and other creative, such as in the earlier quoted words of the Afghan EU-based poet Parwana Amiri: “my pen won’t break, but borders will” (Amiri 2019).

Crises, including their racist, deadly, and highly traumatising events, can lead to new and more inclusive forms of solidarity (Czollek and Kahveci 2022, 81); of course, because they are existential and force people to take protective measures and are in no way to be romanticised, but also because community-action and solidarity are powerful strategies to claim space, and therefore, transform societal relations. For instance, after the racist killings in Hanau, Germany on 19 February 2020, the ‘Bildungsinitiative Ferhat Unvar’, a community-based educational initiative that builds spaces to work through postmigrant experiences together, to connect places and people affected by racism and violence worldwide, and to develop strategies for action, emerged. The work of affected communities and their allies should also be acknowledged when looking at the learning processes of social movements and activism, such as the global climate movement, which more than ever manages to address the diversity of positionings, and corresponding privileges or experiences of violence in the fight against climate change and its effects, building strategic alliances. In extension to this, this urges to recognise that a fight for a social-ecological transformation, and hence a solidarity-based mode of living as Brand and Wissen propose it (Brand and Wissen 2017, 165 ff.) should consequently address that there is a global hierarchisation of mobility, enforced through colonial violence, not only in the sense of having the freedom to leave a place, to travel, or live elsewhere, but also in the sense of having the freedom to stay at the same time (Heller et. al 2022, 421).

In sum, with this thesis, I contributed to analytically examining and understanding the structural conditions of a violent EU asylum and migration policy and thereby making visible the violent quality of capitalist societal organisation in EUrope and beyond. The political-strategic contribution of this thesis is that it points out possible targeting points, such as the practice of campization, excessive data collection, legal restrictions, or development and security discourses, to challenge systematic colonial practices and patterns of thinking. On a normative level, this thesis then addresses the development and realisation of imaginaries such as the claim of ‘freedom of movement for all’. Further research could be carried out in these three directions.

In this respect, I ultimately want to point out some limitations of this thesis. Firstly, the EU is a complex supranational political actor, which operates in a complex relationship with its

member states, and their sovereign spheres of decision-making, and with the international arena in different realms of policymaking. The historical power relations and constellations in different policy areas were only addressed in fragments. As such, the theoretical assumption of the internationalisation of the state (Brand 2018) which underlies the concept of the imperial of living, could not be addressed. Here, I want to point towards research on the EU as a supranational actor, such as that of Buckel et al. (2017), who in that regard also thematise EU asylum migration policy in their research group ‘State Project Europe’. Secondly, the EU Pact on asylum and migration in parts is still being negotiated between the European Commission, the European Parliament, and the Council. Furthermore, it negotiates the policymaking regarding so-called ‘irregular migration’, and only partially addresses other types of migration and migration policy such as the EUropean/Schengen Visa-Regime which also includes migration in the sense of tourism or labour migration. Therefore, the EU Pact as a subject of research can only provide partial insight. Georgi, whom I referred to throughout this thesis, with his concept of ‘Fortress Capitalism’, shifts the focus more to the perspective of a global working class (2019c, 2019b). Additionally, the diversity of migrant experiences in a capitalist global system which (re)produces EU asylum and migration policy, needs to be analysed by research projects that adopt an intersectional approach. In this respect, this thesis does not go deep enough but offers possible entry points for more consequent intersectional analysis of EU asylum and migration policy, such as Black feminist or queer-of-colour theorists. Thirdly, I claimed to adopt a critical attitude towards working on and writing this thesis. While I relied heavily on postcolonial and decolonial theory in developing the theoretical as well as methodological and analytical framework, the findings would have most certainly profited from applying more decolonial-inspired methods for analysis. Hence, I finally want to advocate for research projects that cross more boldly the boundaries of academic research, tying links with art, activism, and other subversive forms of knowledge production that work towards a just social-ecologic transformation based on empathy and solidarity.

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Annex I: MAXQDA Code System

(a) before content-structuring analysis

Codesystem	3335
context	2
context_process	31
context_actors	54
horizontal	0
means	0
recommendation	57
institutions	134
> actions	632
knowledge and identities	0
> outside	63
> EU	83
> circumstance/problem	240
> migrants	993
vertical	1
> goals and objectives	623
> value	422
Sets	0

(b) after content-structuring analysis

Codesystem	3335
context	2
context_process	31
context_actors	54
horizontal	0
means	0
recommendation	57
institutions	134
actions	0
actions_phys	0
actions_loc	33
actions_return	121
actions_check	23
actions_entry	35
actions_det	34
actions_border	49
actions_tech	37
actions_data	108
actions_equip	13
actions_legal	0
actions_limit	29
actions_pen	15
actions_app	11
actions_datarights	8
actions_extern	21
actions_rights	81
manag_reporting	14
knowledge and identities	0
outside	0
out_return	24
out_sec	22
out_dev	17
EU	0
EU_gov	20
EU_union	21
EU_threat	42
circumstance/problem	0
prob_extern	0
prob_third	17
prob_force	7
prob_mig	132
prob_gov	84
migrants	0
mig_attribute	466
mig_CAT	527
vertical	1
goals and objectives	623
value	0
value_GG	155
value_man	224
negative value	43
Sets	0

Annex II: Abstract

This master thesis analyses to what extent the EUropean social organisation and the prevailing ideologies and arguments associated with it produce and reproduce violent aspects of EU asylum and migration policy and to what extent this can be explained by the concept of the ‘imperial mode of living’. The theoretical framework is formed by the theoretical foundations of the imperial mode of living and by postcolonial and decolonial theory. This perspective allows for a power-critical approach that understands EU asylum and migration policy as an outcome of societal struggles over it, without ignoring the consequences of colonialism and the agency of migrants. Based on a Critical Discourse Analysis approach, a qualitative document analysis of the EU Pact on Asylum and Migration is conducted. By relying on a three-levelled concept of epistemic violence, violent elements on the levels of (1) the coloniality of being, (2) the coloniality of knowledge, and (3) the coloniality of power, are identified. The findings show that the EU Pact promotes violent practices of surveillance and forced immobility, as well as dehumanising practices of othering (1); underlies Eurocentric epistemologies that positions the EU as a modern rationale state-like actor, the Global South as undeveloped, and the origin of terrorism and insecurity (2); and relies on the externalisation of border practices (3). The structuring of the findings by the conceptual elements of imperial mode of living suggest that the EU asylum and migration policy functions as mode of physically and discursively regulating the (de)stabilising effects of the imperial mode of living. Moreover, it constitutes a driver of the imperial mode of living by enabling a deepening of accumulation and valorising processes, the building of hegemony, subjectivation, hierarchisation, and externalisation.

Diese Masterarbeit analysiert, inwieweit die EU-europäische Gesellschaftsorganisation und die mit ihr verbundenen vorherrschenden Ideologien gewalttätige Aspekte der EU Asyl- und Migrationspolitik (re)produzieren und inwieweit dies durch das Konzept der ‚imperialen Lebensweise‘ erklärt werden kann. Den theoretischen Rahmen bilden die theoretischen Annahmen der imperialen Lebensweise sowie postkoloniale und dekoloniale Theorie. Diese Perspektive ermöglicht einen machtkritischen Ansatz, der die Asyl- und Migrationspolitik der EU als Ergebnis gesellschaftlicher Kämpfe versteht, ohne dabei die Folgen des Kolonialismus und die Handlungsfähigkeit von Migrant*innen zu ignorieren. Basierend auf dem Ansatz der Kritischen Diskursanalyse wird eine qualitative Dokumentenanalyse des EU-Pakts zu Asyl und Migration durchgeführt. Auf der Grundlage eines dreistufigen Konzepts epistemischer Gewalt werden gewalttätige Elemente auf den Ebenen (1) der Kolonialität des Seins, (2) der

Kolonialität des Wissens und (3) der Kolonialität der Macht identifiziert. Die Ergebnisse zeigen, dass der EU-Pakt gewalttätige Praktiken der Überwachung und erzwungenen Immobilität sowie entmenslichende Praktiken des Othering fördert (1); der EU-Pakt von eurozentrischer Epistemologie durchzogen ist, welche die EU als modernen, rationalen, staatsähnlichen Akteur und den Globalen Süden als unterentwickelt und als Ursprung von Terrorismus und Unsicherheit positionieren (2); und auf die Externalisierung von Grenzpraktiken setzt (3). Die Strukturierung der Ergebnisse durch die konzeptionellen Elemente der imperialen Lebensweise legt nahe, dass die Asyl- und Migrationspolitik der EU nicht nur als Modus der physischen und diskursiven Regulierung der (de)stabilisierenden Effekte der imperialen Lebensweise fungiert. Sondern eine treibende Funktionen einnimmt, indem sie eine Vertiefung der Akkumulations- und Valorisierungsprozesse, den Aufbau von Hegemonie, Subjektivierung, Hierarchisierung und Externalisierung ermöglicht.