

Writing Workshop

The politics of emotion in migration law

Call for papers

In the dominant positivist legal paradigm, law is considered to be rational as opposed to emotional – the law should be applied objectively and dispassionately (Grossi, 2015; Baillot, Cowan, and Munro, 2013). Instead, this writing workshop contends that emotion is inherent to rationality and decision-making in migration law rather than opposed to it (Sieben & Wettergren, 2010). We argue that emotions increasingly pervade present-day migration law in order to protect the national sovereignty of states in controlling migration. Decision-makers involved in migration procedures (immigration officers, judges) face difficulties and ethical dilemmas in assessing human emotions (e.g. affective relationships of family migrants, fear of prosecution of asylum seekers). In contrast, the claim-makers in this process (lawyers, NGOs and migrants) respond to migration law's assumptions about how humans experience and express emotions (Bandes, 2000; Bandes et al., 2021; Maroney, 2021) by presenting their moral(istic) positions via affects and emotions.

Here, we understand emotions as linked to wider social inequalities (Jupp et al., 2016) and as social and political constructions rather than a psychological state of mind (Ahmed, 2004; Calhoun, 2000). Social hierarchies and power relations consider some emotions more appropriate than others (Ahmed, 2004). Hence, at this workshop, we want to look less at what emotions *are* but at what they *do*, how they function and the effects they create in decision-making processes within the migration field. Rather than focusing on the emotions of individuals, we use an intersectional approach (Crenshaw, 1990) and look at how emotions are constructed in particular historical, political and social contexts and how they are linked to marginalised groups that are discriminated against based on gender, sexuality, religion, ethnicity/race and class (Åhäll, 2018). Often, when mobilised in migration law, emotions contribute to feelings of belonging and national identity. As such, emotions define the inside

and outside of the nation: some are considered different or abject to the nation and may consequently be excluded, while others may fit in and be included (Riedner, 2006). Building scholarship on how emotions are embedded in the workings of the state (Laszczkowski & Reeves, 2015) and expressing ethical positions within the migration enforcement apparatus (Vrabiescu & Anderson, 2024), we move further to understand the key role emotions play in drafting and implementing migration laws, as well as in the daily practices of judgements, hearings, casefiles or decision-making processes.

This workshop seeks to develop new insights into the assessment of emotions within migration law and to show the tight link to national identity, law and decision-making processes. On the one hand, actors involved in the decision-making process in migration law assess the emotions of the 'other'. They look at whether and how refugees, migrants, couples, and families feel the 'right' emotions (e.g. linked to love, sex, faith) and how they perform these emotions in the 'right' way in text or speech, through bodily expressions or acts. On the other hand, migrants themselves and their supporters perform emotions in a hierarchical relationship with decision-makers who decide on the genuineness of those emotions in a politically charged and historical context of gender, sexuality, ethnicity/race and class hierarchies.

We welcome papers that look at the traditional legal actors of judges and lawyers, as well as immigration officers, NGOs supporting migrants and their family members, and migrants themselves. Suspected marriages of convenience in family migration and asylum applications based on sexual orientation and religious conversion are prominent examples. However, we also invite papers on other topics of migration law where the assessment of emotions is an explicit part of the decision-making process. Possible topics are:

- Family relationships (couples, parents and children, love or kinship).
- Fear of political prosecution for asylum seekers (e.g. sexual orientation, faith or political opinions).
- Public order, nationality security, expulsion and nationality revocation
- Labour migration (contracts and dependency, relationship between employers and employees)

- Return migration between law and practice (forced return, incentives for return, legal provisions for return)
- State practices of migration deterrence in countries of origin (e.g., withdrawing passports)

This workshop aims to bridge the boundaries between ‘asylum’ and ‘regular’ migration (i.e., family migration law) in order to understand how the politics of emotion (Ahmed, 2014; Åhäll, 2018) is fundamental to migration law. The workshop is interdisciplinary and invites scholars from all disciplines (e.g., law, socio-legal studies, anthropology, sociology, history, political science) to contribute. We envision including legal and empirical analyses to help us comprehend the politics of emotion in migration law (legal texts, case law), in the daily work of administrative and judicial decision-makers (immigration officers and immigration judges) and in the claims that lawyers, NGOs and migrants make. We especially welcome abstract submissions from scholars based in the Global South.

The workshop consists of **two meetings, in October 2024 and spring 2025**, with a fixed group of participants. Authors are expected to participate in both meetings. The aim is to work towards a special issue or edited book coordinated by Betty de Hart, Irma Lammers, Nina Fokkink, and Ioana Vrabiescu.

Deadline abstract submission (400 words, 100 words bio): June 1, 2024.

Please send your application to i.vrabiescu@vu.nl.

Decision: 15 June 2024

1st workshop meeting will take place on October 10, 2024 in Amsterdam.