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# Urban Migrant Inclusion and Refugee Protection - Volume 1

Frontiers of Sanctuary, Solidarity, and  
Hospitality

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Harald Bauder • Mary Boatemaa Setrana  
Editors

# Urban Migrant Inclusion and Refugee Protection - Volume 1

Frontiers of Sanctuary, Solidarity,  
and Hospitality

 Springer

 SOLI\*CITY

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ISSN 2364-4087

ISSN 2364-4095 (electronic)

IMISCOE Research Series

ISBN 978-3-031-95146-6

ISBN 978-3-031-95147-3 (eBook)

<https://doi.org/10.1007/978-3-031-95147-3>

This work was supported by IMISCOE

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# Preface

The publication of this book is connected to the international *Soli\*City* partnership (formally titled ‘Urban Sanctuary, Migrant Solidarity and Hospitality in Global Perspective’). In the context of this international project, research teams located in Africa, Europe, Latin America, and North America have conducted a series of literature reviews that form the basis of several chapters. In addition, we asked project affiliates and scholars in our extended network to contribute chapters.

The result is a diverse team of contributing authors consisting of seasoned academics who are leading scholars on the topic of urban solidarity, sanctuary, and hospitality as well as up-and-coming early-career researchers. We strove to include authors from the Global South and Global North. Despite our efforts to create a diverse team of authors, the chapters were written mainly by academics and researchers affiliated with universities who tend to have the privilege and societal role to engage in research. While practitioners have valuable experiences and important insights to contribute to the debate, our experience has been that their time and capacities tend to be constrained by the lack of resources and—well—practical matters that have a real-world impact on the lives and well-being of migrants and refugees. While many chapter authors work closely with practitioners and draw on these practitioners’ expertise in asking the right research questions, the research was conducted and written up mainly by academics, which explains the underrepresentation of practitioners among the authors. We intended that this edited collection nevertheless contributes not only to scholarship but also assists such practitioners in their important work of improving the lives of migrants, refugees, and urban communities as a whole.

As we finalise the revisions of this edited collection, Donald Trump has made a comeback to the White House. We expect that the themes of urban sanctuary, solidarity, and hospitality will attract further attention during his second presidency while American cities resist his administration’s anticipated anti-immigrant politics and policies. We hope, however, that the renewed attention to the United States will not distract from urban innovations of migrant integration and refugee protection elsewhere in the world. While recognising the importance of political developments

in the United States, this edited collection also serves to highlight the perspectives and experiences of urban migrant integration and refugee protection in the Global South.

Toronto and Accra  
November 2024

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# Introduction

All cities are the product of migration, either international or internal. Correspondingly, urban communities tend to have an inclusive approach towards membership that is reflected in the statements and actions of urban leaders around the world. In the United States, Tom Cochran, the CEO and Executive Director of The United States Conference of Mayors, remarked in response to the Biden administration's announcement of extending the Temporary Protected Status for Venezuelans: 'Mayors recognise the invaluable contributions immigrants have made to our cities and our nation. They continue to be an integral part of our communities and play a critical role in the strength of our economy' (Durr, 2023). In South Africa, the Scalabrini Centre of Cape Town, whose mission is to 'welcome, to protect, to promote and to integrate, people on the move into local communities', stepped up in support of unlawfully detained asylum seekers by taking legal action with the help of Lawyers for Human Rights against South African's Department of Home Affairs in May 2024 (Scalabrini Centre of Cape Town, 2024). Meanwhile, the Mayor of Bogota, Columbia, Carlos Fernando Galán, proclaimed: 'Cities are often the first point of contact for migrants and require more support both nationally and internationally. It is crucial that cities have a voice in migration policies to provide the best possible care to those seeking a new home' (Bogota, 2024).

These are just three of countless examples of urban leaders, administrations, and civic-society organisations treating international migration as a normal human activity. In contrast, nation-states (and state-like configurations such as the European Union) treat migration as a problem. They seek to control cross-border mobility and, through migration policy, select who is permitted to traverse the border and under what circumstances, and who is denied entry. In fact, controlling human migration and keeping displaced people out of the country has become one of the most prominent global policy issues and goals in recent years.

Every year, the International Organization for Migration (IOM) releases their latest estimates on the brutality and deadly nature of states' and state assemblages' efforts to control human migration at their external borders. In 2023 alone, 3041 people died or went missing trying to cross the Mediterranean Sea in their attempt to reach Europe; 1200 died or went missing in the Americas; 1844 in Africa; and

1180 in Asia (International Organization for Migration, 2024). Although these estimates are based on diverse yet credible sources, many instances may never be recorded or known; the actual numbers of fatalities and people gone missing are therefore likely to be much higher. Those migrants and refugees who survive the journey often see their rights being taken away and face incarceration, social and political exclusion, dehumanisation, and the exploitation of their labour. Migration regimes have become increasingly repressive and nation-states—especially those of the Global North—are failing to uphold their own self-proclaimed human rights standards and principles of human security and dignity.

Recently, the United Nations' Global Compact for Migration and Refugees sought to coordinate international efforts and meet standards of human and other universal rights and responsibility-sharing while not challenging the sovereignty of nation-states to control cross-border movements. Many problems related to the denial of rights and the social, economic, and political marginalisation of migrants and refugees have their root cause in the insistence of states to exercise their sovereignty when it comes to controlling migration and refugee mobility (Bauder, 2022).

*Urban Migrant Inclusion and Refugee Protection* shifts the focus of attention onto cities. It addresses especially how municipalities and urban communities deal with inhabitants who find themselves in vulnerable circumstances because they are migrants or refugees. In Canada and the United States, the so-called sanctuary cities have focused on protecting and supporting people living without or with precarious national status (Atienza, 2023; Bauder, 2017; Casellas & Wallace, 2020). In the United Kingdom, there is a 'cities of sanctuary' movement. In Europe, cities that support disenfranchised migrants and refugees have called themselves city of refuge, safe harbours, solidarity cities, and other names (Agustín & Jørgensen, 2019a; Christoph & Kron, 2019; SEEBRÜCKE, 2019). Cities in Latin America collaborate with the United Nations on a programme called *Ciudades Solidarias*, or solidarity cities (Godoy & Bauder, 2021; Thayer Correa et al., 2014). Formal municipal policies may be less common (or less known in the English-language literature) in Africa and Asia but initiatives and practices exist at the urban community and civil-society levels to support migrants and refugees in vulnerable situations (Bauder, 2019; Kassa, 2019; Missbach et al., 2018). These urban initiatives and practices have in common that they seek to include all inhabitants irrespective of their legal status and migration circumstances and facilitate migrants' and refugees' participation in urban life and politics.

Urban initiatives and practices of migrant inclusion and refugee protection are obviously affected by regional and national circumstances. For example, the flight of people from political crises, disasters, and conflicts in Haiti, Lebanon, Sudan, or Venezuela disproportionately affects transit and destination cities in the corresponding world region or hemisphere. National legal and governance systems also shape cities' capacities to offer protection. In countries like Germany, where a central population registry exists, remaining undetected by state authorities is much harder than in, say, the United States, where non-status populations may easier remain hidden from authorities. A population registry also exists in Spain, but municipalities can use it as proof of residency to provide services to non-status

populations (Bauder & Gonzalez, 2018). In some African countries, where state bureaucracies are less developed, national legal status or citizenship may not matter much to gaining access to employment, housing, and basic services. In different national settings, cities are also given different powers vis-à-vis regional and national governments. Larger cities in the United States control their own police forces that can be included in municipal policies of non-cooperation with national immigration enforcement authorities. In Canada, municipal police forces are guided not by municipal but by provincial legislation. In other countries, such as Chile, municipalities do not possess their own police forces (Bauder & Gonzalez, 2018; Hershkowitz et al., 2021).

Despite these different circumstances, cities around the world are stepping up and tackling the problem of migrant and refugee exclusion. On the one hand, they approach this matter with problem-solving pragmatism (Barber, 2013); on the other, they take a more principled social justice lens (Purcell, 2006), focus on democracy (Frick, 2023), and revolutionary spirit (Harvey, 2012). The two volumes of this collection assume a global perspective and examine empirical contexts in both the Global North and the Global South. The chapters show that urban migrant inclusion and refugee protection are a global phenomenon.

The current literature on urban migrant inclusion and refugee protection, however, focuses disproportionately on the Global North. In the Global South, this topic has received less attention. The relatively few studies of the Global South that do address the subject matter tend to apply concepts and ideas that were developed in the Global North (Bauder, 2019; Godoy & Bauder, 2021; Kassa, 2019; Missbach et al., 2018). An opportunity exists not only for research from the Global South to contribute to the debate of urban migrant inclusion and refugee protection but especially to develop an integrative perspective that connects urban policies and practices in different parts of the world and throughout historical periods.

An overarching idea framing this book is that there is a distinctly urban approach that differs from that generally assumed by nation-states towards migration and refugees. This urban approach revolves around the concepts of sanctuary, solidarity, and hospitality. The term *sanctuary* often refers to a range of local policies and practices related to migrants and refugees in Canada, the United States, and the United Kingdom. In Canada and the United States, ‘sanctuary cities’ seek to offer migrants and refugees without or with precarious legal status protection and access to municipal services. Not all ‘sanctuary cities’ are embracing the term. Critics argue that local policies cannot provide full protection, i.e., sanctuary, from national migration enforcement authorities; some municipal administrations and policymakers seek to avoid the political fallout of using the term (Bauder, 2017). In the United Kingdom, the City of Sanctuary movement ‘promotes a culture of hospitality towards those taking sanctuary’ (Squire & Bagelman, 2012, p. 155) but does not have the same focus on legal protection as sanctuary cities in Canada and the United States. Several chapters of this collection apply the term ‘sanctuary’ to urban policies and practices beyond Canada, the United States, and the United Kingdom (e.g. Bambach, Chap. 2, volume 2; Stefoni, Bravo, and Stang, Chap. 1, volume 2; Drejer-Jensen and Jørgensen, Chap. 9, volume 2).

The concept of *solidarity* has been widely applied in research, activism, and politics related to migrants and refugees (Agustín, 2020; Agustín & Jørgensen, 2019b; Bauder, 2022). While it generally refers to social connections fostering unity among people with similar interests or goals, the use and application of the concept in migration and refugee research are complex and variable. Migration and refugee scholars have uncovered various ‘sources’ (Oosterlynck et al., 2016) and philosophical underpinnings of solidarity (Bauder & Juffs, 2020), distinguishing between autonomous, civic, and institutional solidarity (Agustín & Jørgensen, 2016). Furthermore, solidarity is not only relational but can also be transformative and creative (Gaztambide-Fernández, 2012). Cities and urban initiatives in different regions of the world have adopted the label of solidarity to describe their transformative political goals (Christoph & Kron, 2019; Godoy & Bauder, 2021; Jørgensen & Agustín, 2019; Özdemir, 2022).

While the state and municipal administrations promote solidarity in a top-down manner, migrants and refugees often initiate solidarity practices themselves. Africa, for example, is known for its associational lifestyles, with associations typically forming along the lines of ethnic, religious, professional, and national communities that support the integration of new entrants and their members (Quartey et al., 2020). Some of these associations have frequent meetings to discuss the well-being of their members and serve as networks that link migrants and refugees to jobs and accommodation, provide them with access to information, and organise programmes that help them maintain their culture in the urban areas (Setrana et al., Chap. 9, this volume; Setrana and Okyerefo, 2024). These associations not only provide solidarity spaces for migrants and refugees, but their leaders also promote the interests of their members at local and national levels.

*Hospitality* is a social practice that is widely used throughout the world. Nevertheless, it has been theorised mostly from a Eurocentric scholarly perspective. The European geographer and philosopher Immanuel Kant posited that strangers have a right to hospitality on foreign lands but that this hospitality is restricted and does not entitle to permanent settlement (Kant, 1795). Jacques Derrida (2001) has critiqued the state-centric logic of Kant’s ideas of hospitality and instead frames this concept in reference to cities and the arrival of refugees. Framing hospitality at the urban scale makes the concept applicable to this edited collection (e.g. Bauder, Chap. 1, this volume). Derrida also reminds us, however, that the concept of hospitality must be viewed critically as it implies uneven relations and access to resources between host and guest, and that it connects to hostility (Derrida, 2000, 2001). The tension and conflict between host population and migrants cannot be underestimated within the concept of hospitality. Beyond access to resources, conflicts sometimes originate from regional protocols and national laws. For example, there is ongoing friction between Ghanaian and Nigerian retail traders because the laws of Ghana prevent foreigners from investing in the retail sector. Although Ghanaians are generally hospitable, the concept of hospitality as critically reflected in this book has its limits and must be interrogated from a multi-level perspective.

The possibility of a distinct urban approach towards migrant inclusion and refugee protection involving the concepts of sanctuary, solidarity, and hospitality does

not mean that there is a uniform experience among cities and urban communities. Apart from national and regional differences, there is an enormous variety of policies and practices among different urban actors in support of migrants and refugees. The chapters in this collection highlight the range and importance of such actors. They include national, regional, and local governments (Colbern, Chap. 4, this volume; Kuge and Anders, Chap. 10, this volume; Pekşen and Kurtarır, Chap. 10, volume 2); supra-national organisations like the United Nations (Stefoni et al., Chap. 1, volume 2; Bambach, Chap. 2, volume 2, Janina Stürner-Siovitc and Morthorst, Chap. 3, volume 2); ethnic and neighbourhood communities (Lujan, Chap. 6, this volume; Baro, Chap. 7, this volume); faith-based and civic-society movements and organisations (Arnold, Chap. 12, this volume; Koskimaki and Mazani, Chap. 4, volume 2; Salifu and Jørgensen, Chap. 5, volume 2; Drejer-Jensen and Jørgensen, Chap. 9, volume 2); businesses and entrepreneurs (Lemke, Chap. 13, volume 2), informal migrant networks (Setrana et al., Chap. 9, this volume); global urban networks (Agustín and Jørgensen, Chap. 11, this volume); and activists and street protesters (Steinhilper and Sommer, Chap. 7, volume 2).

While many cities and urban actors are supportive of migrant inclusion and refugee protection, xenophobia and migrant and refugee exclusion and scapegoating for societal problems such as unemployment, poverty, crime, and overcrowding are also rampant in many metropolitan areas. Cities are complex assemblages where diverging interests and positions are negotiated; they are 'battlegrounds' of refuge and migration policy (Ambrosini, 2021). Correspondingly, neither all cities nor all voices within cities are supportive of migrant inclusion and refugee protection. A universal urban approach, therefore, has been difficult to theorise.

An additional difficulty of theorising such an urban approach is that urban and migration theories are often developed in the Global North and then treated as universal and inappropriately applied to contexts of the Global South (Landau, 2010; Landau & Bakewell, 2018). For example, the primacy of the Westphalian state framing migration politics in the Global North (Torpey, 1999) cannot always be taken for granted in contexts like Africa, where statehood may 'not represent liberal democratic contracts between "citizens" and the political establishment' (Kassa, 2019, p. 68). Many African states have not signed the 1951 Refugee Convention, and both national state and local municipal government structures may be legally and politically weak as well as under-resourced (Haysom, 2013). Loren Landau (2010, p. 176) suggests that 'an effective, centralised authority has rarely governed the continent's urban centres.' In addition, the established relations between labour and capital that form the bedrock of urban theory developed in the Global North, such as the Lefebvrian idea of the 'right to the city' (Lefebvre, 1996), do not always apply in the cities of the Global South (Landau, 2019). Furthermore, the assumption embedded in migration and urban theories that migrants and refugees are here to stay and make a city their permanent home is based on the experience of settler-colonial countries of the Global North and may not hold in the Global South where migrant populations are often transient and less committed to 'integrate' into presumably pre-existing urban and national communities (Kassa, 2019; Kihato, 2010).

To develop an understanding of urban migrant inclusion and refugee protection from decentred and local geographical perspectives resonates with recent calls to decolonise migration studies (Collins, 2022). Such calls connect with a literature that draws attention to the legacies of European imperialism (Humphris, 2022; Mongia, 2018; Walia, 2021) and increasingly includes studies on the situation of migrants and refugees in cities of the Global South (Cohen et al., 2022; Kassa, 2019; Kihato, 2007; Missbach et al., 2018). The chapters in this collection contribute to these efforts by highlighting the role of both the urban and locally situated knowledges in structuring the experiences of migrants and refugees.

The focus on urban communities, however, should not be interpreted as a romanticisation of these experiences (Purcell, 2006). In many ways, urban communities may not be different from hegemonic and oppressive national communities. How migration and refugee mobility are governed in a global system of supposedly sovereign states is steeped in neocolonial and racist practice, codified into international law and agreements, and effectively perpetuates a system of ‘global apartheid’ (Jørgensen & Schierup, n.d.; Sharma, 2005; van Houtum, 2010) and global ‘fortress capitalism’ (Georgi, 2019). Cities are important participants in this repressive global system (Sassen, 1996).

However, cities also differ from nation-states in that nation-states are entirely political constructs; they are ‘imagined communities’ (Anderson, 1991) because the vast majority of members never personally or physically interact with each other. Furthermore, there is typically no tangible pre-existing community that defines national belonging, membership, or territory. Conversely, cities (as well as towns and villages) define concrete physical communities and places where people interact as neighbours, sit next to each other on the bus on their way to work, attend school council meetings, pray together at their local mosque, temple, church, or other places of worship, participate in community events, and share the stands at their local soccer, cricket, or baseball games. These personal connections lay the foundation for solidarity and for offering hospitality and sanctuary (Bauder, 2022). Cities are the places where migrants and refugees participate in economic and social life, and where they develop a sense of belonging. In turn, many urban municipalities and communities protect and include newcomers and inhabitants who are denied legal status or rendered vulnerable in other ways by nation-states and global migration regimes (Boudou, 2019).

This book’s main objective is to examine urban and local policies and practices that have existed in different parts of the world and which foster inclusion and participation of migrants and refugees in vulnerable legal, political, and social situations. The book also challenges Eurocentric universal ideas and conceptions of terms such as solidarity, sanctuary, or hospitality and emphasises local contexts that give voice to migrants and refugees in vulnerable situations. We are, however, still a far way from being able to leverage local and regional knowledge systems from the Global South as well as Indigenous epistemologies to decolonise scholarly perspectives of urban solidarity and inform hands-on local practices and policies towards refugees and vulnerable migrants. Nevertheless, we hope that this book contributes to steering debate and practice in this direction.

## Contributions

*Urban Migrant Inclusion and Refugee Protection* provides the most comprehensive and original resource yet available on this topic. There have been outstanding books on this topic that offer points of connection (Agustín & Jørgensen, 2019b; Bagelman, 2016; Christoph & Kron, 2019; Darling & Bauder, 2019; Stürner-Siovitz, 2022). However, to the best of our knowledge, there is no other book available at present that involves the geographical range, methodological diversity, and interdisciplinary variability of work included in this edited collection.

There are several key aspects that make this edited collection stand out. The first relates to the comprehensiveness of *Urban Migrant Inclusion and Refugee Protection* that makes it an important resource and guide for a wide-ranging audience of scholars and practitioners worldwide. This aspect illustrates the complexity of urban policies and practices towards migrant inclusion and refugee protection. These policies and practices are embedded in diverse national, regional, historical, and geopolitical contexts and are the product of continuously changing political interests, negotiations of identities and frames of belonging, and claiming of rights.

Second, the book offers theoretical advances, generally assuming critical and post-colonial perspectives in relation to rights, urban policies, politics, and practices; understandings of scale and space; and the exploration of emerging thematic frontiers. Theory continues to be disproportionately developed in the Global North and applied in the Global South (Bauder, 2019; Collins, 2022; Landau, 2010; Landau & Bakewell, 2018; Squire, 2022). While our book cannot single-handedly reverse the direction of knowledge flows, the chapters reflect critically on the centralisation of theoretical knowledge production by the West. Generally, the book pursues anti-colonial aims by critiquing neocolonial politics in migration governance and tendencies in migration and refugee scholarship. The book decentres knowledge production by including local strategies and perspectives on solidarity, sanctuary, and hospitality.

Third, a particular strength of this book is the empirical advances it offers. These draw on a wide variety of methodological approaches ranging from archival research and policy analyses of government data to comprehensive literature reviews in regions that have been neglected in the study of urban migrant inclusion and refugee protection. The chapters not only examine urban policies and practices by focusing on the local scale but also on how these policies and practices connect to national and regional politics and international city networks. In this way, the book offers a multi-layered global perspective of urban migrant solidarity and refugee protection.

## Audience

The book assumes an international and interdisciplinary approach to sanctuary, solidarity, and hospitality towards migrants and refugees. The combination of the Global North and Global South perspectives makes it of interest to a global audience. It

appeals to readers in the immigrant-receiving countries of both the Global North and the Global South, which have been underserved in respect of scholarly research on this topic. The open-access format ensures that the book is available to audiences who may not be able to afford the print version. The free availability of the material is important to us especially since readers and institutions in the Global South are often unable to buy the book; it would be hypocritical if our book supported the flow of capital from readers in the Global South to the publisher located in the Global North. In addition, we believe that knowledge should be free, independently of the location and circumstances of the audience. A print version is still available for purchase from the publisher for readers who prefer holding a physical copy in their hands. To add to the book's accessibility the authors of the chapters have made every effort to write in accessible language to include readers whose native tongue is not English or who may not be familiar with academic jargon.

With these efforts, we seek to appeal to policymakers at international and municipal institutions, urban planners, migration and refugee practitioners, human rights activists, and social justice advocates. Despite these efforts, however, we realise that the book's main audience will likely consist of academics, researchers, graduate students, and advanced undergraduate students in diverse disciplines such as Anthropology, Geography, Sociology, Political Science, and fields such as citizenship studies, critical borders studies, legal studies, migration studies, political movement studies, social justice studies, refugee studies, and urban studies.

Each chapter has its own list of references so that it can be assigned separately as reading in upper-level undergraduate and graduate courses at institutions of higher education around the world. To serve as a stand-alone course reading, we recognise that some repetition and overlapping material—for example, with respect to explaining common concepts and ideas—may exist between chapters.

## Structure of the Book

*Urban Migrant Inclusion and Refugee Protection* is organised into two volumes. There are simply too many chapters to fit into a single volume. We grouped the chapters into seven parts that each address a particular thematic issue, arranging these parts in a way that each volume offers a different perspective on the overall topic of urban migrant inclusion and refugee protection.

Despite the thematic organisation into two volumes, we intend for this work to be read as one coherent collection addressing issues with urban migrant inclusion and refugee protection. Therefore, we wrote one general Introduction covering both volumes. For each volume, however, we wrote two separate 'outlines' in which we discuss and introduce the different parts in each volume. Thus, following this introduction, we provide an Outline of Volume 1; Volume 2 begins with its own outline.

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# Outline of Volume 1

Urban sanctuary, solidarity, and hospitality policies and practices have received considerable scholarly attention over the past two decades. Despite the growing knowledge we are gaining on this topic, there are still important empirical and theoretical frontiers of urban sanctuary, solidarity, and hospitality to be explored. Volume 1 fills important gaps in the literature by developing critical and novel perspectives and exploring new concepts towards urban solidarity, sanctuary, and hospitality. The chapters in this first volume address a range of themes that challenge deeply engrained colonial and Eurocentric perspectives; unveil unexpected histories of urban sanctuary, solidarity, and protection; focus on wide-ranging solidarity practices and diverse experiences migrants and refugees encounter and make in cities; and offer original geographical interpretations of urban migrant inclusion and refugee protection.

Volume 1 is organised in four parts. Part I highlights colonial legacies in the conceptualisation of urban solidarity and hospitality and examines avenues for decolonisation. In fact, we had initially considered organising the chapters of both volumes by world regions because they are covering Africa, Europe, North America, and Central and South America. However, we decided to refrain from applying the Western colonial practice of organising the world into continents. Although the chapters in Part I challenge colonial perspectives in current research, they still are firmly grounded disproportionately in literature from Europe and the United States, illustrating the potential for further development of this perspective. In the opening chapter, Harald Bauder critiques the Kantian idea of hospitality as inherently Euro- and state-centric and suggests refocusing the concept towards urban contexts and the local scale. In Chap. 2, Harald Bauder, Nick Dreher, Omar Lujan, and Oluwafunmilayo Asolo unveil the Eurocentric nature of the application of the concepts of solidarity, sanctuary, and hospitality in the literature on migrant inclusion and refugee protection. They propose alternative frames such as African ubuntu or Latin America's Buen Vivir. In the final chapter of Part IV, Tyler Correia examines urban migrant rights movements to theorise critical cosmopolitanism in new ways.

Part II offers a neglected historical perspective of urban sanctuary and solidarity. In Chap. 4, Allan Colbern reconceptualises abolitionism sanctuary by examining

the personal liberty laws that were designed to protect runaway slaves in the northern United States in the eighteenth and nineteenth centuries. Laura Madokoro, in her chapter, connects homelessness and refugeeness by exploring the histories of refugees in Montreal, Canada. In the final chapter of Part II, Omar Lujan investigates archival records to uncover migrant solidarity in the Chinese community of Lima, Peru, in the nineteenth century. By discussing conceptualisations and histories of urban sanctuary, solidarity, and hospitality, Parts I and II set the stage for the remaining parts of the two volumes.

Part III addresses practices and experiences of solidarity and estrangement. In the first chapter of this section, Lea Baro explores the experiences of belonging and representation among queer migrants and refugees in Berlin, Germany. In Chap. 8, Erik Jerena Montiel investigates the embodied and emotional experiences of Venezuelan migrants in Bogota, Columbia, to show how the reception of migrants can simultaneously involve solidarity and xenophobia, and acceptance as well as rejection. In the final chapter of Part III, Mary B. Setrana, Joseph K. Teye, and Thomas Yeboah review the literature and examine administrative records to explore solidarity practices in the context of urban networks and social capital in Ghana. That they focus on rural-to-urban migration rather than international cross-border migration illustrates the different framing of migration in Africa compared to the Global North where exclusion of migrants is perpetuated by the control of national borders and restricted access to legal status and national citizenship.

The chapters in the final part of Volume 1 explore approaches to urban migrant inclusion and refugee protection through a lens that theorises sovereignty, geographical scale, and space. In Chap. 10, Janika Kuge and Frederike Anders apply relational state theory to offer an innovative view of sanctuary in the United States as a socio-spatial strategy. In Chap. 11, Óscar García Agustín and Martin Bak Jørgensen advance a novel theorisation of an inclusive cosmopolitanism based on translocal urban solidarities. Finally, in Chap. 12, Kathleen R. Arnold draws attention to the differences and similarities between faith-based sanctuary and sanctuary localities and explores the radical potential of faith-based sanctuary that disrupts sovereignty in the United States.

# Acknowledgments

We thank Omar Lujan and Bridget Collrin who have worked tirelessly as the *Soli\*City* Project Manager and Project Coordinator and thus contributed enormously to laying the foundation for this book. *Soli\*City* team members Vida Carranza Capote, Charlene Smith, and Leo Ayala Mejia helped with important editorial work. We thank the series editor Anna Triandafyllidou and her colleague Irina Isaakyan at the Canada Excellence Research Chair in Migration and Integration and IMISCOE, as well as the Springer team consisting of Evelien Bakker, Bernadette Deelen-Mans, Prasad Gurunadham and Keertika Arul. Thanks to Diane Shugart for copyediting both volumes.

Resources from the *Urban Sanctuary, Migrant Solidarity and Hospitality in Global Perspective* project have been made available to help publish the two volumes in open-access formats. We thank the Social Sciences and Humanities Research Council of Canada (SSHRC) for funding this project.

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**Part I**  
**Engaging Colonial Perspectives**

# Chapter 1

## Anti-colonialism and Kantian Hospitality: Towards an Urban Approach



Harald Bauder 

### 1.1 Introduction

The concept of hospitality occupies a prominent position in contemporary human migration and refugee scholarship (Darling, 2010; Molz & Gibson, 2007; Squire & Bagelman, 2014). Often, this literature draws on Jacques Derrida's (2000, 2001) rendition of hospitality. Many scholars—including Derrida himself—trace this concept further back to Immanuel Kant (Ferrera, 2016; Khosravi, 2010). Kant's idea of hospitality is part of a body of Kant's work that can be considered an important milestone in the theorisation of the sovereign state, international relations, and the perspective that the state has a right to regulate the mobility of people across its territorial borders (Bauder, 2018; Torpey, 1999).

It has not been lost on contemporary scholarship that the concept of hospitality is problematic: it entails unequal social relations (Laachir, 2016; Lynch et al., 2011), assumes that there is a host who possesses authority and a guest who is subjected to this authority (Bulley, 2017; Chamberlain, 2020), and is intrinsically intertwined with hostility (Derrida, 2000). When Kant initially developed this concept in relation to a state-centric philosophical framework and the historical and geopolitical contexts of the late eighteenth and early nineteenth century in central Europe, he not only granted individuals the right to visitation, but he also tightly restricted hospitality, denying visitors the right to stay for extended periods let alone settle in or become citizens of their destinations.

Kant's motivation for limiting the right to hospitality was to protect Indigenous peoples from colonisation. Non-European and Indigenous perspectives of

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H. Bauder, M. B. Setrana (eds.), *Urban Migrant Inclusion and Refugee Protection - Volume 1*, IMISCOE Research Series,  
[https://doi.org/10.1007/978-3-031-95147-3\\_1](https://doi.org/10.1007/978-3-031-95147-3_1)

self-governance and sovereignty, however, often differ from the state-centric position assumed by Kant in his philosophical writing (Bauder & Mueller, 2023). Instead, non-European Indigenous perspectives often connect self-governance and sovereignty to land and place—a link that has an affinity with Kant’s anthropological and geographical scholarship rather than his philosophical and political writing. The logic behind Kant’s efforts to protect non-European and Indigenous populations from colonisation are seemingly incompatible with non-European and Indigenous ideas of governance and sovereignty. This contradiction illustrates a challenge of decolonisation in former colonies and contemporary settler societies. Rather than advocating for migration controls, as Kant’s limits to hospitality demands, Indigenous communities of Turtle Island (North America), for example, often promote dialogue and sharing of place-based resources between newcomers, settlers, and Indigenous peoples (Bauder & Breen, 2023; Sharma & Wright, 2008; Walia, 2013). Such a place-based approach also resonates with urban efforts of migrant inclusion and refugee protection (Boudou, 2019). I therefore suggest that the concept of hospitality would be better suited to connect to place-based and urban approaches than the state with its Cartesian spatial logic. This suggestion resonates with Derrida’s work that also envisions hospitality as a concept and practice.

Adding to the complexity of this matter is that Kant’s vast scholarship is ambiguous and contradictory. His anthropological and geographical lectures are infused with deeply troubling racism that, in the eyes of some observers, may have influenced his scholarship on ethics, including his ideas of hospitality (Bernasconi, 2011; Elden, 2011; Elden & Mendieta, 2011; Harvey, 2009; Hedrick, 2008). Other observers, however, suggest that Kant’s scholarship can be separated into ‘a pre-critical and a critical period’ or a ‘split between ethics and anthropology’ (Cavallar, 2002, p. 349) and that his racist geographical and anthropological ideas have not substantially affected his idea of hospitality (Khwaja, n.d.; Kleingeld, 2007). Ironically, the geographical imagination associated with Kant’s anthropological and geographical work—although steeped in racism—resonates with non-European and Indigenous systems of knowledge and governance (Bauder & Mueller, 2023), which Kant sought to protect by putting limits to hospitality.

In the sections that follow, I first examine Kant’s idea of hospitality. Then, I review various interpretations of the reasons why Kant may have framed hospitality in the way he did. Thereafter, I examine the diverging spatial logics in Kant’s philosophical and political and anthropological and geographical scholarship and connect these logics with non-European and Indigenous framings of sovereignty. Finally, I relate this discussion to urban approaches towards migrant inclusion and refugee protection that follow a similar place-based logic.

## 1.2 Kant on Hospitality

Kant's career spanned several decades and multiple fields and disciplines. An extensive literature revolves around interpreting his life and scholarship. My aim in this chapter is comparatively modest. I seek to contextualise a small but important passage on hospitality in his 1794 essay *Perpetual Peace (Zum ewigen Frieden)*. A decade before *Perpetual Peace* was published, Kant argued that *all* members of the human species possess the capacity of reason (Kant, 1784, p. 35), but to fully exercise reason requires a right-based territorial state that inevitably will involve a federation of nations (*Völkerbund*)—a precursor to today's United Nations. The corresponding progression of political development is the 'plan of nature' (Kant, 1784, p. 47), according to which humanity will unfold its full potential. This final cosmopolitan global condition is framed by the territorial state as the fundamental political unit. International trade and exchange, Kant suggested, ensures stable international relations between nations (Kant, 1784, p. 46).

In *Perpetual Peace*, Kant expanded upon these ideas of cosmopolitanism and the federation of nations. For Kant, world peace rests on the non-violent coexistence of sovereign territorial states. In an often-cited passage, Kant proposes that peaceful cosmopolitan coexistence involves the right to hospitality, which he defines as

the right of a foreigner, upon arrival on the land of another, not to be treated with hostility. The latter may refuse the foreigner, provided that this does not cause the foreigner's ruin; however, as long as the foreigner acts peacefully, may not encounter the foreigner in a hostile way. It is not a right to be a guest, which the foreigner is entitled to..., but a right to visitation, which all humans possess (Kant, 1795, my translation).

If we accept the premise that advanced societies are necessarily organised as territorial states, then the borders of each state should be open for every peaceful individual to visit temporarily.

Kant explains that an underlying rationale for the right to hospitality is that every person has the original right to be in any location on the globe. The right to visitation

is the entitlement of all humans...by virtue of the common possession of the surface of the earth, on which, as a globe, they cannot infinitely disperse but must finally tolerate each other, however originally nobody has more of a right to be at one location than the other (Kant, 1795, my translation).

However, the right to visitation excludes the right to stay as a guest 'for a certain period (*eine gewisse Zeit*)'; it is not a right for an extended stay, let alone to immigrate and settle permanently. Thus, Kant's right to hospitality implies an open-borders world for the purpose of visitation, but not residency, permanent settlement, or citizenship. In the *Doctrine of Right*—which he published years after *Perpetual Peace*—Kant reiterates the 'right of the citizen of earth...to attempt the community with others' (Kant, 1977), but again, he restricts this right to visitation only, and not settlement.

In *Perpetual Peace*, Kant explicitly states that the reason for limiting the right to hospitality is to protect vulnerable societies from conquest and colonialisation. He laments that the

injustice, which [Europeans] show when they *visit* foreign lands and people (which they equate with *conquering* those), extends to terrifying length. America, the lands of the Negro [sic], the Spice Islands, the Cape, etc. were upon their discovery for them lands that belonged to nobody; because they counted the inhabitants as nothing (Kant, 1795, my translation, original italics).

Indeed, Kant was also critical of John Locke's labour theory of property that legitimated the appropriation of Indigenous lands in North America, and he rejected European colonisation in other parts of the world (Cavallar, 2002, p. 364). Earlier theorists, such as Francisco de Victoria, had justified the colonisation of the New World based on a general entitlement to hospitality on foreign soil (Cavallar, 2002). Rejecting colonisation, Kant proposed to deny the right to stay or settle permanently.

In this way, Kant defends the inhabitants of lands who may be recognised as distinct peoples (Waligore & Colledge, 2009) but who are not organised in right-based territorial states. Kant's philosophical work suggests that all human beings can be members of a right-based territorial state, independent of their racialised identities or geographical origins (Kant, 1784). However, at the time Kant was writing, 'much of the world was widely held to live outside states' (Meckstroth, 2018, p. 539). Without a right-based territorial state, the racialised inhabitants of foreign lands apparently needed protection from colonisation by denying (presumably) Europeans the right to long-term or permanent settlement.

### 1.3 Kant's Critics

Kant's critics have offered various alternative interpretations of why Kant sought to limit the right to hospitality. David Harvey (2009, p. 36) suggests that Kant was a 'closet' capitalist. Harvey's critique focuses on Kant restricting 'the right to use the surface of the earth, which all humanity is collectively entitled to, to possible circulation (*Verkehr*)' (Kant, 1795, my translation). This statement can be interpreted to mean that hospitality serves the purpose of commerce and trade that would generate economic progress and lead to peace because it would economically benefit all trading nations. Following Harvey's interpretation, hospitality would predominantly support capital accumulation. According to this view, Kant merely reaffirmed the emerging capitalist order of his time, and liberal thinkers subsequently used this argument to support international trade in the name of peace (Doyle, 2005; Oneal & Russett, 1999).

Not everyone agrees with Harvey's interpretation of Kant. Luigi Caranti (2018) disputes that Kant is a closet capitalist. He suggests that Kant does not so much see trade as serving capital accumulation but rather as creating economic interdependencies that affirm 'a set of rules for promoting human qua humans' and foster 'a global moral conscience modeled on the natural rights of man [sic]' (Caranti, 2018, p. 3). Furthermore, the common English translation of *Verkehr* (i.e., circulation, traffic) as 'commerce' may have contributed to a misunderstanding (Muthu, 2000,

p. 36). According to Sid Simpson (2019), the international relations literature has misinterpreted and subsequently distorted Kant's original text by gradually adding liberal economic theory that Kant had never included.

Opposing Harvey's critique, Garret Brown (2010, p. 310) proposes that Kantian laws of hospitality 'are designed to secure a minimal sense of mutual ethical exchange' internationally. In this way, circulation serves to advance the overarching cosmopolitan goal. In a similar vein, Michael Shapiro (1998, p. 698) remarks that 'Kant welcomed the global flux that increased his world's encounter with difference.' Peter Niesen (2007, p. 100) further suggests that Kant's restriction of hospitality aims to *prevent*, not enable, 'the universal introduction of a proto-capitalist private law system' by foreigners. According to this interpretation, Kant was critical of the permanent settlement of foreign lands to *curb* the expansion of capitalist principles and practices globally.

Furthermore, the historical and geopolitical circumstances in which Kant lived likely guided his reasoning. In Kant's times, the commercial activities of corporations, such as the British East India Company, facilitated European conquest and colonisation (Muthu, 2000, pp. 36–37). Niesen observes that 'the typical claimants of hospitality are the merchants and colonists of European origin' and 'the colonial history of ideas is full of examples in which wide-ranging rights of presence, self-defense, religious mission or political domination have been derived from innocuous propositions "to set up trading posts"' (Niesen, 2007, p. 94). Limits to hospitality would restrict commercial activities that enable colonisation. Temporary exchange was good, but not persistent commercial and colonial establishment.

Harvey offers a another interpretation of why Kant might have restricted hospitality to visitation. Kant was a racist, and Harvey suggests that Kant might have feared that supposedly racially inferior people could permanently settle in Europe. Alluding to Kant's degrading description of racialised non-Europeans, Harvey argues that Kant opposed supposedly inferior racialised people settling in Europe. Harvey writes:

When projecting into a world of sovereign democratic and republic states, it conjures up a threatening image of unwashed Hottentots, drunken Samoyeds, conniving and thieving Javanese, and hordes of Burmese women lusting to become pregnant by Europeans, all clamoring for the right to cross borders and not be treated with hostility. It is precisely in such geographical "circumstances" that we can better understand why Kant included in his cosmopolitan ethic and in his notion of justice the right to refuse entry (provided it does not result in the destruction of the other), the temporary nature of the right to hospitality (provided the entrant does not create any trouble), and the condition that permanent residency depends entirely on an act of beneficence on the part of a sovereign state that in any case always has the right to deny right of citizenship to those who create trouble (Harvey, 2009, p. 27).

Kant's anthropological and geographical scholarship—which spans four decades—indeed reveals a racism that helped cement as 'a science of race' (Kobayashi, 2011, p. 1103). In his lecture on the 'different races of humanity' Kant (1775) applies the principles used to categorise animals to humans: all humans belong to a same

species (*Gattung*) because they can have children with each other, but there are different ‘races’ that are characterised by different physical features. In the German language, the term race (*Rasse*) is also used in reference to animal breeding. A *Rottweiler* and a *Schnautzer* would be different ‘races’ of dogs. Writing from a pre-Darwinian perspective (Kant died 5 years before Charles Darwin was born), Kant recognised that the different physical features of people developed due to exposure to different geographical environments. Thus, racial classification was also geographical classification.

In his Physical Geography lectures, Kant (1802) was explicit about the hierarchy of races. He believed that the inhabitants of the ‘moderate region’ (*gemäßigter Erdstrich*) —i.e., Europe—have more beautiful bodies and are more industrious, humorous, moderate in their passion, and sensible than those of other regions (Kant, 1802 [1982], p. 21). Conversely, in hot regions, humans never reach the ‘perfection’ (*Vollkommenheit*) of the moderate zones (Kant, 1802, p. 17). Correspondingly, there is a clear ranking of races:

Humanity is at its greatest perfection in the white race. The yellow Indians already have lower talent. The Negroes are much lower and at the lowest rank are a part of the American nations (Kant, 1802, p. 17, my translation).

Kant continues that people in hot climates are timid, lazy, superstitious, and prone to consume strong alcohol.

It was clear to Kant (1775) that migration to a different region of the world would not eliminate racial differences. He knew that the skin of Africans would not change colour after migration, but that pigmentation would persist over generations, for example, after slave traders brought enslaved Africans to the colder climate of Virginia (Kant, 1802, p. 11). Racial hierarchy was thus fixed: if a European (i.e., White) person moves to a place with a physical environment that has produced a non-White ‘race’, the European would still be of supposedly superior racial stock. Conversely, if non-Europeans migrated to Europe, they would not be able to overcome their supposed racial inferiority.

Harvey proposes that Kant’s later work on metaphysics and cosmopolitan law did not break with his geographical and anthropological teaching but continued to rest on ‘the hidden trace of’ racial stereotypes and geographical preconceptions (Harvey, 2009, p. 27). Robert Bernasconi (2011, p. 306) concurs and suggests that by the time Kant produced most of his famous work on ethics and cosmopolitanism, including *Perpetual Peace*, ‘Kant had not abandoned’ the foundation of his theory of race.

Pauline Kleingeld (2007), however, disagrees. Based on her analysis of Kant’s texts, she argues that Kant had dropped his racist views by the time he wrote *Perpetual Peace* and other influential works on ethics and cosmopolitanism. Indeed, there is no evidence in the passage on hospitality in *Perpetual Peace* that Kant considers the reversal of migration flows towards Europe and that he would argue to restrict hospitality to prevent the settlement of racialised people in Europe. Rather, Kant is explicit that the direction of population movements is from European countries to the Americas, Africa (*Negerländer* [sic]), Indonesia (*Gewürzinseln*), China,

and Japan, and not the other way around as Harvey suggested. Based on the geopolitical configurations at the time, there was no indication that the inhabitants of these lands would seek to migrate to Europe (and Kant did not mention the Ottoman Empire, which posed a military and possible colonising threat to continental Europe a century earlier). While Kant's geographical and anthropological scholarship remained racist into his later life, his racist views cannot explain why he limited hospitality. Instead, curbing colonisation, as Kant explicitly stated, remains the most convincing explanation why he limited hospitality.

## 1.4 Spatial Logics

Harvey (2009) offers another critique that is relevant to Kant's idea of hospitality. He suggests that Kant's scholarship switches between two different forms of spatial reasoning: *Cartesian territorial spatial logic*, which reflects Kant's philosophical and political scholarship; and, *place-based spatial logic*, representing his anthropological and geographical work.

On the one hand, Kant's conception of the sovereign state follows a Cartesian territorial logic according to which the earth represents a two-dimensional surface with landmasses sliced into separate Westphalian states with mutually exclusive bordered territories. *Perpetual Peace* and Kant's original formulation of hospitality are framed in this Cartesian conception of space. Contemporary global politics of refugee protection also operate within this spatial logic. For example, the United Nations High Commissioner for Refugees (UNHCR), which consists of members of Westphalian territorial states, is tasked with the protection of displaced and stateless people, making a Kantian distinction between refugees who flee from one territorial state into another and 'internally displaced' people who do not cross territorial state borders. Similarly, most contemporary scholarship discusses Kant's ideas of hospitality in relation to refugees (Caze, 2004; Derrida, 2000, 2001; Friese, 2010), resonating with Kant's statement that a state may not refuse foreigners if refusal causes their ruin. Today, refugee protection is closely tied to territorial statehood and its Cartesian spatial logic.

On the other hand, Kant's understanding of the differences between nations and states is rooted in place-based reasoning that considers the unique interaction of economic, historical, political, social, and environmental factors at particular locations. Kant's geographical and anthropological scholarship illustrates that he understood very well that place matters in shaping not only humans' physical features but also their social relations and political organisation (Edwards, 2011). Kant also realised that place affects 'the construction of local truths, laws, customs, environmental exigencies, and even national characteristics' (Harvey, 2009, p. 76).

When Kant wrote of the 'arrival on the land (*Boden*) of another' in the key passage cited earlier, he does not refer to the territory of a nation-state but rather to the land (literally, ground) without explicitly linking it to a particular system of governance such as the state. Contrary to Shapiro's assertion that Kant 'lacked the

sensitivity to peoples and nations that were not organised in the form of states' (Shapiro, 1998, p. 701), Kant's anthropological and geographical work shows that he was indeed keenly aware that the lands subject to European colonialisation were not organised as Westphalian states. His limits to hospitality aimed to protect the lands and peoples that existed outside of the system of Westphalian statehood and the associated Cartesian spatial logic.

Recent research suggests that non-European and Indigenous populations who Kant sought to protect by limiting hospitality also tend to embrace place-based logics in their ideas of governance. Research comparing Westphalian and Indigenous understandings of sovereignty reveals these differences in spatial logics (Bauder & Mueller, 2023). Westphalian sovereignty represents the territorial principles of governance that Kant embraced in *Eternal Peace*; it follows the 'Cartesian reason and logic' (Wiessner, 2008, p. 1143) according to which a sovereign authority governs independently over fixed and bounded territory without interference from outside. This understanding of sovereignty has been implicated in European colonialisation, land appropriation, and ongoing settler colonialism (Coulthard & Alfred, 2014; Nakata, 2020; Thobani, 2007). Kant's limits to hospitality aim to restrict this practice of colonisation.

Conversely, Indigenous sovereignty follows a different, place-based logic. It involves not only political and legal but also social and cultural dimensions that connect to land as natural and spiritual resources (Deloria Jr., 1996). Rather than considering the sovereign as an independent political authority, Indigenous sovereignty acknowledges the interdependencies and relationships between political, spiritual, and natural actors in particular places (Hiller & Carlson-Manathara, 2018; Nicol, 2017; Yap & Yu, 2016). As a result, sovereignty is understood as a contextualised and place-based rather than a universal concept (Thorner et al., 2018).

Such Indigenous understandings of sovereignty connect to the concept of hospitality. Research on Canada suggests that Indigenous communities rarely reject immigration and Kantian limits to hospitality (Bauder & Breen, 2023). Instead, Indigenous commentators tend to embrace the arrival of newcomers, but reject how migration, residency, and citizenship policies of the Westphalian state exclude many newcomers from equal participation in society and the way colonialisation continues through the lack of education about the history of settler-colonialism, the disregard for Indigenous laws and structures of governance, and the destructive exploitation of natural resources and the land (Walia, 2013). These commentators conceptually separate newcomer arrival and settlement from colonialisation; newcomer arrival and settlement are not necessarily associated with settler colonialism. What matters is how newcomers and the people established on the land engage with each other and collectively assume stewardship over this land.

## 1.5 Hospitality and the City

Cities and urban communities embrace a similar place-based spatial logic in how they welcome newcomers. In this way, cities fundamentally differ from territorial nation-states. Sanctuary cities in Canada and the United States, for example, are place-based urban communities that seek to include all residents by virtue of being present in the city and being *de-facto* members of the local community. In other words, unlike the territorial nation-states that are imagined communities in which members do not know each other personally (Anderson, 1991), cities are concrete place-based communities defined by the tangible social and physical interactions among inhabitants of the shared activity space of the city and when they participate in the daily urban life (Bauder, 2022; Bauder and Setrana, Introduction, this volume). In the case of sanctuary cities, membership includes inhabitants who are rejected by the territorial nation-state and rendered undocumented, non-status, or 'illegal' (Bauder, 2017; Darling & Bauder, 2019; Kuge and Anders, Chap. 10, this volume). Cities not only 'become the best scale to realise the rights of migrants and respond to their needs' but urban 'sanctuary and hospitality are opportunities for citizens to exercise virtue beyond what justice requires them (not) to do' (Boudou, 2019, p. 280). Urban hospitality is an ethical, not only legal, obligation (Al-Khalili, 2023).

One could argue that the administrative space of municipalities is also defined by territory that is bound by city limits. However, urban hospitality initiatives are not only confined to this administrative space. In fact, urban initiatives that seek to include migrants and protect refugees often extend beyond city limits. The German initiative *Seebrücke*, for example, enlists municipalities to commit to accepting refugees from sea rescue operations in the Mediterranean Sea and refugee camps at Europe's periphery, forging connections between places located in different territorial states (Bauder, 2021).

The Kantian right of visitation resonates especially with urban approaches towards migrant and refugee inclusion because urban communities are not in the business of—nor do they possess the legal means to—managing the migration of people. A person can relocate from New York to Los Angeles or from Johannesburg to Cape Town (at least in the post-apartheid era) without the municipality being able to deny relocation. This freedom of mobility reflects Kant's idea of hospitality which grants the right to visitation to all people. However, unlike Kant who restricted the right to hospitality, cities typically extend not only the right to visitation but also the right to be a permanent guest and eventually a full member of the urban community. The person from New York who arrived in Los Angeles or from Johannesburg who arrives in Cape Town can also become a permanent resident in that city and claim membership in the urban community, if they wish to do so. In this case, hospitality applies without Kantian restrictions. Sanctuary cities in North America extend hospitality beyond national status and urban citizenship to people who the territorial state rejects as members of the national community.

Moreover, the place-based spatial logic of urban hospitality differs fundamentally from the Cartesian territorial spatial logic of hospitality envisioned by Kant to be practiced by nation-states. Territorial nation-states are not only attempting to control the movement of migrants and refugees, but their Cartesian spatial logic is also deeply implicated in the European project of colonisation (Bauder & Mueller, 2023). Conversely, a place-based urban approach rejects universalism and recognises that a community is defined by the people who live in the city, their practices, and their engagement with local circumstances and particularities. Cities are not implicated in colonisation (and neo-colonialism) in the way nation-states are.

Finally, Kant limited hospitality to visitation because he assumed that the visitors have the intention and capacity to colonise the land on which they arrive. This may still be the case when foreign military forces occupy cities or, arguably, in expat migrations or when immigrants become implicated in settler-colonialism. However, the very notion of hospitality assumes reverse unequal power relations: the host possesses considerable authority over the more vulnerable guest (Derrida, 2000, 2001). These unequal power relations typically occur when cities receive newcomers today; the guests are not the colonisers. In this case, the very reason why Kant sought to limit hospitality does not exist.

One might debate whether hospitality is an intrinsically Eurocentric and thus colonising concept (Bauder, Dreher, Lujan, and Asolo, Chap. 2, this volume) or whether the unequal guest-host relations perpetuated through hospitality are desirable over more democratic rights-based approaches (Kritnet, 2010). These are valid and important debates. Either way, a non-colonial perspective of hospitality must embrace a place-based logic instead of the Cartesian spatial logic reminiscent of Kant's state-centric philosophy that today permeates international politics and law. An urban approach towards hospitality follows this place-based logic.

**Acknowledgement** I thank Lorelle Juffs for feedback and Tara Tarana for editorial assistance on an earlier version of this chapter and Tyler Correia for feedback. The research for this chapter benefitted from financial support by the Office of the Dean of the Yeates School of Graduate Studies at Toronto Metropolitan University and the Social Sciences and Humanities Research Council of Canada.

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# Chapter 2

## Decolonising Urban Hospitality, Sanctuary, and Solidarity: Considering Buen Vivir and Ubuntu



Harald Bauder , Nick Dreher , Omar Lujan ,  
and Oluwafunmilayo Asolo

### 2.1 Introduction

In recent decades, the field of migration and refugee studies has incorporated decolonial perspectives and adopted decolonial approaches. Research has criticised the assertion of sovereignty of former colonial powers to exclude migrants from their former colonies (Achieme, 2019), questioned Western migration policies and practices in relation to migrant labour exploitation (Gutiérrez-Rodríguez, 2013), denounced the ongoing colonial relations and imperial practices embedded in asylum policies and practices (Humphris, 2022; Picozza, 2021), and condemned the international migration regime for criminalising people from the Global South (Díaz, 2019). These studies emphasise the historical continuity of colonial relations related to human migration.

Despite this decolonial critique, Eurocentric perspectives, theories, and concepts continue to perpetuate colonialism within the field of migration studies (Bauder, Chap. 1, this volume; Bauder, 2019; Collins, 2022; Landau, 2010; Landau & Bakewell, 2018; Squire, 2022). Research on urban migrant inclusion and refugee protection are also affected by this practice. In this chapter, we turn our focus from empirically studying colonial relations connected to migration and refugee protection towards reflecting on how migration and refugee studies as a field of inquiry reproduces Eurocentric perspectives and scientific imaginations (Bauder et al., 2018; Gregory, 1996). Thus, our focus is on decolonising scientific language and

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H. Bauder, M. B. Setrana (eds.), *Urban Migrant Inclusion and Refugee Protection - Volume 1*, IMISCOE Research Series,  
[https://doi.org/10.1007/978-3-031-95147-3\\_2](https://doi.org/10.1007/978-3-031-95147-3_2)

knowledge production (Chapman, 2023; Phillipson, 1992; Santos, 2014), and ‘giving space to alternative, especially Indigenous and non-Western epistemologies of migration’ (Collins, 2022, p. 1247). We examine the concepts of hospitality, sanctuary, and solidarity (in alphabetical order) that often play a central role when migration scholars discuss practices and politics to overcome colonial relations. In particular, the focus on the urban scale, which resonates with the themes of the two volumes of the current book, and the liberatory and transformative potential of urban communities vis-à-vis the hegemonic nation-state (Agustín & Jørgensen, 2019; Bauder, 2017a, 2022; Darling, 2009; Walia, 2013). Our thesis is that even these concepts continue to reflect Eurocentric genealogies and theoretical and philosophical underpinnings.

The purpose of this chapter is twofold. First, we examine how the migration and refugee literature applies the concepts of hospitality, sanctuary, and solidarity in Eurocentric ways. We make this argument through a review of the intellectual lineages and contemporary uses of these concepts in migration studies. Second, we explore alternative concepts that have been neglected in the migration literature. Specifically, we suggest that *Buen Vivir* and *ubuntu* are distinct concepts that can exist in dialogue with the Eurocentric concepts of hospitality, sanctuary, and solidarity. *Buen Vivir* and *ubuntu* represent two examples of how liberatory and transformative practices can be framed in non-Eurocentric ways.

To investigate our first thesis that these concepts are intrinsically Eurocentric, we conducted a scoping review (Lockwood et al., 2019; Sarrami-Foroushani et al., 2015) consisting of a search of academic journals and books of Google Scholar and our university library’s database using the keywords ‘hospitality’, ‘sanctuary’, and ‘solidarity’ in combination with ‘migration’ and ‘urban migration’. We expanded the sample by including relevant works from the reference lists of the articles, books, and book chapters identified by our search. We limited our sample to works published between 2000 and 2022 that include a definition or conceptual discussion of one or more of the three concepts of hospitality, sanctuary, and solidarity. This timeframe provides sufficient relevant literature for review while also maintaining a focus on contemporary studies of migration. We excluded articles that use these concepts only peripherally and without providing a definition or discussion of their meaning. The final sample includes 47 sources, not all of which are cited in this chapter.

This chapter proceeds as follows: in the next section, we present the results of the scoping review investigating how the migration and refugee literature interprets the concepts of hospitality, sanctuary, and solidarity and whether these interpretations reflect Eurocentric viewpoints as well as Western intellectual histories and traditions. Thereafter, we introduce two alternative framings of the Latin American concept *Buen Vivir* and the African concept *ubuntu*. We end with a conclusion highlighting how *Buen Vivir* and *ubuntu* can contribute to migration literature and engage in dialogue with the concepts of hospitality, sanctuary, and solidarity, and offer suggestions for future research.

## 2.2 Eurocentric Intellectual Lineages

In this section we examine the Eurocentric lineages of the concepts of hospitality, sanctuary, and solidarity. In addition, we investigate how typologies and frameworks related to these concepts reflect Western philosophical traditions. Western scholarship tends to categorise and use binary divisions (Cloke & Johnston, 2004). Aníbal Quijano (2007) points out how taxonomies—and in particular dualisms—offer reductionist views of the world that deny the validity of non-Western world-views (Quijano, 2007, p. 177). We therefore pay special attention to binaries such as between host and guest and between migrant and citizen (Agustín & Jørgensen, 2016) in addition to the Western preoccupation with asymmetrical power relations and spatial imaginations referenced in the Westphalian nation-state (Agnew, 1994; Bauder, 2022).

### 2.2.1 Hospitality

Discussions of hospitality in the migration and refugee literature draw heavily on the work of European scholars, including Francisco de Vitoria (Boudou, 2020; Chamberlain, 2020), Emmanuel Kant (Boudou, 2020; Chamberlain, 2020; Derrida, 2001), Jacques Derrida (Baban & Rygiel, 2017; Bagelman, 2016; Berg & Fiddian-Qasmiyeh, 2018; Bulley, 2016; Chamberlain, 2020; Dausner, 2018; Kelz, 2015), Emmanuel Levinas (Derrida, 2001; Kelz, 2015), Michel Foucault (Bagelman, 2016; Bulley, 2016), Julian Pitt-Rivers (Berg & Fiddian-Qasmiyeh, 2018), and Anne Dufourmantelle (Chamberlain, 2020). The English term originates from the Latin words *hospitalia* and *hospitia*, which refers to dwellings specifically for the use of travellers. James Chamberlain (2020) initially situates hospitality as a prehistoric universal practice necessary for survival and genetic diversification before shifting to a Western European genealogy of the concept. In Roman culture, the practice of hospitality was a virtue. Francisco de Vitoria, a sixteenth-century theologian identified hospitality as part of humanity's 'right of natural partnership and communication' and 'a right under the law of nations' (Pagden, 2003, p. 185). Significantly, de Vitoria defends hospitality as the right to residence, which has been interpreted as a justification for colonisation (Bauder & Mueller, 2023), in contrast to Kant (1795) who insisted on limiting hospitality as the right to visitation to prevent the colonisation of foreign lands.

Benjamin Boudou (2020) engages in a similar genealogy of hospitality as it relates to migration. This genealogy begins with the dependency between guests and hosts. In ancient Greece, ritualised hospitality aimed to protect foreigners in the city without treating them as an equal. Roman hospitality shifted from a reciprocal to a patronage relationship around 300 B.C.E., but significantly was based on the binary identification of all foreigners as either enemy or citizen/ally of the Roman Empire. Conversely, medieval Christians equated hospitality with charity as an

unconditional duty to help the deserving poor. Finally, the modern meaning of hospitality emphasises the rights of migrants, drawing on the Enlightenment philosophies of Montesquieu, Jean-Jacques Rousseau, Francisco de Vitoria, Hugo Grotius, and Immanuel Kant.

A key reference point for contemporary discussions of hospitality in migration studies is the work of Jacques Derrida (Berg & Fiddian-Qasmiyeh, 2018; Chamberlain, 2020). Derrida (2001) relates hospitality to cosmopolitanism, which he traces from Stoicism and Christianity to the work of Kant (1795). Derrida points to the necessity of differentiating between migrants and refugees who receive hospitality from the citizen offering hospitality. To address this unequal power relation, he distinguishes between conditional and unconditional forms of hospitality. Unconditional hospitality is unattainable as it requires the host to relinquish all privileges of ownership to the guest, thus negating their role as host. In practice, hospitality is always conditional; for migrants and refugees, there are always limitations on the rights of residency. The negotiation between unconditional and conditional hospitalities frame much of the discussion on migrant and refugee hospitality in the literature (Baban & Rygiel, 2017; Bulley, 2016; Chamberlain, 2020). This literature follows a common Western philosophical approach (Cloke & Johnston, 2004; Pile, 1994; Yunkaporta, 2021) in reinforcing the guest-host binary.

Derrida's efforts to link hospitality to dynamics of power and dispossession represent another current focal point of migration scholarship on hospitality. In this context, some research refers to Derrida's (2000) concept of *hostipitality*, which highlights the interlinked nature of hospitality and hostility, and the host's power to welcome or refuse the guest (Berg & Fiddian-Qasmiyeh, 2018; Daley et al., 2018; Daskalaki & Leivaditi, 2018; Wagner, 2018; Wilkinson, 2018), for example, in the context of contemporary refugee camps or global cities (Bulley, 2016). Rosine Kelz (2015) points to the importance of the relationship between host, guest, and home. 'Home' in Derrida's work (2001) implies sovereignty over space—which is not a primordial condition but requires dispossession.

The connection between hospitality and sovereignty also appears in the work of Kant (1795). In this work, the right to hospitality—limited to visitation rather than settlement—is an important aspect of maintaining peace between sovereign territorial nation-states. This sovereign territorial nation-state, however, is also deeply implicated in colonialism and settler colonialism (Bauder & Mueller, 2023). This problematic spatial imagination of hospitality (Bauder, Chap. 1, this volume) is not lost on Derrida (2001), who thought to shift the scale of hospitality from the nation-state to the city. The chapters in these two volumes and other contemporary scholarship often associate hospitality with the urban scale (Darling, 2014; Darling & Bauder, 2019; Samanani, 2017).

### 2.2.2 *Sanctuary*

The migration and refugee literature applies sanctuary in an equally Eurocentric way as hospitality. Historically, this concept has been associated with various religious traditions including Buddhism, Christianity, Islam, Judaism, Hinduism, and Sikhism (Bagelman, 2016). However, the concept, as it is discussed in migration and refugee studies literature, is most often connected to the European Christian tradition; the Biblical ‘cities of refuge’ protected individuals who accidentally killed another person (Bauder, 2017a; Derrida, 2001). The literature often associates sanctuary with asylum practices among Christian churches (Lippert, 2005) that dates back to Ancient Roman law and was practiced in medieval Europe. In different parts of the world, churches continue to practice sanctuary for migrants and refugees who are subject to deportation by national authorities (Lippert, 2005). In the United States, churches provided sanctuary to refugees who fled violence in Central America throughout the 1970s and 1980s.

Today, sanctuary for migrants and refugees is often associated with the urban scale. The contemporary notion of urban sanctuary has its origin in the social and political context of the United States in the 1970s. The city of Berkeley, California, is often considered the birthplace of the contemporary sanctuary-city practices with reference to the 1971 offer of protection to soldiers resisting participation in the Vietnam War (Ridgley, 2011). Later, the U.S. city of San Francisco offered urban sanctuary to Latin American refugees and passed a ‘City of Refuge’ resolution in 1985 and a ‘City of Refuge’ ordinance in 1989 (cf. Bau, 1994). The latter was the foundation of the current sanctuary city model in North America, prohibiting the use of municipal resources to assist federal immigration enforcement, denying cooperation with investigations by foreign governments, and refusing to share information about an individual’s immigration status (Bauder, 2017b).

The literature rarely discusses the concept of sanctuary outside of North America and Europe; if it does it follows a tendency of basing models and theories of urban governance on Western contexts and neglecting the Global South (Landau & Kihato, 2020). Only slowly is a literature emerging, including in this volume, that examines urban sanctuary in the context of the Global South (Bauder, 2019; Bauder & Gonzalez, 2018; Kassa, 2019; Missbach et al., 2018; Salifu, 2022). Our literature review also found that urban sanctuary tends to be framed as a set of policies and practices that sets up a binary opposition between urban sanctuary and the territorial nation-state with its exclusionary border, migration, and citizenship laws and policies (Bauder, 2017b, 2022; Darling & Bauder, 2019). As in the case of hospitality, this binary distinction between the state and the city reflects a Eurocentric spatial imagination and tendency for dualistic categorisation.

### 2.2.3 *Solidarity*

The migration and refugee studies literature discusses a variety of interpretations of solidarity (Agustín & Jørgensen, 2016; Bauder & Juffs, 2020; della Porta, 2018; Mellino, 2016). A review finds that most interpretations follow various European Enlightenment philosophical frameworks associated with Thomas Hobbes, David Hume, Immanuel Kant or Georg Wilhelm Friedrich Hegel. A portion of migration and refugee scholarship also employs alternative frameworks, such as solidarity as loyalty to a group which tends to affirm the Westphalian nation-state. A small portion of the literature also addresses Indigenous solidarity that challenges colonial logics (Bauder & Juffs, 2020, p. 49).

A large share of migration and refugee research involving the concept of solidarity follows the tradition of Hegel and Marx (Agustín & Jørgensen, 2016; Bauder & Juffs, 2020; Siim & Meret, 2020). In this context, solidarity often represents a means to overcome social and economic injustices; solidarity challenges power asymmetries and hegemonic systems (such as border regimes) and structures that are implicated in the migration process (such as capitalism). Migration researchers who follow this tradition often draw on David Featherston's seminal work on solidarity that critiques the Eurocentric histories of the Left that frame solidarity in Western Marxism and Western nationalist social movements' terms (Featherstone, 2012). In so doing, Featherstone highlights the role of anti-colonial movements to contribute to European Left politics and south-south solidarity to combat European imperialism (Featherstone, 2013). Among those drawing on Featherstone's critique, Agustín and Jørgensen (2016) and della Porta (2018) view contemporary solidarity movements around migration politics in dialogue with Gramsci's work on alliances among heterogeneous actors.

There are considerable efforts to develop various typologies of solidarity. Bauder and Juffs (2020) distinguish between six forms of solidarity: solidarity as loyalty, Indigenous solidarity, self-centred solidarity, emotional reflexive solidarity, rational reflexive solidarity, and recognitive solidarity. Agustín and Jørgensen (2016, 2019) differentiate between social solidarity, institutional solidarity, and anti-solidarity, and between autonomous solidarity, civic solidarity, and institutional solidarity. At the urban scale, a descriptive taxonomy offers top-down, bottom-up, hybrid, and limited categories of solidarity (Özdemir, 2022).

Like the concept of sanctuary, the migration and refugee literature often frames solidarity as a social and political practice challenging and transcending the borders of the territorial nation-state. Mirroring Marxist international class-politics (Marx & Engels, 1969), Featherstone (2012) begins his book with a description of transnational solidarity between the abolitionist movement in the United States and textile factory workers in the United Kingdom; Agustín and Jørgensen (2016, p. 26) discuss solidarity and alliances across borders and engage with questions of '(1) where is solidarity produced (from institutional to appropriated and everyday spaces?; and (2) which scales are connected (local, national, trans-local or international).' In the same vein, recent research highlights how urban migrant and refugee solidarities

challenge the hegemonic sovereignty claims of the nation-state (Bauder, 2022). Similarly, Aviva Chomsky (2021) examines the solidarity between U.S. citizens and revolutionary and anti-oppressive movements in Central America in the 1970s and 1980s, describing a ‘here-there’ relationship that is inherently transnational.

## 2.3 Alternative Framings

To address the Eurocentric lineage and applications of the concepts of hospitality, sanctuary, and solidarity in migration and refugee research, this section presents a decolonial approach (Quijano, 2000) which takes into consideration non-Western concepts that complement existing understandings of hospitality, sanctuary, and solidarity. First, we examine the Latin American concept of Buen Vivir; thereafter, we review the African concept of ubuntu.

### 2.3.1 *Buen Vivir*

Buen Vivir, or *Sumak Kawsay* in Kichwa, refers to Indigenous Andean principles of harmony between the individual, society, and nature (Altmann, 2017). Buen Vivir can be described as a ‘biocentric, holistic, approach to wellbeing [...] a plural concept arriving from traditional Indigenous cosmologies and influenced by political discourse intended to emphasize traditional Indigenous knowledge’ (Chassagne, 2021, p. 2). According to Eduardo Gudynas (2011, pp. 442–443), similar concepts to Buen Vivir have existed for centuries in South America: the Guarani ideas of harmonious living *ñandereko*; the idea of *shiir waras* among the Shuar people in Ecuador; or the concept of harmonious living, *küme mongen*, among the Mapuche in Chile. Differences in the conceptualisation of Buen Vivir can be found in how this concept was introduced in the Ecuadorian and Bolivian constitutions. In Bolivia, Buen Vivir (sometimes also referred to *Vivir Bien*) is related to the Aymara concept of *suma qamaña*, which means living well together (Artaraz & Calestani, 2015; Ranta, 2018). It is applied in the Bolivian constitution of 2009 as an ethical principle to promote social inclusion and sustainable economic development (Gudynas, 2011). In the Ecuadorian constitution, Buen Vivir is used as ‘a set of rights conducive to fulfil the rights of nature or *Pachamama*, a biocentric posture that recognizes intrinsic values of the natural environment’ (Gudynas, 2011, pp. 442–443). Irrespective of regional differences, Buen Vivir has served as an alternative to Western—and particularly neoliberal—development frameworks in the Andean region, moving away from development models prioritising economic growth over social and environmental concerns (Artaraz & Calestani, 2015; Chassagne, 2021; Gudynas, 2011, 2019; Merino, 2016; Ranta, 2018). Buen Vivir can complement Eurocentric notions of hospitality, sanctuary, and solidarity by understanding

migrants and refugees in relation to—and not in isolation from—nature, land, spirituality, and a communitarian approach towards society (Villalba, 2013, p. 1430).

The various approaches to Buen Vivir are ‘distinct from Western knowledge rooted in Western ideas of modernity, and have emerged as expressions of decolonial efforts and attempts to strengthen cultural identities in the region’ (Gudynas, 2011, pp. 442–443). According to Anibal Quijano (2011, p. 4), coloniality represents a Cartesian dualism that separates reason from nature and justifies the exploitation of the natural world in a similar manner as the exploitation of colonised and racialised people. Buen Vivir’s biocentric focus reflects a worldview in which human and environmental needs coexist in a mutually constitutive relationship, and a holistic approach that differs from traditional Western and colonial approaches that view nature as a commodity (Chassagne, 2021).

The literature on migrant hospitality, sanctuary, and solidarity covered in the first section focuses on social and political participation and on access to rights and services but neglects the relationship to and protection of nature and land. Buen Vivir offers an alternative to this Western perspective by adding an ecological and spiritual dimension. It implies recognising the right of migrants and refugees to develop connections to the land and natural environment where they live, which is consistent with the way Buen Vivir has been used in the Ecuadorian and Bolivian constitutions to promote social inclusion (Artaraz & Calestani, 2015; Gudynas, 2011). The right to develop connections to the land and natural environment can also open opportunities for dialogue between newcomers and Indigenous peoples in settler countries like Canada and the United States where Indigenous scholars use holistic concepts of the Good Life, such as *Minobimaatisiwin*, to articulate relationships between people and land (LaDuke, 1999; McGregor, 2005).

In contrast to the dichotomies of host/guest, migrant/citizen, inclusion/exclusion, Buen Vivir ‘aspires to collective well-being through reciprocity, complementarity, and relationality principles [...] inspired by Andean Indigenous cosmologies’ (Jimenez et al., 2022, pp. 1636–1637). Buen Vivir is a form of being with others as part of ‘a unit of life made up of all forms of existence’ (Villalba, 2013, p. 1430). Considering migrants and refugees as an intrinsic part of the community, the natural environment, and the land implies a relationship of equality and interdependence. As such, Buen Vivir fosters a holistic, inclusive, and non-Eurocentric approach to migrant and refugee inclusion and participation that emphasises the connection to land rather than to the territorial nation-state.

### 2.3.2 *Ubuntu*

Ubuntu is a pan-African concept, philosophy, value, and belief system governing many African peoples’ ways of life (Mugumbate, 2020). It has been a cornerstone of community action and thinking across many African societies (Hailey, 2008; Nyathu, 2004). The concept originates from an isiZulu proverb, *Umuntu ngumuntu ngabantu*, which means ‘a person being a person through other people’ (Mlondo,

2022, p. 1). Today, the word ubuntu exists in languages and dialects spoken in parts of South Africa, Cameroon, Central African Republic, Democratic Republic of the Congo, Uganda, Kenya, and Somalia (Mojolo, 2019; Nurse, 2006). There are various expressions and definitions of ubuntu. Generally, however, ubuntu signifies compassion, reciprocity, dignity, harmony, and humanity to create and maintain a community with justice (Hankela, 2015; Moyo & Osunkunle, 2021; Nussbaum, 2003). Ubuntu implies that people are bound together in a web of interdependencies that emphasise values related to humanity, connectedness, and collective consciousness to cultivate a peaceful, productive, and sustainable society (Makalela, 2018). Individual security, safety, and well-being depend on ensuring such for others (Akinola & Uzodike, 2018).

Rooted in African humanism of mutual respect (Kayira, 2015), ubuntu offers an alternative to Western individualistic and utilitarian philosophies and corresponding social and political practices implicated in current global injustices and ongoing colonisation (Bolden, 2014; Swanson, 2015). Politically, ubuntu educates people to act with social responsibility to advance Africa's renewal (Thakhathi & Netshitangani, 2020). In this way, ubuntu has been central to African efforts of decolonisation (Estifanos et al., 2020; Rodrigues, 2020). The ubuntu principle implies that Africans can draw strength from their diversity, honour its rich and varied traditions and cultures, and work together to develop, protect, and benefit those around them (Kayira, 2015). Ubuntu implies different political arrangements than the Westphalian nation-state. Writings on ubuntu often speak from a pan-African orientation (Fagunwa, 2019; Lumumba-Kasongo, 2018). As a pan-African policy approach, ubuntu challenges Western legal and political state sovereignty (Lumumba-Kasongo, 2018, p. 43). Scholars have also pointed to strong links between ubuntu and faith-based practice (Isike, 2017; Koeneke, 2018; Mashau, 2019), suggesting a convergence of Christian spirituality and African ideals. The spiritual element is also emphasised by Godwin Etta Odok (2019) who describes the experiences of Nigerian migrants to South Africa as not only economic and social transformation but also spiritual and psychological regeneration.

In the context of migration, ubuntu fosters connectedness and common humanity within communities with shared experiences of migration, displacement, and diaspora (Nussbaum, 2003). A key component of ubuntu is the idea of an 'extroverted community' (Onebunne, 2019) where locals encounter outsiders with love (Chowdhury et al., 2021). The resulting unity between locals and outsiders provides a basis for peace, harmony, justice, and freedom based on social diversity (Ewuoso & Hall, 2019; Rapatsa, 2014).

Ubuntu has been used as a decolonial moral philosophy to challenge Western epistemological assumptions on African education (Brás, 2021), promote African culture and art (Mabingo, 2022), and advocate for culturally-relevant and socially-inclusive African pedagogical approaches (Biraimah, 2016; Mugumbate, 2020; Waghid, 2020). Interestingly, development and education scholars have underscored important similarities between ubuntu and Buen Vivir as models for communitarian social development (Zondi, 2016), including of Indigenous cultures (Luschei, 2016), and socially progressive pedagogy (Abdi, 2022).

In the migration and refugee literature in Africa, ubuntu has been used as a conceptual framework to promote solidarity with African refugees (Crandall, 2016), advance the social protection of African migrants (Nzabamwita & Dinbabo, 2022), and support Pan-Africanism that grants rights to refugees (Fagunwa, 2019). The literature also examines the gaps between ubuntu's calls for common humanity and interdependence with the realities of xenophobia and violence toward migrants (Dassah, 2015; Isike, 2017; Kaungu, 2021; Koenane, 2018; Moyo & Osunkunle, 2021; Murenje, 2020) and exclusionary immigration policies (Sebola, 2019). Nevertheless, empirical research also identifies examples of ubuntu in interpersonal relationships between migrants and non-migrants in South Africa (Isike, 2017; Kruidenier, 2015; Odok, 2019) as well as in specific programmes and as a general principle of hospitality in refugee settlement in Uganda (Momodu, 2019; Tasa, 2021). Johanne Mhlanga (2020) argues that ubuntu resonates with the core principles of the 1951 Refugee Convention of non-discrimination, non-penalisation, and non-refoulement, but that these principles are challenged by increasingly exclusionary policies.

## 2.4 Discussion and Conclusion

The application of the concepts of hospitality, sanctuary, and solidarity in the migration and refugee literature continues to perpetuate Eurocentric perspectives. We therefore explored Buen Vivir and ubuntu as alternative concepts. Rather than replacing hospitality, sanctuary, and solidarity, however, we suggest positioning these concepts in dialogue with Buen Vivir and ubuntu. In doing so, we seek to open the possibility of bringing other ways of knowing into the scholarly discussion of migrant inclusion and refugee protection.

We recognise that our selection of the concepts of Buen Vivir and ubuntu is arbitrary. Other concepts exist that can serve a similar purpose. For example, the Arabic definition of the term 'neighbour' seems to offer a similar complexity and heterogeneity as Buen Vivir and ubuntu compared to binary European expressions:

A clear example of this schism of interpretation is embodied in the very definition of the term 'neighbor' offered in *Lisan Al-Arab*, the authoritative and encyclopaedic Arabic dictionary: The one whose house is next to yours, the stranger, the partner, the beneficiary, the ally, the supporter, the spouse, the intimate parts, the house that is closer to the coast, the good, the bad, the hypocrite, the changeable, the kind (Berg & Fiddian-Qasmiyeh, 2018, p. 4).

Surely, there are many other concepts outside the European tradition that can inform migration studies and contribute to developing new ideas of migrant inclusion and refugee protection. Further research should seek to identify such concepts.

Interestingly, such alternative concepts also share features with Eurocentric terms such as hospitality, sanctuary, and solidarity. Ubuntu, for example, resonates with Kantian interpretations of hospitality of welcoming the guest (Bauder, Chap. 1, this volume) and solidarity toward migrants and refugees that emphasises

common humanity and equality, Hume's views of solidarity related to compassion, and Hegelian perspectives of relationality (Bauder & Juffs, 2020). In addition, ubuntu connects to the Western ideas of human rights and social, economic, and political justice (Akinola & Uzodike, 2018; Murithi, 2006, p. 14). However, ubuntu has also been central to decolonisation in Africa because it respects the particularities of the beliefs and practices of African societies. Similarly, while Buen Vivir originates from a distinctly Andean Indigenous worldview, it resonates with the Western idea of urban sanctuary as providing security and safety and shares important ethical features with the concept of migrant solidarity in the tradition of Hegel and Marx. The conceptualisation of Buen Vivir as an alternative to capitalist exploitation opens opportunities for dialogue with critical approaches aiming to challenge power asymmetries and social and economic injustices, as in the case of migrant solidarity.

Despite their potential contributions to the literature, neither ubuntu nor Buen Vivir have yet received much attention among migration and refugee scholars. Buen Vivir has been actively promoted by Andean governments of the political left as a socially, culturally, and environmentally responsible model of development. In particular, it has been applied as a guiding principle in national development plans, such as in National Plan for Buen Vivir (PNBV) in Ecuador (Calisto Friant & Langmore, 2015) and in rural communities (Chassagne, 2021). There is potential for the application of Buen Vivir in the local and urban context. As the number of migrants and refugees within Africa and Latin America continue to rise (Cedillo González & Espín Ocampo, 2021), the migration literature can benefit from exploring the relevance and application of non-Western concepts in regard to migrant inclusion and refugee protection.

**Acknowledgement** We thank *Soli\*City* International Advisory Board Member Brenda Yeoh for discussions that inspired this chapter, visiting CERC scholar Oliver Bakewell for valuable feedback, and Rachael Gustave and Tara Tarana for research assistance. Earlier versions of this chapter were presented at the ISA conference in Toronto 2023 and appeared as a CERC/TMCIS Working Paper.

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# Chapter 3

## Theorising Cosmopolitanism Through Urban Migrant Rights Movements



Tyler Correia 

### 3.1 Introduction

The term ‘cosmopolitanism’ today points toward two poles of social and political thought. One refers to a tradition tracing its roots over three millennia, comprised of thinkers advancing principles for an institutionalised global order. The other, oft-overlooked and more recent, explores the experiences of global interconnectedness that demand a new grassroots politic. I argue that emphasis on forms of migrant-resident solidarity demand we reconsider the cosmopolitan tradition while drawing critically from its key proponents—particularly Immanuel Kant (see Bauder, Chap. 1, this volume). Contemporary migrant solidarity movements shed light on complex underlying conditions of presence and encounter rightfully identified as cosmopolitan not because of their normative principles or institutional frameworks, but because of their capacity to accurately describe a common experience of global humanity. Migrant-rights movements initiate a new way of thinking about global society that values the cosmopolitan tradition while demanding it more adequately respond to the everyday lives of people in cities around the globe because their experiences are cosmopolitan (Bayat, 2013; Beck, 2007). In pursuit of this line of inquiry I analyse the afropolitanism of Achille Mbembe which is rooted in the experiences of itinerancy, dispersion, and entanglement characteristic of an emerging global milieu centred on city-life. Furthermore, I argue that the experiences of city-dwellers today (some 56% of the human population) bear witness to a nascent global public sphere characterised by conditions of presence and encounter.

For our ability to uncover these conditions and to comprehend this milieu, we have an enduring debt to these movements. We have recently passed the thirtieth anniversary of the ambitious attempt of the International Parliament of Writers

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(IPW) to establish a network of cities of refuge (Derrida, 2001; Boudou, 2020; Correia, 2024). This network still exists in the International Cities of Refuge Network (ICORN) and sits alongside various similarly ambitious projects globally (global partnerships like Cities Alliance and Mayors Migration Council [MMC]), in Europe (EUROCITIES), and the Americas (South American *Ciudades Solidarias*) (see Bauder, 2022; Correia, 2022, 2024; Durmus & Oomen, 2022). These initiatives illuminate conditions of presence and encounter in two ways. First, such movements articulate principles of human rights and justice from a place that is ‘outside’ of, and in tension with, the privileged position afforded by modern institutions—the territorial nation-state’s privileging of the citizen and global capitalist market’s privileging of ownership (Magnusson, 2011). Cities are crucial spaces for representing, expressing, and witnessing the tension between these institutions and those they do not adequately serve as a matter of public dispute. The city—particularly as a global city (Sassen, 1991 [2001])—provides the sounding board for claims of migrant justice that allow us to radically rethink these institutions.

Second, migrant-rights movements demonstrate a form of cosmopolitanism in the bonds of solidarity generated across the citizen-non-citizen divide, which disrupts assumptions of power related to forms of ‘rightful’ belonging or exclusion (Agustín & Jørgensen, 2019; Jeffries & Ridgley, 2020; Bauder, 2022). These movements demonstrate a blended power of solidarity as the power shared between residents of an urban public and a global public sphere, who encounter and build relationships with others because of their physical proximity rather than their adherence to categories of citizenship. The city organically facilitates the possibility of encounter as a place where people meet with others they do not yet know. This is crucial to our understanding of contemporary claims to migratory and global justice but also reverberates through classical traditions (cosmopolitanism included) whose benefits and oversights can be understood in light of this dynamic. A common assumption about the way that an individual as representative of their ‘nation’ or ‘people’ ‘visits’ another (in the language of Immanuel Kant [see: Nussbaum, 2019, p. 22]) no longer holds beyond normative theory—*people* who encounter one another cannot be coded as representative of ‘peoples’ when most commonly, today, they are representative of various groups living in closest proximity with others holding diverse and composite personal identities.

### 3.2 Immanuel Kant and the Normative Cosmopolitan Tradition

The cosmopolitan tradition that we have most explicitly adopted today belongs to Immanuel Kant. His famous essay, ‘Perpetual Peace’ (Kant, 1991), has offered an outline for various forms of internationalism, both institutional and intellectual (see: Archibugi, 2008; Habermas, 2000; Held, 1996; Rawls, 1993 [2003]). His advancement of cosmopolitanism has also opened new critical avenues, especially Hannah Arendt’s (1994 [1951]) critique of human rights lacking institutional grounding in

the face of anarchic internationalism and the new category of ‘statelessness’ (the ‘right to have rights’). Kantian cosmopolitanism has equally been a point of contention for radical attempts at departure from the presumptive centrality of both ‘nations’ and ‘states’ in projects of solidarity and hospitality—in reviving networks of cities of refuge (Derrida, 2001), in recent pushes toward cosmopolitics (Cheah & Robbins, 1998; Ingram, 2013), and in discussion around emergent forms of urban migrant solidarity and hospitality (Bauder, 2022 and Chap. 1, this volume; Correia, 2022).

Yet, even in departure from Kant (1991), this vast body of literature must still acknowledge him as a starting point. It is worth asking what Kant meant to advance with the term ‘cosmopolitanism.’ He argues that a promissory politic for lasting peace can be built upon three conditions visible in the history of human societies: (1) people are able to live in all areas on the terrestrial globe, but this globe remains finite; (2) because of war, people have already been displaced to all corners of the planet; and (3) because of war, people have been compelled to enter into binding legal relationships of self-protection against aggressors (Kant, 1991, pp. 110–111). The many human polities around the world viewed in Kant’s time are the product of political conditions in earlier ones. These conditions compel them to come together as ‘peoples’—loose groupings smaller than humanity as whole. They then contrive institutions that advance their interests, each as a civic nation and ideally a republic. However, these conditions also compel them to refuse amalgamation into larger regional or global communities even while coordinating with other polities. Rather than a world government, an international federation advancing agreements amongst ‘peoples’ arises because peace provides better conditions for trade and visitation while allowing political communities to remain autonomous (Kant, 1991, pp. 112–114; see also: Doyle, 1986; Oneal & Russett, 1997; Dorussen & Ward, 2010).

A sustained movement toward world peace is not assured, however. Kant (1991, p. 114) reminds us that ‘while the likelihood of [perpetual peace] being attained is not sufficient to enable us to prophesy the future...it makes it our duty to work our way towards this goal, which is more than an empty chimera.’ It is not a depersonalised *telos* toward which our movements are compelled, but a relatively well-founded set of conditions that establish the possibility for human-beings, both individually and as representatives of societies or peoples, to work toward agreement with others that ensures perpetual peace. Peace is the work of public agreement, hospitality, and understanding. For this possibility to be realised, Kant argues that we must assure that ‘Reason’ is refined in the crucible of publicity, where the reason of a single individual is applied in light of a moral duty they bear for others.

This is a common line of argument for Kant. He argues that we could determine the moral uprightness of a person’s actions by evaluating the logical consistency of their intentions when applied universally and publicly. He conceived of the categorical imperative (‘act only in accordance with that maxim through which you can at the same time will that it become a universal law’ (Kant, 2002, p. 37/Ak 4.421) to test whether one’s actions were morally upright based on whether their intentions could still produce their intended result if all human beings *as such* were to act that way. As a real test of this universal principle he proposed a criterion of publicity: if

I can act publicly, to declare my intentions to act in some way without negating or complicating that action, then I can be sure that my action is aligned with a notion of right. For example, in the sphere of international diplomacy, if a larger state were to announce its intentions to violently annex its neighbours, those neighbours would likely unite with each other to repel this attack, confounding their actions in the process (Kant, 1991, pp. 126–128). To successfully practice this action, such a state must also deceive others by keeping their intentions secret. This tension is how we identify that the edifice of our actions (both to lie in public and to engage in violent annexation) are wrong—which is the reason why a sphere of public reason is so important. In both of these cases, it is not that publicity presents a person with the ‘right thing to do,’ but that deducing the logical consequences of an action made public renders immoral actions inert: without deception they no longer achieve what is intended.

Kant applies this logical framework for moral action to a global public sphere of politics (at the level of one polity, of many, and in the dealings between individuals of different polities). He presents his articles for a lasting peace in serial order—the third is contingent upon the second, which is contingent upon the first. The first of these articles is that ‘the civil constitution of every state shall be republican’ (Kant, 1991, p. 90). By ‘republican,’ Kant is pointing to the administration of government activity that distinguishes between the legislative power (the people who create laws) and executive apparatus (the government that enacts them) that must be separated so that a representative of government publicly enacts the general will—what is best for *all* subjects. This first article assures a second, the right of nations (*ius gentium*), which he argues ‘shall be based on a Federation of Free States’ (Kant, 1991, p. 102). Kant argues from a vantage point where all nations are well-governed republics requiring no supra-national governing body (Rawls, 1993 [2003]). Under these circumstances, free individuals already inhabiting political communities that represent their interests would opt to abide by bilateral and multilateral peace agreements (Kant, 1991, pp. 102–105). Where the interests of citizens are already well-represented, and where citizens do not often elect to endanger themselves in volunteering for war, a lasting arrangement for international peace would slowly expand to encompass all peoples of the world.

A cosmopolitan right (*ius cosmopolitanicum*) finally emerges to organise individual conduct with strangers. Again, Kant argues that individuals bearing the rights of the first two articles will primarily enjoy the esteem and significance of their membership to a specific polity; one does not need to recognise special duties of moral consideration to non-compatriots, including the right to be a guest in other ‘free states.’<sup>1</sup> Yet, if both previous articles operate as intended, what could be left to assert as a political right? In some sense, Kant introduces cosmopolitan right specifically

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<sup>1</sup>There is a considerable literature debating both compatriot priority (see: Bader, 2005; Brock, 2008; Miller, 2005; Singer, 2004) and the right of reception (Bauder, this volume, 1; Carens, 2010; Darling & Squire, 2013b; Hidalgo, 2014; Walzer, 1984). Particularistic attachment is recognised by the two most prominent thinkers of cosmopolitanism today, Martha Nussbaum (2002, 2019), and Kwame Anthony Appiah (2002, 2006).

as recognition of non-ideal circumstances: the *ius cosmopolitanicum* is ‘limited to conditions of universal hospitality’ (Kant, 1991, p. 105). Kant elaborates that this means ‘the right of a stranger not to be treated with hostility when he arrives on someone else’s territory’ (Kant, 1991, p. 105). In distinguishing ‘right’ from philanthropy (as a public and binding duty against a private and voluntary interest), cosmopolitan right is also the most restrictive. Kant (1991, p. 106) explains: ‘[The stranger] may only claim a right of resort, for all men are entitled to present themselves in the society of others by virtue of their right to communal possession of the earth’s surface.’

Because persecution remains a real possibility, Kant introduces cosmopolitan right to protect the stranger’s right to claim asylum—a right built upon a nearly anti-colonial resolution (Kant, 1991, p. 106). Kant’s perpetual peace is assured in the final stage through limited engagement between a ‘host’ and a ‘stranger’ to prevent imperialist or colonial conquest. The peacefulness of these relations should be considered specifically. Many have rightfully taken Kant to task for racist remarks, particularly in his *Anthropology and Physical Geography* (Bauder, Chap. 1, this volume; Eze, 1997). This overt racism does not necessarily abide—like many European commentators at the time—with an implied justification of colonial violence, though. Kant’s ‘Perpetual Peace’ offers an unexpectedly prescient anti-colonial critique. For example, although Martha Nussbaum (2019) has taken note of Kant’s euphemistic use of the term ‘visitor’ to describe colonial conquest, we find in this essay that he uses the term ironically to critique the colonialist language of his time. This critique is motivated by his insistence that the oppression faced by native peoples at the hands of European colonisers must be avoided to ensure a lasting order of peace (Kant, 1991, p. 106). Certainly, it was the ‘civilised’ states of Europe that weaponised a language of ‘visitation’ to justify colonial conquest, and its euphemistic deployment draws attention to how very little that ‘visitation’ was peaceful at all.

By extension, Kant seems adamantly opposed to the idea of a global political order that would govern all peoples under a unitary government because it would likely rely on imperialistic force. Instead, ‘Perpetual Peace’ is an attempt to sketch the *possibility* of a global arrangement freely entered by the various peoples of the world in the shared goal of creating positive conditions for peace. In this sense, it sketches out two temporal arguments entangled into one. Kant at once argues for the passage from the current state of conflict amongst peoples to a state of enduring peace and outlines the ideal forms to which a federation of peoples would (imperfectly, temporally) abide to get there. Such a tendency toward cosmopolitanism may very well reorganise ‘peoples’ into more far-reaching groups: ‘continents distant from each other can enter into peaceful mutual relations which may eventually be regulated by public laws, thus bringing the human race nearer and nearer to a cosmopolitan constitution’ (Kant, p. 106). However, we should understand how this movement will come about beyond Kant’s outline. It is not merely through international legal frameworks but through the awareness of one’s shared humanity with distant others consolidated into a solidarity that bounds across those distances. Although the cosmopolitan right Kant forwards trails behind civil and international

rights, it is also the preeminent right cultivating the moral capacities and political institutions of humanity's future.

### 3.3 The Experience of Urban Mobility and the Conditions of Cosmopolitanism

We ought to recognise a debt to Kant for reinvigorating the cosmopolitan tradition. He outlines key theoretical issues of global publicity, the use of 'reason' as a form of communication and moral action, and the rights of individuals and political communities in a global milieu. This includes the right to asylum and anti-colonial protection. However, the departure from Kantian cosmopolitanism has been motivated by increasing recognition that the concept itself does (or should) speak more directly to the forms of global marginalisation perpetuated by the international system of nation-states (Agier, 2016; Benhabib, 2006; Derrida, 2001; Harvey, 2009; Ingram, 2013; Mignolo, 2000; Nyers, 2003). Furthermore, it is because cosmopolitanism already takes a greater role (perhaps 'the greatest' role) in the lives of people today that Kant is both affirmed and exceeded. He cannot help us address the consequences of colonialism and neo-colonialism, the perpetuation of racism, a top-down globalisation credited with expanding Western capitalist markets, the exploitation of labour and depletion of the Earth's resources, and the now-global conquest of the territorial state and idea of a 'national people' that often determines who belongs and who is excluded from their benefits (Hall, 2019; Sharma, 2020; Wallerstein, 1974). This is because he helped advance the assumptions that these problems are based on— notions of static and distinct peoples, top-down international agreements, and the right to possess the earth are found alongside his articles for perpetual peace.

The conditions we currently witness also include a host of processes of urbanisation, a nascent global public sphere and public communication networks, and the intensifying movement of people around the globe (Darling & Bauder, 2019; Holston, 1999; Isin & Nielsen, 2008; Nyers, 2010; Oomen et al., 2016). These are conditions that Kant simply could not have predicted would arise. We must, then, consider what conditions structure the everyday lives for many people—most people—around the globe. Since the mid-2000s most people live in urban centres and directly or indirectly take part in a global political economy. Today, it is projected that some 4.5 billion people (56 per cent of the human population) live in urban rather than in rural areas (United Nations Department of Economic and Social Affairs, 2019). In other words, people are locating around key nodal points in a global network where they can procure goods and services unavailable in rural locales and where they often have greater access to a global public sphere (Castells, 1996 [2001], 2009; Sassen, 1991 [2001]). It is important to understand why the city and not the citizen has taken on a central role in relation to these trends. At present, the circumstances that have led people into cities as nodes within global networks

of information and material exchange, ones that facilitate the mass movement of people, demonstrate how deeply embedded cosmopolitanism is within their everyday lives (see also Bayat, 2013; Beck, 2007). Focus on urban spaces, encounters, and institutions are due to cities' uncanny abilities to generate forms of presence and encounter as concrete conditions rather than abstract principles.

Nowhere is this better observed than in Achille Mbembe's (2021) writings on afropolitanism. Mbembe focuses on how the effects of that mobility, itinerancy, and new networks of interaction demand that we pay attention to the urban environments of the African continent broadly. This includes how global African diaspora communities self-identify with the relationships and communities they share even when they are not present on the continent. Mbembe, and afropolitanism, have both received a great deal of attention (Dabiri, 2016; Eaton, 2019; Ede, 2016; Eze, 2014, 2016; Gehrman, 2016; Hassan, 2012; Mbembe & Balakrishnan, 2016; Skinner, 2017).<sup>2</sup> Mbembe's afropolitanism recognises the ebb and flow of nationalist discourses, the violent assertions and failures of territorial states on the African continent, and the movement of people toward urban and increasingly global spaces. It also considers the possibilities these conditions—including the history of movement on and around the continent—open or close.

Mbembe (2021, p. 215) defines afropolitanism as follows: '[Afropolitanism is] the awareness of the imbrication of here and elsewhere, the presence of elsewhere here and vice versa, this relativization of roots and primary belongings and this manner of embracing, with full knowledge of the facts, the foreign, the foreigner, and the far-off.' What Mbembe promises with the term afropolitanism is not a new kind of international legal framework that one might expect from theorists of cosmopolitanism like Kant. Instead, his afropolitanism reflects upon the fact of movement specific to African cultures, of which he mentions *jallaba* traders (Mbembe, 2021, pp.183–184) and cites Mamadou Diouf's (2002) seminal work on the Murid trade diaspora as two key examples. In both cases, a culture of movement—of trade networks and mobile circuitous relations—characterises the 'peoples' Mbembe discusses. In turn, a grounded analysis of what constitutes the 'cosmopolitan,' including the enduring relationships shared in and through mobility, disrupts particularistic duties built upon nationalist-patriotic subjecthood.

In fact, Mbembe's (2021) afropolitanism does little to figure an afropolitan political or legal subject and their rights. Rather, he outlines the conditions and results of various unfolding phenomena on the continent, and especially in cities, that express sweeping processes of a cosmopolitan subjectivisation. Cities are sites that allow one to frame the self-identity of residents even in their incompleteness or fragmentation. For Mbembe, the turn toward a variety of working class, migratory, or even elite cosmopolitanisms in Africa are the results of fractured consensus-building processes amongst African nation-states. These processes attempted to fabricate ties central to nation-building projects but were achieved only through 'bloody

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<sup>2</sup>Attention paid to afropolitanism is in part because of discussions taking place in the African and diasporic blogosphere following the publication of Taiye Selasi's, 2005 essay 'Bye-Bye Babar' and the response it received from Marta Tviet (2013).

contestation' amongst rival political groups often representing specific ethnic communities (Mbembe, 2021, p. 175). Historically, this involved tense assertions of consensus by a single political group claiming to represent a diverse whole while in fact acting on behalf of particularistic interests. This was often hotly contested. In turn, individuals no longer willing or able to participate in political contest instead looked toward other relations, ones that were deterritorialised, metropolitanised, and 'modernised' (Mbembe, 2021, pp. 178–179).

The resultant institutional shifts on the continent were threefold. First, the separation between urban-rural and formal-informal economies has been 'exploded' in favour of a mosaic of intertwined economic activities demanding people move around the continent and the globe (Mbembe, 2021, p. 181; see also Diouf, 2002). Second, the fortified sites where complex regional patterns of migration were regulated erupted into points of conflict between heavily securitised settlements and nomadic communities—Mbembe mentions *zawiyas* (religious schools) and *zaribas* (enclosed villages). The third dynamic 'combined war, mobility and commerce,' following the circuits of caravans, which 'covered enormous distances and contributed to various commercial cycles' (Mbembe, 2021, p. 182). The combination of these shifts, Mbembe notes, recasts the history of colonisation, as well as a pre-colonial afropolitanism, in terms of itinerancy and mobile relation—of people whose relationships were built during their travels and repeat visits. This also meant that the territorial 'pseudo-states' of the colonial and post-colonial periods mask, 'a federation of networks and a multinational space made up not of "peoples" or "nations" as such, but rather of networks' (Mbembe, 2021, p. 183).

'Afropolitanism' thus refers to a history of networks of movement and mobile relations that disrupt assumptions of settled and well-defined 'peoples' or 'territories.' This history has also set in motion two dynamics. Afropolitanism for Mbembe concerns a circulation of worlds that involves, firstly, a dynamic of dispersion. Dispersion entails that people not only move around the continent but also leave and return. He summarises this as 'a history of cultures in collision, caught in the maelstrom of wars, invasions, migrations, and mixed marriages, full of various religions adopted, techniques exchanged, and merchandise peddled' (Mbembe, 2021, p. 214). Secondly, the circulation of worlds is characterised by a dynamic of immersion. Immersion captures the long-term settlement of minority communities in African cities that slowly obscures a sense of 'origin' from elsewhere. Even if many (particularly Africans of White European descent) continue to assert their distinct superiority, construct enclave communities, and practice endogamy, they cannot but expose themselves to the languages and customs of their place of residence (Mbembe, 2021, pp. 214–215). Most importantly, dynamics of dispersion and immersion disrupt any assumption that a 'people' is a singular and sedentary group. A 'people' instead consists of networks of itinerant individuals in circuits of exchange and encounter.

But what politics might arise from Mbembe's afropolitanism? He emphasises how immersion and dispersion affect the cultural production of people on the African continent and amongst diaspora communities but says little about what these dynamics might imply politically. Nevertheless, his work on dispersion and

immersion remains helpful for us to think about how the experiences of people today are cosmopolitan and uncovers why cities are privileged sites for political analysis. In cities one can stand still and observe the movements characterising a global age. To these movements, though, we must add two further conditions: of presence and encounter. Both conditions affect the grassroots politics that around the globe seem to be coalescing in a new world-wide solidarity centred on cities. This is a solidarity that Kant had presciently gestured toward in the ways that ‘the violation of rights in one part of the world are felt everywhere’ (Mbembe, 2021, pp. 107–108). Yet, it is a ‘feeling’ we are only now able to address because of the work of scholars like Mbembe who uncover how solidarity is grounded in experiences of itinerancy and relations built from mobility.

### 3.3.1 *The Condition of Presence*

Treating presence as a ‘condition’ diverges from a critical tradition of migrant-rights in opposition to border enforcement measures. What scholars have often treated as ‘rightful presence’ (Darling & Squire, 2013b; Bosniak, 2018; Darling, 2019) indicates how a notion of ‘right’ is mobilised to ensure that refugees and asylum seekers reaching the territory of liberal-democratic states can initiate claims to stay. Such claims rest on the values these states publicly espouse to uphold universal human rights for all residents within the state’s jurisdiction. If a liberal-democratic state wishes to practice its own declared ideals, it must uphold a form of rightful presence consistent with Kant’s *ius cosmopolitanum*. A condition of presence, however, would operate rather differently. This is because, as a condition, it concerns a set of infrastructural, institutional, and practical arrangements rather than making a claim on a ‘subject’—the subject as a rights-holder.

As a condition, presence entails that cities come into view as key sites for understanding cosmopolitanism as an experience. This is because of how cities—particularly metropolitan cities—publicise political action and debate. Cities operate as key nodes for global media infrastructure and telecommunications networks capable of widely disseminating their goings-on (Volkmer, 2014). Residents of large cities communicate their experiences in a way that is often recorded and widely circulated. In addition, metropolises concentrate institutional locations and points-of-contact that make information public. In these ways, the city concentrates presence by making what takes place within it public. When we consider presence in terms of the publicity of migrant-rights movements, we are speaking on two levels. On the first level, there are a movement’s ‘articulations’ as the collection of beliefs, values, and principles that motivate or justify their demands. On the second, the site of this articulation provides an environment for enunciation, a public. The combination of an enunciated demand (including the framework a movement espouses to make sense of it), with the site of its articulation for a public audience, provides a basis for the presence of that demand—and that movement—to be witnessed, praised, or scrutinised. A movement is present because it is rendered visible or

sensible to other subjects in a public sphere (see also: Steinhilper & Sommer, Chap. 7, volume 2).

It should not be surprising, then, that migrant-rights protests are overwhelmingly concentrated in cities—and predominantly (but not exclusively) in larger metropolises. As Saskia Sassen (1991 [2001]) notes, the global city is a particular formation that agglomerates the economic and financial activity of the global economy in a way that has dramatic effects on political institutions, class-polarisation, immigration, and social relations. Contemporary global cities are not only the most likely sites for immigrants—but also for people with various forms of precarious citizenship status—to settle (Bauder, 2014; Atac, 2019). Paris provided the sounding-board for the *sans-papier* to claim political belonging (Balibar, 1996 [2003]; Rosello, 2001). When Algerian non-status migrants were threatened with deportation in 2002 they protested around the city of Montréal, especially its airport and on the streets in front of administrative buildings (Nyers, 2003). Ayşe Çağlar and Nina Glick-Schiller (2018) have focused on secondary cities—satellites or hubs of industrial rather than financial activity—in discussion of ‘migrant city-making’ (see also: Darling & Squire, 2013a, b; Ridgley, 2012). In all cases, cities satisfy the condition of presence when the activities of residents—with diverse citizenship statuses—are amplified for others to witness, to take part in, and to critically reflect upon. Where, in Kant’s words, the sphere of public reason puts the demands for migration justice to the test, it is cities that provide the space to do so.

### 3.3.2 *The Condition of Encounter*

The global publicity of migrant-rights protests are not the only conditions that open a new kind of cosmopolitanism. Another key condition is that of encounter. By encounter, I am pointing toward the ways that a person is likely to come into contact with others who share the experience of mobility and who speak from various horizons of movement. Encounter, then, concerns an encounter with the Other, and with difference. In a globalised world, a person may be a resident of one place for a long time and encounter others who are consistently on the move. They may also encounter others while themselves being in transit between places. As such, encounters between strangers are both common and deeply impactful occurrences (see also: Montiel, Chap. 8, this volume). This impact is exacerbated by the essences of cities today. A single resident cannot reasonably believe themselves capable of meeting all other residents of a city even while they assume that they inhabit a single local place. I inhabit a city with people I know, and people I do not. The city is defined by the experience of residents who are aware that there are others with whom they share a dwelling place but whom they might never encounter. Importantly, unlike the imagined community of the nation proposed by Benedict Anderson (1983), the cityscape provides a physical site for various encounters to take place, ones that remain concretely possible rather than imagined.

Knowing that some encounters may never materialise, the ones that do take place within cities become all the more important. The ‘City of Sanctuary’ movement in Sheffield, United Kingdom, for example, relied on the public circulation of experiences of migration as a cultural practice grounded in micro-level encounters (Squire, 2011; Squire & Bagelman, 2012; Darling & Squire, 2013a, b). As an informal politic, the ‘City of Sanctuary’ movement is described as a patchwork of everyday encounters taking place spontaneously between those present in the city and as the conscious generation of everyday encounters in cultural and community events and social evenings. In so doing, this movement translates everyday practices of shared belonging into enduring grassroots politics of situated interpersonal action, as well as collective care and understanding, while also resisting alienation from U.K. immigration policy (Darling & Squire, 2013a). Such a city-based political and cultural initiative became an expression of the mobile relations that Mbembe’s afropolitanism gestures toward.

The encounters shared between people residing in cities with diverse citizenship statuses and distinct intentions to arrive, stay, or depart is a key feature of the experience of contemporary life in a globalised world. So many of the otherwise overlooked everyday spaces we inhabit—kitchen tables, cafés, public squares, subways, universities—remain the secret basis for our most meaningful encounters, ones that motivate a cosmopolitan politic and concomitant practices. This includes the ways they facilitate relationships with people in a global milieu defined by our individual and collective movements, and the further possibilities for those movements to motivate grassroots political action in an emerging global public sphere.

### 3.4 Conclusion

Cosmopolitanism is becoming increasingly important for describing contemporary global society. This is not only because it provides a framework for rights we share but because it helps us generate a language for accurately understanding our experiences in a globalised world. Nonetheless, we are wont to scrutinise how the appeal of cosmopolitanism has often (but not always, and certainly not in its incitement) been couched within institutions eager to advance imperialist aims or uphold classist pretensions. The modern vision of an international community of rights and free exchange is rightfully suspect when it props up intense inequalities of wealth and privilege between the Global North and Global South as a system of (neo-)colonialism (Walia, 2021). Cosmopolitanism as a normative framework *should not* but *often does* fit comfortably alongside this system.

However, what makes a normative framework like cosmopolitanism relevant today seems to be how it relates to the concrete experiences we share in a global milieu. In this work, I have advanced a dual reading of Kantian cosmopolitanism alongside the afropolitanism of Achille Mbembe. I did so to advance a line of inquiry that treats cosmopolitanism as a framework for posing key theoretical questions relevant to contemporary global politics and society—regarding human rights

as the right to movement and to seek asylum, the place of public reason and the advancement of ideas of justice, and the role played by cities as nodes in global networks of relation and exchange. This is also to treat cosmopolitanism as a discourse we ought to find increasingly relevant for helping us understand our experiences living in a globalised world. Cosmopolitanism can help us make sense of our encounters with diverse strangers and the conditions that deepen our relationships beyond categories of citizenship or exclusionary notions of a ‘people’—conditions of presence and encounter. It is my hope, in this work, that shedding light on these conditions prepares us to understand the world we live in as a global society emerging alongside a nascent global public sphere and helps us recognise our responsibilities to one another not merely as compatriots but as people who live meaningful lives with others with whom we differ, and because we differ.

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**Part II**  
**Histories of Urban Solidarity**

# Chapter 4

## Incubating Rights and Protection from Below: The Antebellum Origin of Abolition Sanctuary in the United States



Allan Colbern 

### 4.1 Introduction

Immigration policy in the United States is largely understood as the purview of the federal government, which establishes rules on who is eligible to enter the country, how long they can stay, and the conditions under which they may draw benefits and become citizens. Yet, with immigration reform deadlocked at the federal level since the early 2000s, scores of states and localities have passed legislation regulating undocumented immigrants. A growing immigration federalism scholarship has now made it clear that the balance of power between federal, state, and local governments remains unresolved. On the side of advancing immigrant justice are urgent cries for sanctuary from a growing immigration enforcement regime built on the illegalisation and criminalisation of immigrants.

This chapter retheorises and reconceptualises *abolition sanctuary*, defined broadly as the merging of abolition as a framework and sanctuary policies, practices, and sites. Whereas most scholarship connects abolition to contemporary forms of sanctuary in the immigration contexts, this chapter examines the development of Northern personal liberty laws that once protected runaway slaves from being returned to slavery under federal fugitive slave law (1787–1860). Challenging current scholarship that frames the nation-state as inhospitable to an abolitionist approach to sanctuary, this chapter argues that American federalism opens the possibility for radical formations of sanctuary under state and local governing institutions and policies. Rather than turning away from the nation-state in search of sanctuary, I argue that abolitionists urgently need to engage all levels of nation-state politics (national, state, and local) in the modern immigrant justice context. Abolition sanctuary is a critical yet underappreciated tool in nation-building. Antebellum

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abolitionists advocated for reforms in Northern states that I describe as creating the first abolitionist sanctuary in America, with important parallels to the fight for sanctuary and resistance efforts in immigration today.

## 4.2 Rethinking Abolition Sanctuary

In her groundbreaking work, Naomi Paik articulates that an abolitionist approach to contemporary sanctuary should be systemic rather than issue-specific and centred on broad-based intersectional and grassroots movement-building (Paik, 2017, 2020; Paik et al., 2019). Importantly, Paik leans on a genealogy of sanctuary existing before the rise of modern nation-states to argue that an ideal type of sanctuary emerges separately, outside of, and often counter to, sovereign nations today. ‘Sanctuary, at its core, provided an alternative, and ultimate, source of authority, rooted in the divine; it thereby challenged the sovereignty essential to the very definition of a nation-state’ (Paik et al., 2019, p. 3). According to Paik, a naturally antagonistic relationship exists between sanctuary and the nation-state because an abolitionist framework is rooted in community, intersectionality, and movement-building, thereby creating a ‘radical openness’ to the formation of sanctuary sites of protection, rights, and membership that are autonomous and powerful alternatives to the nation-state (Paik, 2020, p. 139).

Conceptualising sanctuary as autonomous from the nation-state is important for many reasons. It captures sanctuary at many scales (local, national, international, and transnational) and contests the power, legitimacy, and exclusionary membership of sovereign nation-states (Buff, 2019; Ezell, 2019; Hung, 2019; Lambelet, 2019; Maira, 2019; McIntire & Duarte, 2019; Paik et al., 2019; Villarreal, 2019; Young, 2019). Biblical, English common law, Greek, Roman, and Anglo-Saxon traditions all share a history of churches providing a place of refuge to persons who were convicted of crimes and lacked legal protections for their defence under formal government policies (Bauder, 2017; Bezdek, 1995; Carro, 1986; Colbert, 1986). Throughout U.S. history, public and private entities gave sanctuary to runaway slaves, Jews escaping the Holocaust, civil rights workers fleeing mob violence in the South, draft resisters during the Vietnam War, Central American asylum seekers, and contemporary undocumented immigrants (Crittenden, 1988; Cunningham, 1995; Davidson, 1988; Van Ham, 2009; Villazor, 2008). These sanctuary sites challenged national sovereignty on moral grounds and were created from autonomous sources of authority, protection, rights, and membership.

A radically open approach to sanctuary also comes at a cost, namely, not engaging processes of nation-state building. In this chapter, I develop an alternative conceptualisation of abolition sanctuary by drawing on the abolitionist movement’s engagement with state policy to resist the enforcement of federal fugitive slave law and develop new state and local protections and rights for runaway slaves. This history offers an important alternative conceptualisation of abolition sanctuary within

a nation-building context. It reveals a more complex genealogy of sanctuary with origins outside and within the American state.

The tremendous growth of the nation-state's power over illegalised immigrants requires attention to changes within (not just outside) formal governing institutions. Sanctuary is crucial today for addressing the violence and injustice created by immigration regimes, especially crimmigration—the harmful intersection of criminal law mechanisms and federal immigration law, borders, and enforcement (Arriaga, 2016; Chacon, 2009; Stumpf, 2006). Sanctuary is crucial to countering the scope and reach of unchecked federal power to enforce immigration law, which has grown out of centuries of U.S. Supreme Court rulings prioritising national security over rights (Cohen, 2020; Ngai, 2004). Christopher Lasch and colleagues explain that sanctuary policies directly counter crimmigration because they 'preserve local sovereignty, define local priorities, and enhance community trust in law enforcement' (Lasch et al., 2018, p. 1709). By severing connections to immigration enforcement and prioritising local prerogatives in policing, sanctuary enables existing constitutional rights to be applied to undocumented immigrants, including protections against racial profiling, illegal searches and stops, and arrests without probable cause (Lasch, 2013a). In an era of increasingly powerful nation-states with restrictive migration regimes, the concept of abolition sanctuary offers a significant counter-frame to re-imagine nation-building from below.

American federalism enables a useful antagonistic relation between sanctuary and nation-state building, contrary to Paik's interpretation. Scholars of American federalism have long shown how U.S. states and localities have checked federal power by not cooperating in the administration of federal programmes, creating a type of 'combative federalism' or 'uncooperative federalism' (Bulman-Pozen, 2014; Bulman-Pozen & Gerken, 2009; Cover, 1983; Napolio & Peterson, 2019). This chapter builds on the concept of progressive state citizenship that I have developed with Karthick Ramakrishnan that shows us how federalism creates semi-autonomous power in state and local governments to resist unjust federal regimes and to advance protections and rights for vulnerable populations who lack federal rights and are targeted by federal enforcement regimes (Colbern & Ramakrishnan, 2021). In line with other legal scholars, sanctuary policies increase local discretion in ways that can ease the harshness of the immigration system. They not only prevent state or local authorities and resources from enforcing federal immigration law but also facilitate immigrant access to local resources and participation in local institutions (Motomura, 2018; Rose Cuison Villazor & Gulasekaram, 2018).

Another key contribution the chapter makes is opening formal politics to transformations made possible by critical frameworks like abolition. Shui-Ming Cheer argues in the contemporary context that 'to actually advance systemic changes and build power to win, the types of demands and campaigns that immigrants' rights groups should put forward at this moment of rupture must be "abolitionist" reforms. Abolitionist reforms move us toward ending all forms of structural oppression and address the root of these oppressions' (Cheer, 2020, p. 71). Cheer outlines specific ways to operationalise an abolitionist framework so that 'reforms' are transformative, prefigure a different world, and create intersections across movements, issues,

and impacted communities. Importantly, Cheer's concept of abolitionist reforms addresses nation-building directly by requiring divestment from violent-unjust institutions and investing in life-affirming institutions. Cheer's 'divest-invest' abolitionist framework for the immigration rights movement starkly contrasts Paik's concept and genealogy of sanctuary because it directs abolition toward the nation-state and imagines its transformation (Cheer, 2020, p. 73).

### **4.3 Runaway Slaves and Northern Personal Liberty Laws, 1780–1860**

Personal liberty laws were passed and spread from 1780 to 1860 in the antebellum North. More than just an assault on the institution of slavery, these Northern laws provided a robust and innovative origin for African American rights expansion during a time in history when such rights were absent, and even targeted, under the U.S. Constitution and in federal law. This chapter not only contributes to contemporary sanctuary and immigration scholarship, it also offers an important alternative to the traditional historical account of antebellum Northern personal liberty laws. A large body of scholarship exists on personal liberty laws and emphasizes their role in creating the conditions for rising sectionalism that eventually caused the American Civil War in 1861 (Campbell, 1970; Finkelman, 1981; Morris, 1974; Rosenberg, 1999). What these important historical accounts miss is the story of how Northern states and localities passed laws and turned their resources to constructing a sanctuary for free Black residents and runaway slaves seeking protection, rights, and a new home. Taking state and local institutions and laws seriously allows us to see a fuller picture of how abolition sanctuary can be achieved and begin to influence the direction of nation-building.

Sectional differences caused by slavery led to a peculiar structuring of American federalism, ripe with conflict. Article IV, Section 2, Clause 3 of the U.S. Constitution protected slave owners' right to property by requiring the rendition of any 'person held to service or labor,' and Congress reinforced this rendition in the federal fugitive law of 1793. Neither the federal government nor states and localities were made responsible or given exclusive jurisdiction to enforce rendition until a stronger federal law was passed in 1850. Crucial to abolition during this time, the Tenth Amendment prevented the federal government from having the authority to commandeer or otherwise compel Northern states and localities to enforce its federal fugitive slave law. This enabled abolitionists to engage Northern state and local legislative bodies to enact robust personal liberty laws that protected Black residents from being reclaimed as runaway slaves.

What might seem to be the most controversial pro-slavery addition to the U.S. Constitution, the Fugitive Slave Clause established under Article 4, was, in fact, an already well-established compromise. The Northwest Ordinance of 1787 set up the first federal fugitive slave law, which was re-written into the U.S. Constitution

as Article 4, stating: ‘No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due’ (U.S. Const. art. IV, § 2, cl. 3.). Moreover, ‘slavery’ was never actually referred to directly in the Constitution to avoid a conflict with Northern officials. Fugitive slaves were therefore called ‘persons owing service or labour,’ with no mention of their formal, legal status as slaves (Finkelman, 2014, p. 34).

#### **4.4 Abolition Sanctuary as National and State Policy Reforms**

Early conflicts emerged from abolitionists preventing the recaption of runaway slaves and from slave catchers unlawfully removing free Black residents from the North, both of which led to pushes for national-level reform. The first actions on the conflict by Congress only addressed Southern concerns by passing the Fugitive Slave Act of 1793, which clarified the rights of slave owners to recapture runaway slaves in Northern states and federal territories by giving them new remedies and protections: it penalised ‘any person’ from obstructing their efforts at recaption (Act of February 12, 1793 (1 Stat. 302)). Section 4 of the Fugitive Slave Act stated:

That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent, or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested pursuant to the authority herein given and declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars (Annals of Congress, 2nd Cong., 2nd sess. (1793), 1415).

From 1793 to 1850, slave owners had the right of recaption, including hiring slave catchers to remove runaway slaves and requesting Northern state and local officials to aid in recaption. Federal law did not, however, mandate Northern states and localities to enforce the fugitive slave law, and federalism’s institutional framework preserved space for Northern states to pass policies protecting runaway slaves that created a federalism conflict. This enabled abolitionists to create robust, enforceable sanctuaries under Northern state laws and institutions requiring officials to actively resist federal law and fugitive slave rendition.

Quakers established the Pennsylvania Abolition Society (PAS) in 1775 to discuss the abolition of slavery and the protection of free Black residents before American Independence. It soon emerged as the strongest anti-slavery organisation in the nation, leading the push for Pennsylvania to become the first Northern state to pass a gradual emancipation law in 1780. Quakers also sought to enforce the rights of free Black people. In 1791, when slave catchers kidnapped a free Black citizen in Pennsylvania, PAS led the fight to pressure Pennsylvania’s governor to request that the slave catchers be extradited to Pennsylvania to be tried in court for kidnapping,

but a federal law protecting free Black residents did not exist (McDougall, 1891, p. 17). For the next few decades, PAS led the fight at the national level to pressure the U.S. Congress to pass a federal anti-kidnapping bill, beginning in 1791. This first effort backfired. Southern control over Congress dropped the bill entirely. Then, it passed the stronger Fugitive Slave Law of 1793, with an anti-harboring provision making it a federal crime to aid runaway slaves seeking freedom.

In 1796, another kidnapping occurred in Pennsylvania, with four Black citizens being arrested and removed from Philadelphia by slave catchers. PAS responded in 1797 by leading a petition campaign to pressure Congress to pass a federal anti-kidnapping bill, but overwhelming Southern opposition tabled the bill indefinitely (McDougall, 1891, p. 19). Two years later, in 1799, Philadelphia's Black abolitionists petitioned the U.S. Congress to recognize free Black people as 'admitted to partake of the liberties and unalienable rights therein held forth [in the U.S. Constitution]' and asked for federal laws that would end the slave trade and amend the Fugitive Slave Law by adding anti-kidnapping protections to free Black people (Morris, 1974, p. 31). Throughout the early 1800s, PAS continued to petition for a national anti-kidnapping law but succeeded in having a Congressional bill considered in committee only once in 1817.

PAS petitioned Congress in 1817 to add more procedural protections for free Black people, arguing that the Fugitive Slave Law of 1793's only requirement of obtaining certificates of removal gave slave owners immunity from Northern courts. This development led to the first real national consideration of revising federal law with Northern interests in mind, and a special House committee introduced a bill to amend federal law on December 29, 1817 (Morris, 1974, p. 34). However, instead of addressing PAS's concern over kidnapping protections and under pressure from Southern officials, the bill moved in the opposite direction of proposing to expand protections for slave owners in the recapture process (Morris, 1974, p. 35). The bill sought to remove Northern courts from the legal process whenever Southern states granted certificates to remove runaway slaves from the North. It also proposed requiring Northern officials to aid in the recapture and return fugitives to the Southern courts who issued certificates of removal. Finally, it proposed making slave catchers with certificates immune from 'assaulting, beating, [or] imprisoning' suspected fugitives. Northern Congressmen quickly mobilized in 1818 to prevent the bill from passing in the Senate, leaving the Fugitive Slave Act of 1793 unchanged.

PAS responded to the heated national fight by changing its strategy from national reform to focusing instead on state-level policies. In 1820, Pennsylvania passed the first state anti-enforcement law limiting state and local enforcement of federal fugitive slave law and emerged as a leader in the North in passing the most far-reaching protections over runaway slaves through to the mid-1850s. Failed national reform in 1818 marked a tipping point and caused PAS to usher in a new era of innovative state sanctuary policies in the North. Southern gains in federal fugitive slave law in 1842 and 1850 further solidified Northern abolitionists' state-level strategy.

Historians like Paul Finkelman and Thomas Morris rightly highlight an 1830 shift in the types of Northern laws being passed, but their accounts ignore these strategic shifts among abolitionists to state-level initiatives (Finkelman, 1981;

Morris, 1974). This history of Northern sanctuary for runaway slaves offers a critical example of how American federalism opens semi-autonomous spaces for contesting unjust federal enforcement regimes and imagining new futures. The implications for nation-building are significant. Northern states like Pennsylvania and Massachusetts pushed the nation forward by creating innovative protections and rights for runaway slaves. These formal versions of Northern sanctuary for runaway slaves grew alongside the informal Underground Network.

It was only in realising the futility of achieving federal reform that PAS focused on expanding the rights of all Black residents by passing more state-level policies. Led mostly by White abolitionists with strong allies in state government, PAS was able to build a state-wide coalition that could mobilise popular support in the state legislature around major national slavery events. Two weeks after the Missouri Compromise passed (1820) extending slavery into federal territories and allowing Missouri to enter the Union as a slave state, PAS mobilised a massive petition campaign to pressure the state legislature to adopt an immediate emancipation law, an anti-kidnapping law, and the first Northern law to sever the state's role in enforcing the federal fugitive slave law (Adams, 1964, p. 107). Total abolition in the state remained elusive, but Pennsylvania achieved a major transformation by providing rights to free Black residents and ending its role in capturing runaway slaves (Morris, 1974, pp. 44–45).

The abolitionist movement remained diverse, with abolitionist organisations growing in states like New York and Massachusetts and developing a broad national coalition that continued to pressure Congress to end the international slave trade and limit extending slavery to new territories and states in the United States. Their goal was to weaken national slavery through a moral campaign and to build a broad national coalition to secure federal laws or Constitutional amendments severing the federal government's connection to slavery. Abolitionists circulated massive amounts of anti-slavery literature to the South and regularly petitioned Congress to shine a national spotlight on the problems of slavery. In 1834, the American Anti-Slavery Society led a large national petition campaign that gathered 34,000 signatures for a House bill to end slavery in the District of Columbia. This campaign led to the infamous gag rule by the Democratic-controlled U.S. Congress, which 'stipulated that all petitions or resolutions "relating in any way, or to any extent whatsoever, to the subject of slavery or the abolition of slavery" were to be automatically and indefinitely "laid on the table"' (Brooks, 2016, pp. 17–20). Despite the gag rule being enforced from 1836 to 1844, abolitionists continued to petition for national abolition in the District of Columbia, abolition in federal territories, a ban on new slave states, prohibition of slavery at federal forts and on the high seas, and prohibition of the extensive interstate slave trade.

## 4.5 The Free North's First Sanctuary for Runaway Slaves

In 1780, Pennsylvania passed the first gradual emancipation law in the North, and soon after, in 1785, it passed its first right of habeas corpus law, which authorised Pennsylvania judges to fully investigate the claims of slave owners in recaption cases (Morris, 1974, p. 10). Through its national and state-level policy advocacy, the PAS had established enough strength and capacity to usher in a new legal strategy that offered crucial protections, resources, and rights to runaway slaves (Newman, 2002, p. 39). PAS gained official incorporation in 1789 in the Pennsylvania General Assembly, opening greater access to decision-making in state politics and allowing PAS leader James Forten to directly appeal to the Senate of Pennsylvania for the 'unalienable rights' of all Black residents of Pennsylvania in 1813 (Adams, 1964, p. 92; Newman, 2002, p. 22).

Two weeks after the passage in 1820 of the Missouri Compromise, which raised national attention on the extension of slavery in federal territories and allowed Missouri to enter the Union as a slave state, PAS led a massive petition campaign directed at Pennsylvania's state legislature. The campaign succeeded in forcing state officials to adopt two laws that laid the legal foundation for the state to become a sanctuary for all Black people, including runaway slaves. The legislature passed an 1820 anti-kidnapping law that established a maximum sentence of 21 years of hard labour for kidnapping any Black person in the state and included seizing a man by 'force or violence' as an act of kidnapping. Next, it passed an 1820 law denying the federal government the right to use state officials in recaption, removed jurisdiction from 'alderman and justices of the peace over cases involving claims to run-aways,' and made it a misdemeanour crime for state judicial officials to participate in recaption under federal jurisdiction (Morris, 1974, p. 45).

Pennsylvania's sanctuary laws led to strong opposition from neighbouring slave states. Commissioners from Maryland drafted and introduced a proslavery bill to the state of Pennsylvania. However, PAS's high level of access to the Pennsylvania General Assembly ensured that abolitionists learned about the initiative from state leaders, who disclosed Maryland's efforts. PAS responded by organising a special meeting with two goals: to appoint a committee to draft new state legislation and another committee to deliver the bill to state leaders (Morris, 1974, p. 48). The result of these efforts was the passage of an 1826 law that shifted the state's approach to sanctuary from previously preventing state officials from aiding in recaption to acquiring full state control over the recaption process and making enforcement of fugitive slave law nearly impossible. The 1826 law created strict standards for issuing certificates of removal that were controlled by the state, established an equal protection clause making it a crime to seize any Black person without a warrant, and implemented PAS's amendment for securing state control over all Black residents within its jurisdiction (Morris, 1974, pp. 46–53).

Between 1830 and 1836, PAS resisted backlash legislation to repeal the 1820 and 1826 laws, and it prevented restrictive legislation from passing that would have banned Black immigration into the state (Morris, 1974, pp. 63–64). Access to the

state legislature allowed PAS to quickly form special committees and meet with state house and senate members to ensure that these laws failed. PAS also faced regular constraints on its offense strategy. In 1836, PAS led a petition campaign to secure jury trials for all Black residents, a specific protection that house leader William Meredith previously opposed in 1826. Meredith opposed the bill this time and threatened to enforce the harsher Fugitive Slave Law of 1793 if the jury trial bill passed (Morris, 1974, p. 85). PAS's bill was defeated 76 to 39, opposed by Democrats and Whigs.

In 1842, the Supreme Court placed the constitutionality of Pennsylvania's sanctuary laws into the national spotlight (*Prigg v. Com. of Pennsylvania*, 41 U.S. 539 (1842)). Four professional slave catchers—Edward Prigg, Nathan Bemis, Jacob Forward, and Stephen Lewis—seized Margaret Morgan in Pennsylvania in 1837 after completing pre-seizure procedures by making a demand for recaption to Pennsylvania state officials (Lasch, 2013b, p. 175). Morgan's former slave owner, John Ashmore, had allowed her to live freely, and in 1832, Morgan moved to Pennsylvania, where she married a free Black man and had one child. State officials refused to grant the slave catchers a certificate of removal, and the slave catchers responded by abducting Morgan and her child and taking them to Maryland. The Governor of Maryland extradited Prigg to the Governor of Pennsylvania for kidnapping after agreeing that the state of Pennsylvania would expedite the case to the U.S. Supreme Court for a uniform rule on extradition cases.

*Prigg* ruled that the federal government has plenary powers over federal fugitive slave law and that establishing any form of state interference in recaption was unconstitutional. Justice Story stated: 'it might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the states are bound to provide means to carry into effect the duties of the national government, nowhere delegated or entrusted to them by the Constitution' (*Prigg*, 41 U.S. (16 Pet.) at 616). The case ruled that states could not interfere in recaption, but provided no clear legal definition of what constitutes interfering. More significantly, *Prigg* ruled that while states could voluntarily aid in enforcing federal law, the federal government could not mandate that states enforce federal law.

Pennsylvania's 1820 and 1826 laws were ruled unconstitutional on pre-emption grounds. However, states continued to pass protections that were inclusive of runaway slaves and expanded on the model set by Pennsylvania's first 1820 anti-enforcement law. In 1847, Pennsylvania passed a new anti-enforcement law, anti-kidnapping law, and due process law of habeas corpus, authorising state judges to investigate recaption claims and conduct full hearings. This same year, the state passed a new abolition law, automatically freeing slaves in transit upon entry into the state. *Prigg* set limitations on what states could do legally to protect runaway slaves by preventing them from superseding federal control over recaption. At the same time, it set up a legal framework for Northern states to pass laws severing their institutions, officials, and resources from being used to enforce federal law. This framework enabled Northern states to grant all Black residents, including runaway slaves, the same level of rights and benefits.

## 4.6 Paving the Road for Abolition Sanctuary in Massachusetts

Massachusetts's abolition of slavery was unique from other Northern states: early on, abolitionist and Quaker movements successfully campaigned for private emancipation efforts, which virtually ended slavery in the state without official legal emancipation. By 1783, the year that the state's Justice Cushing in *Commonwealth v. Jennison* interpreted the state constitution as ending slavery in the state, nearly all slaves had been voluntarily emancipated. According to the U.S. Census of 1790, the state no longer had a single slave. This contrasted with Pennsylvania and New York, where slaves were counted as late as the 1840 Census. In addition to emerging as an early free Northern state, abolitionists in Massachusetts had strong early ties to state officials that allowed them to pass two anti-kidnapping laws and two due process laws between 1785 and 1788, protecting its free Black residents (Morris, 1974, pp. 11–12).

Importantly, Massachusetts was inactive between 1790 and the early 1830s on the question of runaway slaves. When prominent abolitionist leaders in the state emerged, different strategies for how to achieve abolition created stark divisions over the role of state-level sanctuary for runaway slaves. In 1831, William Lloyd Garrison began publishing *The Liberator*, marking the beginning of immediate abolitionism, which followed the motto 'No union with Slaveholders.' Garrison also formed the New England Anti-Slavery Society (NEASS) in 1832 and the American Anti-Slavery Society (AASS) in 1833, officially marking Massachusetts's entrance into a national leadership role. Garrison's immediatism articulated new ideas about freedom and formed a mass abolitionist movement across the North. Still, he also led NEASS and AASS to reject traditional forms of political activism essential to PAS's success in Pennsylvania (Laurie, 2005).

Between 1832 and 1835, tensions within Massachusetts's community of abolitionists led to a fracturing of NEASS (renamed the Massachusetts Anti-Slavery Society (MASS)) between Garrisonian abolitionists and Elizur Wright's political abolitionists. Garrison's opposition to pursuing incremental reforms through state and local legislation had prevented the progress that abolitionists saw in other states like Pennsylvania. Taking the lead in 1836, Wright's political abolitionist group within MASS led Massachusetts to pass a law automatically emancipating slaves brought into the state by slave owners, referred to as slaves in transit (Finkelman, 1981, pp. 101–125, 1985, p. 444). The next year, in 1837, Wright led abolitionists to successfully petition for a due process law providing all Black residents the right of trial by jury in the state.

During the state's 1838 election, Wright opposed Garrison's leadership by leading MASS members in a vote-scattering campaign. Wright's primary goal was to gain a foothold in the state's politics by convincing electoral candidates that his coalition of abolitionists was an important interest group. They threatened candidates to support anti-slavery and pro-Black policies by scattering votes to prevent electoral winners from emerging out of non-supportive candidates. Strategically,

these tactics had the chance of being highly effective due to Massachusetts's electoral rules, which required candidates to win a majority of votes. In Middlesex County, which had a large abolitionist population, vote scattering was successful and forced three election runoffs before a candidate won the required majority vote (Laurie, 2005, pp. 41–45).

Wright's abolitionist formally cut ties with Garrison's MASS in the early 1840s, which proved critical to the state establishing sanctuary over runaway slaves. On January 23, 1839, at the MASS annual meeting, Wright and Henry Stanton (a political abolitionist from New York) proposed a resolution requiring political activity from all MASS members. Garrison and his allies killed this resolution after a heated confrontation (Mayer, 1998, pp. 254–258; Thomas, 1963, pp. 266–269). Wright's abolitionists used this incident to cut their ties with MASS and form the Massachusetts Abolition Society (MAS) in Boston. Soon after creating MAS, Wright also established the state's Liberty Party as a formal organisation connecting abolitionists to state politics. Equipped with a new abolitionist organisational capacity and political strategy, Wright pressured the state legislature to enact state sanctuary laws through multiple political strategies, including large-scale petition campaigns, questioning candidates during elections, engaging in third-party politics via the Liberty Party, and mobilising around national events to showcase the horrors of slavery (Goodheart, 1990, pp. 106–108).

MAS's most significant success occurred in 1843 with the passage of the state's first anti-enforcement law. Wright's MAS and Liberty Party strategically mobilised behind two national events in 1842—*Prigg v. Pennsylvania* and the George Latimer Case—to build a support network and targeted petition campaign for new sanctuary legislation. In 1842, the Liberty Party won seats in a state election for the first time, which the coalition used as leverage. The confluence of factors, from Wright's newly organised coalition to the emergence of national events and wins in state electoral politics, led to the state's first sanctuary law being enacted.

*Prigg* offered abolitionists an important learning moment for how to avoid pre-emption challenges in drafting sanctuary bills. Seven months after *Prigg* was decided, MAS and the Liberty Party applied their knowledge in response to a local incident. Slave catchers arrested runaway slave George Latimer, who fled from Norfolk, Virginia, with his wife to Boston on October 21, 1842. Judge Joseph Story of Massachusetts ordered Latimer to be detained and asked for proof of ownership before ordering his removal under federal law. Facing a short window, the Liberty Party quickly established a Latimer Committee, purchased Latimer's freedom, and led a targeted state petition campaign called the 'Great Massachusetts Petition.' MAS and the Liberty Party sent Latimer petitions to every town in the state and, by the end, received over 64,000 signatures. It underlined three changes in state policy: to 'forbid all persons holding office' in the state from 'aiding or abetting the arrest or detention of any person claimed as a fugitive from slavery,' to 'forbid the use of our jails or public property. . . in the detention of any alleged fugitive,' and to separate Massachusetts from all connections with slavery (Latimer Committee, 1842). Wright's coalition mobilised around the *Prigg* and Latimer events to build support and set clear policy goals.

Ultimately, the third-party strategy and the Liberty Party's successes in the 1842 state election led to the Latimer policies being formally introduced in the state legislature. For the first time, the Liberty Party created deadlocks, including preventing a winner in the gubernatorial race, multiple House and Senate seats in the state legislature, and U.S. Congressional seats, all of which required candidates to win majority votes. Capturing six House seats in the state, the Liberty Party also prevented a majority win in the House, leaving Democrats and Whigs unable to elect a House speaker. Wright's coalition used its political seats as leverage to align themselves with House Whigs by agreeing to elect H.A. Collins (Whig) as speaker in return for Whig support in passing the 1843 anti-enforcement law (Laurie, 2005, p. 80).

Massachusetts modelled its 1843 law after Pennsylvania's 1820 law, banning all state officials and resources from being used to enforce the Fugitive Slave Law of 1793. This law clarified for the first time in the state that all Black residents were presumed free and under the protection of the state's early laws enacted in the late 1780s that included due process protections of habeas corpus, replevin and trial by jury, and an anti-kidnapping law. The year 1843 marked a significant transformation in Massachusetts into a Northern sanctuary, which required strong engagement in state politics.

## 4.7 Abolition Sanctuary Spreads

In the 1850s, Massachusetts took on a new regional leadership role of mobilising Northern states. A year after passage of the Federal Slave Act of 1850, the State Senate of Massachusetts organised a committee to issue a report and bill concerning the new federal law. The report stated: 'We regard the fugitive slave law, therefore, as morally—not legally, but morally—invalid and void. . . [and] the committee can see no moral difference between enslaving a white man and a black one, or a fugitive and one always free' (Parker, 1861, p. 28). The 1851 sanctuary bill did not pass. However, it was tabled and re-introduced in 1855.

In 1854, the Kansas-Nebraska bill expanded slavery and ended the lines drawn by the Missouri Compromise of 1820, sparking opposition throughout the North. At the same time, in 1854, Anthony Burns was detained by a slave catcher in Boston. During his hearing, a large group of abolitionists stormed the courthouse to physically remove and protect Burns from recapture. U.S. President Franklin Pierce sent over 2000 U.S. troops to enforce the Fugitive Slave Act of 1850, returning Burns to slavery.

Mobilising around these two events, MAS led a large petition campaign. Over 8000 individual petitions were sent to the state legislature's standing committee on Federal Relations. The petitions stated:

The undersigned citizens of \_\_\_\_\_ respectfully ask you to declare that any person who engages in arresting, holding or returning a fugitive slave—either as United States judge, commissioner, marshal, deputy-marshal, or in any other capacity whatever, or even as a

private citizen—shall be forever incapable of holding any office of trust, honor or emolument, whether such office be State, county, city or town office, unless relieved from such merited disgrace by pardon. And we also ask you to pass a law which shall punish with fine and imprisonment, any State, county, city or town officer, who shall, during his continuance in such office, aid, in any way, in arresting, holding or returning, a fugitive slave—whether such acts are apparently done in virtue of his office or otherwise. And also to punish, by fine and imprisonment, any claimant of an alleged slave, or any aider or abettor of such claimant who shall attempt to remove such alleged slave from this State, without his first having had a jury trial on the question of his slavery or freedom (Parker, 1861, pp. 32–33).

In 1855, the state re-introduced, amended, and passed the 1851 bill. Soon after, Massachusetts advised five Northern legislatures, which passed similar laws in 1855 to protect runaway slaves (Morris, 1974, p. 166; Rosenberg, 1999, p. 328). Massachusetts's sanctuary law became the most comprehensive package of laws in the North, with an anti-enforcement law forbidding state officials from enforcing the federal fugitive slave law, a strict anti-kidnapping law, and additional due process protections, including appointing special state commissioners to defend runaway slaves in court, placing the burden of proof on slave owners, and providing all Black residents with the right of habeas corpus, trial by jury, and testimony against whites (Morris, 1974, pp. 167–170).

## 4.8 Implications for Contemporary Abolition Sanctuary

American federalism and abolitionist movements were essential to the resistance against federal fugitive slave law by establishing sanctuary in Northern states for free Black residents and runaway slaves. Abolitionists debated engaging in state politics, but eventually, this proved critical to the development of Pennsylvania and Massachusetts as Northern sanctuary states. Personal liberty laws animate longstanding debates about abolition that are now shaping our understanding and theorising around contemporary immigration. An estimated 11 million immigrants living in the U.S. today are considered unlawfully present under federal law and targeted by a harsh immigration enforcement regime (Waters & Pineau, 2015, pp. 44, 61). Abolition is connected to contemporary immigrant rights by scholars and activists seeking to imagine a world without borders (Paik, 2020; Walia, 2013, 2021), but much of abolitionist theorising and conceptualising rejects the nation-state for being inhospitable to transformation.

This chapter on runaway slaves reveals how the tensions between abolition and the nation-state can be leveraged, especially in moments that spark national debate over the injustices of federal regimes. Abolition's antagonistic relation to the nation-state's existing violent regimes makes it crucial to bring abolition into the fight for reforms and nation-state building. Today, organisations like Detention Watch Network are leading in operationalising goals of abolition into specific policy reforms in their fight to end immigrant detention, a battle that requires engaging the nation-state (Ghandehari, 2022; Shah, 2022). In California, organisations like the

California Collaborative for Immigrant Justice and the Organizing Rooted in Abolition, Liberation & Empowerment (ÓRALE) are applying an abolitionist framework not only to anti-enforcement, anti-detention, and anti-deportation work but also to build robust and inclusive social safety nets and fundamental rights for all immigrants regardless of status. These contemporary examples illustrate how abolition can be applied to resist, abolish, reimagine, and rebuild the nation with life-affirming governing institutions and laws. Federalism opens radical space for abolition sanctuary and reimagining the nation-building project around the protection and rights of all people.

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# Chapter 5

## Protection and Charity: Refugeehood and Homelessness in North America in Historical Perspective



Laura Madokoro 

### 5.1 Introduction

Over the course of 2023, news stories across North America drew increasing attention to the plight of refugees and asylum claimants in overburdened shelter systems in Canada and the United States.<sup>1</sup> One story out of Toronto/Tkaronto<sup>2</sup> estimated a 500% rise in the number of refugees using the city's shelter system over the course of 2 years (Jones, 2023). In New York/Manaháhtaan, an estimated 100,000 people were using the city's shelters by the fall of 2023, double the number from the previous year. The system was described as 'broken' and Mayor Eric Adams, who assessed the situation as 'all downhill here from here', implored federal and state authorities to assist, submitting that the situation was beyond what the city could manage (Newman, 2023). The subtext of many of these stories was that not only was the shelter system inadequate, but that the number of refugees and asylum claimants (and migrants more generally) was a problem—as were the lack of solutions such as expedited work permits and adjudication processes (Ryan, 2023). The swirling forces that resulted meant that instead of a shared solidarity around the need for housing, fault lines were drawn between 'outsiders' and citizens. In focusing on the problem of 'outsiders' and implying difference and foreignness,

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<sup>1</sup>In this chapter I differentiate between 'refugees' who have been recognised as having legal status as such and asylum claimants who have applied for protection and are awaiting the outcomes of these processes. In this case, 'migrant' refers to all other categories of non-citizens regardless of conditions of entry or length of time in the country.

<sup>2</sup>Where possible, I also use Indigenous place names for cities as a discursive reminder of enduring and historic relationships.

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even sympathetic accounts impeded the possibility for solidarity around housing and shelter in urban contexts (White-Crummey, 2023).

The questions of solidarity explored in this book have become complicated over time in part because of the seemingly distinct needs of refugees and homeless or unhoused people. While there certainly are distinctions to be drawn (as this chapter will explore), activists and service providers have worked hard to collapse this divide in recent years, understanding that housing precarity is blind to immigration status. Services are increasingly holistic, even as providers simultaneously attempt to address the distinctive needs of new arrivals (Paradis et al., 2009; Sylvestre et al., 2017). Yet despite a recent history of dedicated beds in shelter systems for refugees and new arrivals in some jurisdictions, and legal obligations to provide shelter to all those who are homeless and unhoused in others, the number of citizens and non-citizens taking refuge on the streets or in encampments across North America has ballooned in recent years, with severe social, economic, and health consequences (Jenkinson & Hwang, 2001). As one community leader in Toronto/Tkaronto put it in the summer of 2003, ‘We are in need of great help. We need community leaders to step up, we need the [federal] government to step up, we need the province to step up. This is a national crisis’ (Radio Canada International, 2023).

In addition to the worrying impact of the lack of housing on those seeking shelter and refuge, there was also concern that the situation on the streets in major cities across North America would feed into increasingly pronounced anti-immigrant sentiments fanned by the actions of conservative politicians such as Ron DeSantis (Governor of Florida), Greg Abbott (Governor of Texas), and François Legault (premier of Quebec) who have worked actively to dissuade arriving migrants and refused any sense of responsibility for their plights (Kihara, 2023; Lachance, 2023). Such sentiments ballooned during and in the aftermath of the 2024 U.S. election campaign, stemming from immediate, populist pressures as well as long-standing jurisdictional conflicts over the power and authority to regulate and control borders (Day, 2016).

In considering how these foundational factors have influenced the rhetoric around responsibility to refugees and unhoused people in the present, this chapter explores the history of homelessness across North America with a focus on Canada and the city of Montreal/Mooniyaang/Tiohtià:ke by way of example. The chapter turns first to the conceptual distinctions in the existing academic literature between homelessness and refugeehood before exploring the history of immigration legislation as it pertained to ‘paupers’ and ‘vagrancy’ to demonstrate how economic need could lead to refused admission, including for refugees, or to deportation. It then explores how economic need, particularly in terms of housing, was relatedly construed in terms of individual shortcomings with only a gradual and reluctant shift in the late nineteenth century to considering some form of state responsibility for assistance. These explorations are undertaken largely through an examination of archival sources and relevant secondary literature. At the same, this work has also been undertaken with my own downtown neighbourhood in mind. In recent months, there have been heated discussions about homelessness and safe injection sites. I have been struck again and again by the observations from social workers and police

officers that the people involved come ‘from elsewhere’, as if this should make a difference in how residents feel about the problems they are witnessing or experiencing.

Keeping in mind the social weight that notions of the ‘outsider’ implies, this chapter argues that the current discourse around refugees and migrants as burdens when it comes to housing and social assistance echoes previous moments of heightened anti-immigrant sentiment during times of economic duress, most notably during the Great Depression. It contrasts this situation with the use of the historic Refuge Meurling in Montreal/Mooniyaang/Tiohtià:ke to house arriving refugees from Laos, Cambodia, and Vietnam in the late 1970s, and the attendant charitable discourse that evolved in this period. The chapter concludes by returning to the considerable challenge in addressing housing needs for refugees and asylum claimants (and migrants more generally) today. It notes the impact of current immigration systems where there is an almost singular emphasis on the potential economic contributions of refugees and migrants. This, at a time of persistent and increasingly vocal anti-immigration sentiments. In this context, the chapter finds that solidarity is all the more necessary—and all the more difficult—as a result of structural and conceptual differences that keep people apart (Bauder, 2022).

## 5.2 On Homelessness

Despite obvious connections in terms of loss and uprootedness, the history of homelessness and the history of refugeehood are rarely treated within a single analytical frame. This disjuncture is understandable on some levels and problematic on others. For instance, because the genealogy of each phenomenon is understood differently, so too are questions of responsibility for providing assistance and relief. Refugees are generally understood as a manifestation of a failed state (including imperial states) or a shortcoming of the nation-state system as a whole (Haddad, 2009). By contrast, conditions of homelessness or the plights of unhoused people are perceived as the product of economic forces and inadequate social supports, or individual shortcomings. In Canada and the United States, there are also important jurisdictional differences. In both countries, migration has historically been a federal responsibility, while more local governments have attended to issues such the provision of shelter. Despite these legal and conceptual differences, there are many obvious parallels and connections, most notably in terms of how quickly the conditions of both groups of people are equated with being a ‘problem’ (Simpson, 1938). As a result, in an urban context, where ‘space is shared’ it makes sense to consider the landscape of fear, insecurity, mobility, displacement, and charity beyond the experiences of distinct groups in order to better understand the full spectrum of experiences (Gilliland & Olson, 1998, p. 4).

Scholars emphasise the heterogeneity of homeless populations historically as well as the manner in which the causes, perceptions, and responses to homelessness have changed over time. As Erin Dej (2020) notes, ‘People experiencing

homelessness, while physically and symbolically excluded in many ways, shift between varying degrees of inclusion and exclusion.’ Yet scholars have also sought to trace the connections between past and present-day insecurities. Historians Marcela Aranguiz and Jean-Marie Fecteau, for instance, describe ‘a red thread throughout history’ that links ‘poverty and mobility, combining structural unemployment and temporary shelter, tuning the words “work” and “residence” to the syncopated rhythm of precarity’ (translation by author, Aranguiz & Fecteau, 1998, pp. 83–84).

Generally speaking, homelessness in North America and elsewhere is associated with the rise of industrial capitalism in the 1870s and shifting economic structures that both drew people to industrial centres in search of labour and rendered it difficult to obtain the necessary housing. In the United States, there was also a particular strand of homelessness associated with the end of the Civil War when ‘armies’ of so-called hobos ‘roamed’ the country (DePastino, 2003, p. 82). Yet it is precisely because of the changing nature of homelessness over time that providing a clear and quantifiable definition of homelessness as a phenomenon can be challenging (Ferrell, 2018). As historian Todd DePastino explains:

‘homelessness’ is a term whose meaning depends entirely on the specific historical conditions of its use. It has therefore denoted different things to different people at different times. Sometimes its meaning is quite narrow, as in contemporary references to shelterlessness. At other times, the term has signified the dispossession of particular kinds of property, the estrangement of men from the feminine realm of nurture, or the condition of alienation associated with the rise of modernity (DePastino, 2003, p. xviii).

In 1933, when sociologist Nels Anderson attempted the first census of homelessness in the United States, he identified a homeless person as ‘a destitute man, woman or youth, either a resident in the community or a transient, who is without domicile at the time of enumeration.’ The proffered definition also suggested that ‘such a person may have a home in another community, or relatives in the local community, but is for the time detached and will not or cannot return’ (cited in Kusmer, 2001, p. 13). This definitional approach meant that ‘a homeless person could be either a permanent resident of a community or a traveller, that the condition of homelessness could either be voluntary or involuntary, and that family relationships were significant in determining whether or not a person became homeless’ (Kusmer, 2001, p. 15).

In the city of Montreal/Mooniyaang/Tiohtià:ke, homelessness and pauperism first emerged as a perceived problem in the 1820s. In 1822, the municipality introduced regulations to curb the number of homeless people in the streets. These proved rather ineffective and by 1835 a number of complaints were recorded (Aranguiz & Fecteau, 1998, p. 85). But structural solutions remained elusive and the problem of ‘modern homelessness’, which was bound up with industrialisation and urbanisation, persisted (Aranguiz & Fecteau, 1998, p. 84; Bacher & Hulchanski, 1987, p. 148). The problem was partly the product of how homelessness was initially understood, namely, as a deficiency of character rather than a structural issue. This perspective led the Government of Canada to introduce laws against vagrancy in 1869. The crime of vagrancy was incorporated in the Criminal Code in 1892. This mirrored efforts in other North American jurisdictions. For instance, in 1866 the

State of Virginia passed An Act Providing for the Punishment of Vagrants. The result was that people were criminalised for not having a home (Bacher & Hulchanski, 1987, p. 148).

At the same time, increased urban migration in the late nineteenth century and the sheer number of people on the move gradually encouraged observers to think of vagrancy and homelessness as part of broader social and economic phenomena (Aranguiz & Fecteau, 1998, p. 92; Kusmer, 2001, p. 21). The result was the growth of charitable relief efforts in the form of soup kitchens and eventually shelters such as the Montreal Protestant House of Industry and Refuge, Saint Bridget's Refuge, the Old Brewery Mission, the Refuge de nuit de l'Union Française, the Refuge Ouimet, and the Accueil Bonneau. The first municipal shelter in Montreal/Mooniyaang/Tiohtià:ke, the Refuge Meurling, opened in 1914. Reflecting Victorian-era mores that emphasised the need for personal reform in the face of industrial upheaval (Valverde, 2008), these shelters were seen as sites where an individual's character could be improved. Albert Chevalier, who was instrumental in the founding of the Refuge Meurling, once said of the homeless population the institution served:

*The vagrant is a social refuse!*

*Should we utilize him? Yes, we should do our utmost in order that he may be of some use since we cannot cure him. The refuse is and will remain a refuse; it is our social lot, the result of our growth and of our constant progression. It is, therefore, our duty to employ the vagrants, to direct them, to subject them to a rule which will replace the will which they lack and make them useful to society; we will thereby improve these social wrecks or at least prevent them from doing any harm (Cited in Aranguiz & Fecteau, 1998, p. 92).*

Such approaches compounded the considerable stigma that marked homeless and unhoused populations in these years. As one historian observed, 'Attitudes toward work, idleness, inequality, and benevolence have all been connected in some way with the homeless, (which) in different guises have represented alienation and failure in a society that has long worshiped upward mobility and success' (Kusmer, 2001, p. 20). These sentiments endure in the present. Crucially, they have also been extended to other groups. In our contemporary context, discussions of the 'refugee problem' often mean that individuals are blamed for their displacement while conditioning circumstances are ignored. As the discussion below of the evolution around conceptions of refugeehood shows, there are important parallels and divergences in how perceptions of causality and any sense of responsibility have progressed over time.

### 5.3 On Refugeehood

The idea of refugeehood—that is, of becoming a refugee or of someone living in displacement—has evolved across the centuries. The long history of refugeehood is generally acknowledged in stories of religious persecution from Ancient Rome and

Greece, the story of Exodus (among others) in the Bible, and later as experienced by Jews in Spain and England in the fifteenth and sixteenth centuries or French Huguenots in the seventeenth century. With the emergence of the nation-state system, the nature of refugeehood changed somewhat with new forms of persecution, alienation, and displacement resulting from efforts to create homogenous nation-states, as demonstrated during the interwar era with the transfer of minority populations under the League of Nations mandate (Robson, 2017). The rise of Nazism resulted in millions of Jewish refugees, and the post-Second World War era saw additional forms of displacement as states attempted to resolve the 'problem of people' (Mark, 2007, p. 1145).

The foregoing descriptions slip easily from religious persecution to state persecution on various grounds. Central to the question of both religious and state persecution is the idea of otherness, or of unbelonging. This notion has been crucial in explaining both the root causes of refugeehood and also how people have responded to displacement across the ages. Beginning in the seventeenth century, displacement became most noticeable when it occurred across imperial or national borders, though in recent decades the notion of internally displaced people (people displaced within state borders) has also become part of the policy nexus in which humanitarian and state actors respond to displacement. It has also been central to how refugees have been defined in national and international terms with a key factor being the issue of citizenship, or the lack thereof, as well as the question of persecution (as enshrined in the 1951 Convention Relating to the Status of Refugees).

The 1951 Convention's definition of a refugee hinges on notions of persecution and citizenship yet was penned in a deliberately narrow manner, provoking subsequent discussions amongst policymakers, humanitarians, and later scholars about the extent to which a refugee can truly be defined universally. There are crucial historical contingencies that shaped the particular, limiting definitions of refugeehood in international law as they exist in the present (Madokoro, 2022). As studies of forced displacement have shown, considering the experiences of internally displaced people, including citizens, can challenge notions of who is a refugee and what constitutes a refugee experience. This challenge is particularly important in the context of White settler societies where, as historian Elizabeth Ellis observes of many Indigenous experiences, it was the border that did the crossing and displacing (Ellis, 2018).

In addition to the complex history surrounding the mobility of Indigenous peoples, the enforcement of state borders, and the question of displacement, the idea of citizens as refugees has also proven particularly anathema to how governments in Canada and the United States have conceived of any notion of responsibility for these displacements. There is a very strong sense that refugees come from elsewhere, hence suggestions of displacement and persecution within these national borders, particularly as they involve Indigenous peoples or racialised citizens, have proven contentious. In 2005, there was a vocal outcry when victims of Hurricane Katrina in New Orleans were described in the media as 'refugees'. In response, there was a furious defence of their citizenship and an insistence on their Americanness (Madokoro, 2020). The fact that those who were hardest hit when the

dikes broke were African American hints at the crux of the debate: denying citizenship, even rhetorically, diminished already fragile claims on state and federal relief. Countries such as Canada and the United States have generally depicted themselves as havens for refugees and therefore find it incongruous to think of themselves as creating refugee situations. This conceptual disconnect—and the normative ambitions around being countries of plenty—may explain some of the resistance to seeing experiences of homelessness as part of the contemporary fabric of North American society rather than as the product of exceptional moments of crisis (Radio Canada International, 2023).

As the foregoing argument suggests, understandings of homelessness and refugeehood have different conceptual origins and perceived solutions. Yet it is striking that the threads of displacement, loss, uprootedness, marginalisation, social ostracisation and ‘exclusionary statuses’ can be woven around and through both categories of experience (Dej, 2020). As Isabel Kaprielian-Churchill (1990, p. 85) observed of the early twentieth century, refugees were often viewed as ‘recipients of international charity’ and ‘beggars of the world’, encouraging states to refuse responsibility on economic grounds. Here, mobility and marginalisation become crucial points of intersection. Migrants and homeless or unhoused people share a history of mobility (albeit at different scales), which is sometimes perceived as highly threatening to the established social order. In nineteenth-century America, for instance, the homeless were so visibly mobile that they were described as the ‘wandering poor’ (Kusmer, 2001, p. 13; Bacher & Hulchanski, 1987, p. 148).

Studies of hoboism, tramping, and ‘the road’ all emphasise the mobility of homeless populations (DePastino, 2003). Sometimes this mobility manifested itself on a national scale, with an estimated 70,000 ‘single homeless unemployed males’ in Canada in 1932 described as ‘drifting about the country in search of work’ (Bacher & Hulchanski, 1987, p. 152). On a more local level, cities also invited considerable mobility within and beyond, in terms of evolving households and movement to and from urban spaces (Gilliland & Olson, 1998, pp. 7–8). Mobility is part of any urban history. However, mobility has not always been seen in a positive light. Beginning in the late nineteenth century, migrant populations, and specifically foreigners, were blamed for homelessness in various urban contexts (Kusmer, 2001, p. 23; Montreal Gazette, 1904).

## 5.4 Exclusion by Design

There is a great deal that connects histories of homelessness and unhoused people with those of refuge and displacement. Their shared marginalisation, either across international borders or within spaces, points to a common experience of what Erin Dej (2020) calls a ‘complex exile’. Yet the impulse to assist, if at all, is rooted in different outlooks. For example, scholars have observed how notions of the ‘stranger’ and of ‘foreignness’ invite charity at a distance, while some kind of visible affinity or proximity is generally what leads to charity at home (Ahmed, 2013;

Ignatieff, 2001). Crucially, although refugees and unhoused people are sometimes one and the same (Bruemmer, 2015), and although they share many conceptual connections as outlined in this chapter, the societal response to their situations has often been quite different, creating a delicate situation in terms of the possibility of solidarity amidst the cacophony of urban life and jurisdictional conflicts. As this chapter will now explore, there is a deep divide in how approaches to refugeehood and homelessness have developed historically. The governments of settler societies such as Canada and the United States have long designed immigration programmes to ensure that arriving migrants would not be an economic or social burden. Non-citizens could therefore be deported if they were deemed a public charge, unlike citizens who had a basic, if often fragile, claim on some kind of state or charitable assistance.

In *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy*, a ground-breaking analysis of immigration policies in the nineteenth-century United States, historian Hidetaka Hirota (2016, pp. 2–3) demonstrates how the states of New York and Massachusetts, in an effort to ‘reduce pauperism...built upon colonial poor laws for regulating the local movement of the poor to check the landing into the state of destitute foreigners.’ As Hirota shows, this effort was not an isolated incident. Rather, it was central to how immigration was structured in the United States. As, in other settler societies, fears about migrants as economic drains or burdens (along with questions of race and gender) led to the evolution of immigration policies, laws, and regulations that shaped notions of desirability. Importantly, early immigration legislation limited the need for shelters by simply returning non-citizens or subjects to their homelands (this practice required detention facilities not urban lodgings).

In the Canadian context, early immigration legislation also targeted economically destitute migrants. The 1869 Immigration Act was designed to encourage migration to the newly confederated nation, however Section 16 made particular reference to ‘Pauper Immigrants’, denying their entry until sufficient funds could be provided by the shipmasters’ ‘for their temporary support and transport to their place of destination.’ This clause was not a full-out refusal and did not lead to deportation, but it did mean that transportation companies were responsible for ensuring that people had sufficient funds so that they would not become destitute upon their arrival in Canada. This may have prevented the boarding of certain passengers and deterred others from even attempting to make the passage.

The Canadian state’s concern about economic well-being was further reflected in subsequent legislation, most notably in the 1906 Immigration Act, which made poverty a barrier to entry. Section 28 stated explicitly:

No immigrant shall be permitted to land in Canada who is a pauper, or destitute, a professional beggar, or vagrant, or who is likely to become a public charge; and any person landed in Canada who, within 2 years thereafter, has become a charge upon the public funds, whether municipal, provincial, or federal, or an inmate of or a charge upon any charitable institution, may be deported and returned to the port or place when such immigrant came or sailed for Canada.

In other words, not only were people who were economically destitute denied entry but anyone who became destitute and relied on public relief within two years of their arrival also risked deportation. This law had the effect of sending away people who might be homeless or unhoused, thereby eliminating a potential imposition on the limited shelters available in this period. Crucially, this legal approach, reinforced in the 1910 Immigration Act, provided the federal government with a tool to exclude refugees and refuse any attendant obligation to assist. In 1921, J. A. Calder, the Minister of Immigration and Colonisation declared in the House of Commons:

... there are in the big cities, in the small cities and in the ports of Europe, hundreds of thousands of people awaiting entry into either Canada or the United States. Many of those people are war refugees: many of them have lost everything they had in the world, and are looking out over the world to find a new country in which they can make a home. Many of them are penniless; they simply endeavor to scrape together what they can to get out to some new country. They are weary of Europe and all that it means to them, and they want to get away. We have set up two restrictions in an endeavor to hold back that flood (cited in Kaprielian-Churchill, 1994, p. 294).

To 'hold back that flood' the federal government continued to demand a \$250 landing fee, established under the parameters of the Immigration Act. The goal was to prevent dependence, and the Canadian state initiated this work beyond its borders, refusing to accept any migrants who were not sufficiently funded from embarking. In 1922, Frederick C. Blair, the Assistant Deputy Minister for Immigration and Colonisation, maintained that refugees had a 'lack of ability to finance themselves either for passage or settlement.' As a result, they would require 'an advance of funds on the part the Canadian Government' in 'any scheme of assistance.' Blair contended that 'a refugee coming to our shore...naturally would have to be housed, fed and found employment or become permanently a public charge.' In this vein, Blair insisted that refugees would inevitably be 'a permanent problem to Canada' (Kaprielian-Churchill, 1990, p. 85).

Legislation on the exclusion of paupers or impoverished migrants was particularly useful to the Canadian state in the context of the Great Depression of the 1930s where immigration legislation was again used to curb any sense of economic dependence or demand on the state. As historian Sonya Roy (2019) has shown, the question of migration and relief was pronounced in Montreal/Mooneyaang/Tiohtià:ke as many unemployed migrant men made their way to the city in this period. The city was home to the headquarters of the Canadian Pacific Railways as well as major banks and financial institutions, and for many it seemed like the most logical place to find employment. As Roy has demonstrated, however, employment was scarce and people regularly turned to local charities and municipal authorities for assistance. In response, the city council developed targeted relief programmes that favoured city residents over arriving newcomers (Roy, 2017). In tandem, the federal government pursued aggressive deportation policies in the wake of the 1929 financial collapse and the economic turmoil that followed. By the summer 1930, following considerable municipal pressure, the federal government worked to deport on the basis of unemployment, often with little regard as to whether or not someone had become a public charge and contrary to official pronouncements on this subject

(Roberts, 1988, pp. 62, 162). As a port city, Montreal/Mooniyaang/Tiohtià:ke was central to the Canadian version of what U.S. historian Adam Goodman describes as the ‘deportation machine’ (Goodman, 2020).

Historically then (and aligning with the practices of other White settler societies), the Canadian state used immigration policies to limit any sense of charity or responsibility for those in need. Over the years, this limitation has been reinforced in policy and practice as well as in the law, although contemporary iterations are not as harsh as the earliest incarnations of federal immigration statutes. For instance, under the 2001 Immigration and Refugee Protection Act, people are inadmissible for financial reasons but social assistance is meant to be available to all. Section 39 declares:

A foreign national is inadmissible for financial reasons if they are or will be unable or unwilling to support themselves or any other person who is dependent on them, and have not satisfied an officer that adequate arrangements for care and support, other than those that involve social assistance, have been made.

As such, social assistance is now part of the solution available to new arrivals. However, as the strains in existing support structures become more obvious, particularly in terms of housing, the enduring tensions between citizens and non-citizens in this respect are also becoming more pronounced.

## 5.5 Refugees and the Refuge Meurling

In an echo of the nineteenth-century focus on individual shortcomings in the face of considerable economic upheaval in the age of industrialisation, there is a sense that the people seeking shelter in the present are to blame for their circumstances, with little regard for the considerable economic and political upheaval taking place globally in an era of war, climate change, and neoliberal economic policies. The result has been increased cross-border migration and displacement, with an estimated 108.4 million displaced worldwide in 2023 (UNHCR, 2023).

The question of migration and housing needs has led to discussions about the appropriate number of migrants who should be admitted on an annual basis and the nature of housing and social supports. The federal government in Canada, for example, recently mused that there were too many international students in the country and subsequently curbed the education stream to address the current housing shortage. Critics immediately objected to this approach, wondering about the government’s focus on this particular group when so many structural issues were being simultaneously ignored (Su et al., 2023).

The recent focus on international students is revealing in terms of how states attempt to control and regulate migrant bodies, both in terms of numbers but also in terms of social integration. Indeed, at the core of many of the discussions around charity and protection for refugees, asylum claimants, migrants, unhoused and homeless populations is a desire to control and regulate—and the pervasive

impossibility of doing so. It is therefore striking to see historical examples of rare instances when governments have used the intersection of refugee resettlement efforts and homeless shelters to construct a narrative of charity, benevolence, and belonging.

As noted previously, the Refuge Meurling was established in Montreal/Mooniyaang/Tiohtià:ke in 1914. It was the city's first municipal homeless shelter. The result of a financial gift from the French financier Gustave Meurling, the original refuge had dormitory capacity for 650 people. As noted previously, it played a crucial role in sheltering people over the years and was especially important during the Great Depression. Iconic photos from the period show lines of men waiting to enter the shelter for food and a place to sleep (Fig. 5.1). In 1933, at the height of the economic crisis, the Refuge Meurling housed 204,489 people over the course of the year (over 500 people per night) and served 435,518 meals (Benoît, 2012). In 1956, the shelter moved to the east end of the city where it became a rehabilitation centre with the idea that people should work for any assistance they received, described as 'workfare' by one journalist (Kalbfleisch, 2017). It eventually became a drug addiction centre and by 1984 it was transformed into a social housing project with 27 units.

Crucially, at one point in its history, the centre also provided temporary accommodations for refugees arriving as part of the Canadian state's resettlement efforts in the wake of the US War in Vietnam. A combination of private and government initiatives, in which groups of Canadians sponsored and supported refugee families



**Fig. 5.1** Refuge Meurling, 1933. [Source: Archives de Montréal (Public domain)]

for up to a year, the resettlement efforts of this era led to an estimated 60,000 people arriving in Canada from 1979 to 1981 from Vietnam, Cambodia, and Laos. During this brief period, the former Refuge Meurling was used to house new arrivals, many of whom were fleeing the turmoil of war, economic reconstruction, communist persecution in Vietnam and Laos, and the rise of the genocidal Khmer Rouge regime in Cambodia. Although the centre was often only mentioned in passing as the former Refuge Meurling or the Meurling Rehabilitation Centre for Vagrants, it was nevertheless regularly highlighted as a ‘stopover’ where people went to wait before meeting ‘their private sponsors’ (McKeough, 1979, p. 3). In an instance of jurisdictional collaboration in the social realm, it was funded by both the City of Montreal and the provincial government of Quebec and could house up to 60 people on the expectation that most refugees would be there for only 2–3 days.

There was widespread interest in the resettlement efforts and the centre provided an easy focal point for journalists seeking to access stories of flight, survival, and resilience. Numerous articles featured the experience of newly-arrived refugees, complete with photographs of families in austere circumstances (Fig. 5.2). Crucially, the tenor of this coverage was abundantly positive with an emphasis on opportunity and the future.

In the background to these celebratory discussions, however, debate continued over repurposing the Refuge Meurling and the usefulness of this site in helping with the settlement and integration process (Laprise & Girard, 1979). The other notable aspect of these discussions was the repeated emphasis on the transitory nature of these stays; of how the refugee families were only going to be in the shelter for a short time before being supported by private sponsor groups and presumably



**Fig. 5.2** Image of newly refugees from Vietnam at the repurposed site of the former Refuge Meurling. “19 janvier 1980”, BANQ Vieux-Montréal, Fonds La Presse, (06M, P833, S5, D1980-0024), Armand Trottier

making their way in Canada along an upwardly mobile trajectory. They were not to be publicly housed; nor were they to be homeless. In the structuring of their stays at the former Refuge Meurling, and in the news coverage that followed, there was a very clear sense that refugees who were sanctioned and supported by the Canadian state and Canadian society should not be in shelters for very long, even ones that were no longer designated as such. Significantly, it was a resettlement effort and an accommodation story that the Canadian state could control in broad terms, unlike the situations that multiple levels of governments have confronted in recent years. It bears mentioning, on a related note, that in the United States in the 1980s when the Sanctuary Movement emerged to aid and protect refugees from Central America fleeing the 'dirty wars' in their homelands, many people found their way to Casa (Oscar) Romero in Texas where they were given provisional shelter. This activity was divisive within the local community, with many people alleging that supporters were encouraging illegal economic migration. When Casa Romero ceased operating as a refuge for migrants in 1986, it became a shelter for the homeless and the unhoused, exhibiting in concrete terms some of the connections theorised in this chapter and the ease with which sites have been purposed and repurposed historically.

## 5.6 Conclusions

Over the course of 2023, the number of migrants, refugees, and asylum claimants in homeless shelters across North America grew significantly. The scale of the situation created novel dynamics, however it is worth underscoring that migrants have always comprised a percentage of the urban homeless and unhoused populations across North America. The phenomenon of non-citizens in shelters was not new, nor was the attendant anti-immigrant rhetoric (Kusmer, 2001, p. 22). Rather, these historic phenomena have simply become more pronounced in recent years as communities at multiple scales have negotiated the impact of an increasingly unsettled world. Questions of responsibility, at what level, and in what form have loomed large in these discussions, as have generalised sentiments that regularly outsource the causes of displacement and homelessness and related notions of responsibility.

As this chapter has shown, there are significant conceptual and applied differences in how the experiences of migrants, refugees, asylum claimants, and people who are homeless or unhoused have historically been treated by various segments of society, including different levels of government. Crucially, immigration regimes among White settler societies were originally structured to exclude people who might present a social burden or resource drain. Governments exercised these powers intensely during periods of economic crisis, most notably during the financial turmoil of the 1930s, as shown in the exploration of the policies and practices in the city of Montreal/Mooniyaang/Tiohtià:ke from this era. At the same time, governments have sometimes used homeless shelters as a way of conveying larger messages about the place of migrants in any given society and expectations around

charity and benevolence. Again, turning to Montreal/Mooniyaang/Tiohtià:ke as an example, this chapter noted the use of the former Refuge Meurling as a site of accommodation for arriving refugees from Vietnam, Cambodia, and Laos in 1979 and 1980. The use of this site was only mentioned in passing in contemporary news coverage yet the symbolism loomed large due to the emphasis on the determinedly temporary nature of the accommodation. In the case of Casa Romero in Brownsville, Texas, there was a palpable shift in perceptions in 1986 as it moved from offering shelter to arriving refugees and migrants to caring for unhoused and homeless people in the community.

Indeed, given discussions about the burden of refugees and asylum claimants on housing support systems and historic efforts to prevent non-citizens from accessing these resources, we can see how the symbolic significance of moving in and out of shelter spaces serves to reinforce presumptions about where people belong and for how long. Although the histories of refugeehood and homelessness are often treated as entirely distinct phenomenon, in thinking through how both groups have been characterized by mobility and marginalisation, we can see the palpable need for urban solidarity. This potential is nevertheless curbed by the barriers that migrants, refugees, and unhoused people confront in urban contexts—both in terms of structural differences and variations in legal status, but also in terms of how societies think about their responsibilities vis-à-vis citizens and non-citizens, and those who are housed or unhoused. Cities can be hostile places in part because of the broader legal frameworks and jurisdictional conflicts that influence notions of responsibility at various state levels. However, they can also be incredible sources of strength and solidarity because of the intimate ways in which people move, live, and navigate complex urban environments.

Crucially, for residents and activists and those in need of some kind of support, it is perhaps precisely by recognising differences, and the sedimented historical practices that shape approaches to refuge and protection in the present, that meaningful solidarity can become possible. As this chapter has shown, refugees and people who are unhoused or homeless have much in common in terms of how they have been treated historically and how societies marginalize them in the present. Yet there are also key differences in terms of the structural barriers they must overcome. These differences should not be glossed over. Rather, they need to be recognised and addressed so that the artificial and fickle divides between citizen and non-citizen that ultimately shape notions of responsibility and appropriate action can be overcome.

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# Chapter 6

## A History of Migrant Solidarity from Below: Chinese Migrant Organisations in Nineteenth-Century Lima



Omar Lujan 

### 6.1 Introduction

On February 2, 2022, Peru's official newspaper, *El Peruano*, enthusiastically reported on the vivid celebrations of the Chinese New Year in Lima's Chinatown. The article described long queues outside Chinese stores, acknowledged the presence of local police guarding the celebrations, and noticed the excitement of bystanders taking pictures with Peruvians of Chinese descent wearing traditional Chinese clothing (Vadillo, 2022). However, public acceptance of Chinese culture, businesses, and community contrasts sharply with the social exclusion experienced by the first Chinese residents of Lima who arrived in Peru 175 years ago as indenture servants. During the nineteenth century, Chinese migrants in Peru were subjects of physical abuse and exploitation by Peruvian landowners, were often discriminated against by local authorities, and became common targets of ill-treatment and humiliations by members of the general public (De Trazegnies, 1995; Rodríguez Pastor, 1989). In Peru, Chinese migration has been the subject of public commemoration, often underscoring Chinese migrants' ability to contribute to the country's agriculture (Rodríguez Pastor, 2000), commerce (Derpich, 2000), and culture (Lausent-Herrera, 2000) despite of the complex challenges they faced as newcomers and racial minorities.

This chapter contributes to the migrant solidarity literature by presenting a bird's eye view of how Chinese immigrants in Lima institutionalised avenues of solidarity and mutual aid from the mid to the late nineteenth century. It highlights the organisational capacity of Chinese migrants in Lima to advocate for themselves, provide essential services, and develop a sense of community. Migrant solidarity is thus presented in this chapter as the institutionalised forms of mutual aid and

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camaraderie between Chinese migrants. This chapter positions itself as part of the ongoing efforts of the urban solidarity literature to study migrant solidarity from below, a form of solidarity ‘produced through alternative and inclusive social and spatial practices [which] has the capability of generating new social bonds and expanding the space for participation’ (García Agustín & Jørgensen, 2021, p. 859). This chapter also contributes to the efforts of the solidarity literature engaged with the ontological and normative bases of the concept of solidarity and the conceptualisation of migrant solidarity as a transformative social practice (Bauder & Juffs, 2020). Specifically, it proposes the Confucian virtues of filial piety and humanness as ethical principles conducive to further conceptualise migrant solidarity as a mutually constitutive practice of self-cultivation and social transformation.

## 6.2 Methodology

This chapter is based on primary and secondary research. The primary research consisted of archival work conducted in Peru’s Library of Congress, Peru’s National Library, and Lima’s Office of the Public Registry between June 1 and August 28, 2008. The National Library has the largest collection of records on migration to Peru, Lima’s public registry has the official registrations of organisations and societies funded in the city of Lima, and the Library of Congress holds records of laws and presidential decrees passed in the nineteenth century, including all legislature on migration. I selected these three institutions as their archives were ideal for gathering original historical evidence about Chinese immigration.

I was granted access to Peru’s Library of Congress where I was able to obtain copies of Peruvian laws, decrees, and newspaper publications related to Chinese migration from the nineteenth century to the early twentieth century. In Peru’s Library of Congress, I transcribed directly from historical texts, using the library catalogue and services to obtain digital copies of Peruvian laws and decrees on migration during the nineteenth century. Similarly, I registered as a researcher with Peru’s National Library and used its catalogue and library services to obtain nineteenth-century and early-twentieth-century publications on Chinese community organisations in Lima as well as material published by Chinese community organisations in that period. At Peru’s National Library, I transcribed directly from historical texts and requested digitalisation services for key historical documents. Lastly, I obtained the public records of Lima’s Chinese mutual aid associations from Lima’s Office of the Public Registry. All research was done in person and access to all material was conducted by obtaining the necessary permits of these three institutions. I conducted all transcriptions of historical documents in Spanish and translated them into English for the purpose of this chapter.

The data gathered from historical documents was analysed thematically by coding the data to organise it and develop narratives. Coding was informed by the data and by seeking patterned regularities in the institutionalisation of Chinese migrant solidarity and mutual aid. In addition, I conducted secondary research on academic

literature on Chinese migration to Peru and decoloniality in migration studies. I used the online library catalogue of Queens University during the period I conducted the archival research in 2008 and the online library catalogue of the Toronto Metropolitan University in 2023.

### **6.3 Chinese Migration to Peru, Racial Discrimination, and Exploitation**

#### ***6.3.1 Chinese Migration***

Between 1849 and 1874, approximately 100,000 Chinese ‘coolies’ arrived in Peru, making it the largest foreign population in the country and transforming Peru into one of the main recipients of Chinese labourers in the Western hemisphere (Lausent-Herrera, 1994). Chinese coolies were indentured servants brought to Peru to work as labourers in plantation agriculture and the guano islands (De Trazegnies, 1995). Like the coolie trade in the Spanish colony of Cuba (Yun & Laremont, 2001) and in the British West Indies (Lai, 1987) at the time, Chinese indentured servants were brought to Peru as an alternative to African slaves. After the abolition of slavery, British firms played a dominant role in the financing and transportation of Chinese indentured servants to Peru (Gootenberg, 1991) to work on sugar cane and cotton plantations. After their contracts expired, many former Chinese indentured servants moved to Lima, engaging in a variety of commercial activities, and founded a significant number of community organisations (Rodríguez Pastor, 2000; Hu-Dehart, 2006). The arrival of Chinese coolies constitutes the first wave of Chinese migration to Peru and marks the beginning of the Chinese presence in Lima.

The second wave of Chinese immigration to Peru occurred between the turn of the century and the 1930s and was ‘composed largely by businesspersons and independent workers’ (Derpich, 2000, p. 17). Most of these new migrants settled in Lima, where they opened important commercial firms and helped transform the Chinese migrants into a more dynamic and business-oriented community. Most of Chinese organisations and cultural centres in Lima were founded during the first wave of Chinese migration, while most large Chinese commercial institutions in Peru were founded during the second wave. While to date there have been other smaller waves of Chinese immigration, these first two waves between the second half of the nineteenth century and the 1930s were the largest and most significant. The history of the Chinese community in Lima is deeply rooted in the experiences of the Chinese migrants who arrived in these two separate and distinct waves. This section presents a brief overview of the historical conditions that led to the first waves of Chinese migration to Peru.

The history of Chinese migration to Peru can be understood as part of a larger process of global migration that took place between the mid-nineteenth and mid-twentieth centuries. According to Jose Moya (1997, p. 13), mass transoceanic

migration occurred only in the eight decades spanning the second half of the nineteenth century and the mid-1930s, when ‘close to 60 million Europeans and 10 million Asians left their continents.’ Many of these migrants, particularly those from southern and western Europe, went to South American countries on the Atlantic coast such as Argentina and Brazil. In contrast, Peru received a small percentage of European immigration during this period, attracting fewer European immigrants in a hundred years than Argentina did in a month or the United States did in a week (Moya, 1997, p. 50). Compared to their European counterparts, the Chinese represented a small number of immigrants settling in Latin America during this period. In the case of Peru, however, due to the small number of European immigrants, the Chinese were the largest immigrant group to ever arrive in the country (Rodríguez Pastor, 2000).

Chinese migration to Peru was facilitated by a controversial and radical change in Peru’s immigration policy, which went from promoting the arrival of European agricultural workers for settlement in remote areas to a policy of introducing Chinese coolies for plantation agriculture. The 1849 Immigration Law was commonly referred to as the *Ley Chinesca* or Chinese Law, and it gave the exclusive right to ‘Don Domingo Elias and his partner Don Juan Rodriguez to bring Chinese coolies into the country for a period of 4 years’ (Artículo 2, Ley 17 de Noviembre 1849, my translation). In theory, the new immigration law presented a practical solution to the decaying state of Peruvian agriculture without restoring slavery. In practice, the law provided an exclusive and lucrative business concession to an influential government supporter to engage in the coolie trade. Such a business concession proved to be disastrous to the early Chinese migrants.

The arrival of the first Chinese migrants was not a genuine voluntary process of migration associated with European migration to Peru at the time (Buonfiglio, 2001). Rather, the first wave of Chinese migration was indicative of the interests of Peruvian commercial elites and large coastal plantation owners or *hacendados* who brought Chinese workers in conditions not significantly different from those of enslaved Africans. Peruvian employers ‘were charged with giving their “coolies” insufficient and bad food, with failing to cloth them decently, and forced them to live in filthy and inadequate quarters’ (Stewart, 1951, p. 115). Also, because of the unscrupulous way the trade of Chinese ‘coolies’ was conducted, Peru was accused of inhuman practices and slave trafficking. These accusations were noted in an official decree on July 9, 1854, stating that ‘the Republic has been accused abroad under the supposition that we reduce settlers to slavery, this defamation has been repeated in private writings and published in official documents concerning the immigration from China’ (*Decreto 9 de Julio de 1854*, my translation). The coolie trade to Peru was so notoriously inhumane that China closed the ports of Consigmoon, Swatow, Canton, Amoy, Wampao, and Ningpo to this particular trade (De Trazegnies, 1995, p. 105). Similarly, England ‘closed the port of Hong Kong to the coolie trade...driving to Macao those who wished to continue practicing it’ (Watt, 2018, p. 19).

Despite the occasional suspensions of the coolie trade to Peru by British authorities, the establishment of European colonies in southern China facilitated the

introduction of Chinese indentured servants to Peru as well as subsequent waves of Chinese migration. British-controlled ports and Western colonies in southern China allowed merchants to engage in the business of transporting Chinese workers without significant control by Chinese officials. The Chinese government's lack of interference was essential for Peruvian businesspersons to secure thousands of Chinese labourers from Guangdong, Fujian, and localities throughout the Yangtze River for the Peruvian market. This was done largely through kidnapping and false promises of substantial economic remuneration (McKeown, 2001, p. 54). During the first wave of Chinese migration to Peru, most Chinese indentured servants were originally from the provinces of Guangdong and Fujian and brought through the Portuguese colony of Macao (De Trazegnies, 1995). During the second wave of Chinese immigration, most migrants came from the British colony of Hong Kong (Derpich, 2000).

Chinese migration to Peru was likely influenced by internal social and economic conditions in southern China. According to Chinese national censuses, the country's population almost tripled in less than a century, increasing from 143 million in 1740 to 230 million in 1770 and from 300 million in 1800 to 394 million in 1830 (McKeown, 2001). The Chinese economy and its agricultural production could not satisfy the needs of the expanding population, and this led to massive unemployment and food scarcity. The highly populated regions of southern China also experienced a significant number of large-scale peasant revolts such as the Taiping Rebellion, in which it is estimated that more than 20 million people lost their lives. Lastly, the people of southern China have a long history of migration; by the second half of the nineteenth century there were Chinese communities established in Southeast Asian countries such as Thailand, Vietnam, Malaysia, and Indonesia (Lockard, 2013). Long-standing practices of migration and overseas community formation by southern Chinese, likely influenced the decision to migrate to countries like Peru and establish kinship organisations common among overseas Chinese communities.

### 6.3.2 *Reactions Against Chinese Migrants*

Members of Lima's social and cultural elite were outspoken against the introduction of Chinese 'coolies' as, in their view, the Chinese jeopardised the country's modernisation prospects. In November 1849, the influential Peruvian intellectual and attorney general J. C Paz-Soldan published four articles in the newspaper *El Comercio* under the title *Immigración*, openly opposing Chinese immigration (De Trazegnies, 1995). Paz-Soldan argued that 'Peruvian plantations will become full of Chinese, like before they were full of Africans [and asked,] What did Peru gain with that race? And what would it gain with the Chinese?' (De Trazegnies, 1995, p. 545, my translation). While Europeans were believed to be industrious and possess a culture and work ethic conducive to the country's modernisation, non-Whites were

thought to possess negative characteristics that corrupted the country's culture and moral values.

Ideas of European racial superiority in latter-nineteenth-century Peru were indicative of long-held practices of discrimination and exploitation against the country's Indigenous peoples and African population during the colonial period (Quijano, 2000). Discrimination and marginalisation of Indigenous people became even more prominent after independence. Anti-Indigenous discourses were endemic to both conservative and liberal political agendas in nineteenth-century Peru, conceptualising Indigenous Peruvians as a 'degenerated race' (Aguirre, 2005, p. 31). Peruvian policymakers in the late nineteenth and early twentieth century were also influenced by biological determinism and scientific racism, which led to the further criminalisation of non-Whites as potential delinquents, including Chinese migrants who were often harassed by the local authorities (Aguirre, 2005).

Social and cultural prejudices against the Chinese made them easy targets of discrimination and violence. As early as the late 1850s, the Department of Lima became the area with most Chinese residents in Peru; it was also the region in which most acts of violence against the Chinese were recorded. Chinese agricultural labourers in the Lima region were usually the subject of physical abuse by overseers and were treated in a degrading manner by plantation owners (Rodríguez Pastor, 1989). One of the most striking examples is an August 1868 incident on one of Lima's haciendas where a plantation owner branded 48 Chinese workers with a hot iron (El Comercio, 1869). This brutal act illustrates the level of disregard some plantation owners had towards their Chinese labourers, whom they treated more as slaves than as contracted agricultural workers.

Peruvian authorities tended to ignore abuses against the Chinese. In 1861, the Peruvian prosecutor Miguel Toribio Ureta dictated against a petition of the superprefecture of Lima to conduct routine checks to investigate abuses against Chinese agricultural workers in Lima because 'the Chinese protect each other and they have societies that group them together and protect them to the point of abusing the system' (Miguel Toribio Ureta Dictamen Fiscal, March 18, 1861, as quoted in de Trazegnies, p. 730, my translation). In addition to being paid very modest wages, Chinese agricultural workers were expected to cover their own medical expenses and to provide additional days of service to cover absences for illness. As a result of constant maltreatments and poor remunerations, many Chinese left agricultural work and moved to the city of Lima at the end of their contracts.<sup>1</sup>

Newspaper articles depict the Chinese arriving in Lima as a threat to public safety. As early as March 1856, *El Comercio*, the country's biggest newspaper, denounced that 'The street of the Jews can now be called the street of the Chinese.

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<sup>1</sup>Nineteenth-century Lima had a relatively small population: 105,567 inhabitants in 1862 (Gootenberg, 1991). According to Peruvian censuses, there were 11,958 Chinese residents in Lima in 1876. The city's population declined to 7604 in 1908, 5108 in 1920, and increased in 1940 to 5466 (Rodríguez Pastor, 2000, p. 129). The figures were higher for the Department of Lima, which included agricultural areas and small towns. In 1876, the Department of Lima had a population of 225,800 including 24,234 Chinese (Rodríguez Pastor, 2000, p. 121).

It is disgusting and indecent the spectacle of those men, half monkeys and half men, naked and laying on the floor smoking opium' (El Comercio, 1856a, my translation). The Chinese were commonly depicted as opium users and immoral, with articles claiming they were preparing a barrel of opium and describing Chinese migrants as 'living skeletons' (El Comercio, 1856b). While opium was not illegal in Peru, the Chinese were viewed as potential criminals and often harassed by the police (Aguirre, 2005). On July 9, 1860, there was a public petition published in *El Comercio* calling for the police to take similar action against the Chinese in Zavala Street as had been previously taken against Jews (El Comercio, 1860). More than a decade later, the newspaper *El Nacional* broke the news that 'The intendand of Lima surprised in the Callejon Otaiza, 21 Chinese, 1 Black, and 2 women in the enjoyment of smoking opium. They were taken to the police, where they purged their affliction' (El Nacional, 1871, my translation). The news article ended by warning that 'the addiction is invading the weak sex' (El Nacional, 1871, my translation). By the early twentieth century, anti-Chinese sentiments had reached new heights in Lima; in 1909 the Municipality of Lima destroyed *Casa Lobatón* and the entire Callejon *de Otaiza* where hundreds of Chinese residents lived and worked (Lausent-Herrera, 2011).

#### 6.4 Chinese Associations (*huiguan*) in Lima

Chinese immigrants in Lima responded to the unwelcoming social conditions in the city by relying on each other for financial assistance, social interaction, and mutual protection against acts of discrimination and violence. This is one of the reasons they founded *sociedades de ayuda mutua* or mutual aid societies. The oldest of these dated back to the mid-1860s and was officially registered in the mid-1880s. These associations include the Sociedad Cau Con Chau, the Sociedad Tung Sing, and Sociedad Pun Yui (Lausent-Herrera, 2000, p. 129). Chinese mutual aid societies in Lima were modelled on traditional Chinese institutions. Mutual aid societies were voluntary associations known in China as *huiguan* and were based on regional, family last name, or linguistic ties (Ng, 1992). In Lima, *huiguan* were organised among kinfolk who shared the same language and cultural background. For example, Lima's Sociedad Cau Con Chau was founded to serve people from the districts of Yinping, Hoyping, Sunway, Toysan, and Hocksan from the province of Guangdong (Registros de la Personas Juridicas, 1944). Similarly, Sociedad Tung Sing served Hakka speakers primarily from the southern region of Fujian province but also Hakka speakers from the districts of Chockai and Zhongshan in Guangdong (Lausent-Herrera, 2000, p. 127). One of the largest was the Sociedad Pun Yui, which served all the residents of the city of Canton (Registros de la Personas Juridicas, 1944).

Kinship was an essential aspect of Chinese social and cultural identity. Social bonding and commercial partnerships between kinfolk were central to developing networks among *tongxiang* or overseas Chinese (Ng, 1992). Overseas Chinese

formed cultural organisations and aid societies based on their counties of origin because they ‘were familiar with a form of social organization in which kinship had an important role to play and in which economic organization, political power, sources of prestige and religion were oriented towards kinship groups’ (Wickberg, 1982, p. 10). By founding kinship associations such as huiguan, the different groups of Chinese residents in Lima were able to establish relations that helped them recreate social spaces familiar to them. Each huiguan can thus be considered as a small community based on social relations and cultural identities.

In traditional Chinese culture, *Xiao*, or filial piety, was considered the basis of family and social solidarity ‘[beginning] with service and obedience to parents, continued with total devotion to their welfare, and extended with loyalty to rulers and authorities in the society’ (Luo & Zhan, 2012, p. 71). In the context of migration to Peru, huiguan became the migrant’s family away from home, binding members together in a moral community to which they shared a sense of duty and obligation (Hu-Dehart, 2006, p. 7). The idea of a moral community is one of the cornerstones of traditional Chinese relations and was an important reason why huiguan were formed in Lima. For instance, Article Two of the Sociedad Cau Con Chau’s charter and Article Two of the Sociedad Pun Yui’s charter stipulate that the main purpose of these respective organisations was to ‘promote, *acercamiento*, or close interaction among members, as well as to aid them in case of illness, serious difficulties, or death’ (Registros de la Personas Juridicas, 1944; Registros de la Personas Juridicas, 1943). Lima’s huiguan were designed to strengthen the social ties between people from the same kinfolk and to foster a sense of community based on mutual assistance and social interaction throughout a Chinese migrants’ lifetime.

Huiguan were formal institutions with detailed charters that established a hierarchical system of organisation. For instance, Article Three of the Sociedad Pun Yui’s charter stipulates that the ‘executive committee should be composed of seven members who would choose a president, a secretary general and a treasurer’ (Registros de la Personas Juridicas, 1944, my translation). Similarly, Article Three of the Sociedad Cau Con Chau’s charter specifies that ‘the executive committee had to be composed of nine members who would choose a president, a secretary general, and a treasurer’ (Registros de la Personas Juridicas, 1943, my translation). Despite the small difference in the number of members in their executive committee, the Sociedad Pun Yui and the Sociedad Cau Con Chau had the same organisational structure. The establishment of huiguan in Lima not only reinforced Chinese traditional values and social practices but also promoted a similar sense of community organisation among the different linguistic and ethnic groups of Chinese in Lima.

While there were structural similarities among these kinship associations, there also existed significant linguistic and cultural differences that set them apart. As in other overseas Chinese communities, most Chinese immigrants living in Peru came from southern China, but unlike in countries such as Canada and the United States, the Chinese population of nineteenth-century Lima was not predominantly Cantonese. Traditionally, the vast majority of overseas Chinese ‘came from a small area of eight contiguous counties in the heart of the Canton Delta, in particular the four adjacent counties of Sun-wui, Hoi Ping, Toi-san and Yin-ping, known

collectively as Sze-yap or Four Districts' (Wickberg, 1982, p. 7). In contrast, early Chinese migrants to Peru came from all over the Pearl River Delta as well as from Fujian province and Zhaolou prefecture in western Guangdong (McKeown, 2001, p. 54). Hence, the early Chinese population of Lima was a conglomeration of very distinct linguistic, ethnic, and cultural groups from southern China.

These regional groups not only had their own cultural identities but, in some cases, were also bitter rivals. For instance, the *Hakka* living in Guangdong and the *Punti* or Cantonese speakers in that province had been embroiled in a major armed conflict at the time of the first wave of Chinese immigration to Peru. Known as the Punti-Hakka Clan Wars, the conflict resulted in more than a million deaths between 1855 and 1867. Many indentured servants who came to Peru during the nineteenth century arrived as a direct consequence of this conflict or were originally from the regions in which the clan wars were taking place (McKeown, 2001, p. 54). This situation is exemplified in how *huiguan* were divided. In Lima, the Sociedad Tung Sing was exclusive for the Hakka and the Sociedad Pun Yui served only Cantonese people. In short, even though *huiguan* shared structural similarities, they represented a variety of different people—some of whom had a history of antagonism and violence toward one another.

Chinese kinfolk associations in Lima closely resembled Peruvian models of mutual aid societies. In Lima, mutual aid societies known as *cofradías* dated back to the sixteenth century and centred on the devotion to a particular saint. Similarly, Chinese mutual aid societies in Lima such as Sociedad Tun Sing and the Sociedad Pun Yui provided religious rituals for the cult of Guangong (Lausent-Herrera, 2000). Like Chinese associations, *cofradías* were institutions where people of different ethnic groups could socialise with their kinfolk and rely on each other for financial assistance and moral support; *cofradías* similarly provided credits and a variety of services that allowed their members to improve their living conditions (Vega, 1999). Some, such as Sociedad Tun Sing, were able to expand their infrastructure to provide housing to its poorest members and for those in transit (Lausent-Herrera, 2000, p. 128). Furthermore, Chinese mutual aid associations in Lima were able to organise themselves to denounce abuses against the Chinese at home and abroad (Lausent-Herrera, 2000, p. 112). The capacity of the Chinese residents in Lima to advocate for their community increased significantly with the establishment of the Chinese Benevolent Society.

## 6.5 Institutionalising Chinese Solidarity: The Chinese Benevolent Society in Lima

Despite their cultural, linguistic, and regional differences, by the second half of the 1880s, the Chinese residents in Lima were able to collaborate in the establishment of the Sociedad de Beneficencia China or Chinese Benevolent Society. The Sociedad de Beneficencia China is an umbrella organisation composed of the various *huiguan*

in Lima with the purpose of representing the interest of all the Chinese nationals in the country (Lausent-Herrera, 2000, p. 127). The Chinese Benevolent Society played a major role in institutionalising migrant solidarity among the Chinese community and provided the various huiguan in Lima with the opportunity to negotiate their internal differences in an orderly manner and present a common front in their dealings with the Peruvian government and society.

### ***6.5.1 Objectives of Lima's Chinese Benevolent Society***

The Charter of the Sociedad de Beneficencia China was a detailed document containing 47 articles that specified its purpose, organisation, and internal regulations. The Sociedad de Beneficencia China shared the same hierarchical structure as most huiguan in Lima, but its purpose was different. According to Article Two of its charter, the first objective was to promote the 'unity of all the Chinese' (Sociedad de Beneficencia China, 1886, Titulo 1, my translation). It thus presented a broader and more inclusive notion of community than an independent huiguan because it promoted the unity of all Chinese immigrants into one community regardless of kin distinctions. Its second, third, and fourth objectives were, respectively, 'to promote mutual aid, to aid those in need and to assist the members in case of illness or inability to work' (Sociedad de Beneficencia China, 1886, Titulo 1, my translation). In this regard, the Sociedad de Beneficencia China shared the same principles of huiguan on providing social services and fomenting mutual aid but expanded these services to all Chinese in Lima.

Its fifth objective was 'to defend the rights of the Chinese by legal means' (Sociedad de Beneficencia China, 1886, Titulo 1, my translation). Legal representation was a key factor in defending the rights of Lima's Chinese residents. The Sociedad de Beneficencia China had legal status and was recognised by both the Peruvian and Chinese governments. As an organisation it had the capacity to lobby the Peruvian authorities to favour the Chinese residents as members of a recognised foreign community and defend the community's interests by legal means. As smaller unofficial institutions, individual huiguan did not have the same resources or social prestige to legally defend their members' interests. It is thus reasonable to assume that issues and costs of legal representation may have been one of the most important advantages for the different huiguan to federate into a consolidated benevolent society. Finally, its sixth objective was 'to promote work' among members of the Chinese community (Sociedad de Beneficencia China, 1886, Titulo I).

The founding of a consolidated benevolent society among the Chinese in Lima can be understood as part of a larger trend among overseas Chinese to institutionalised migrant solidarity and community cohesion. Immigrants from China in North America founded similar institutions named Chinese Consolidated Benevolent Associations or CCBA such as the CCBA of San Francisco founded in 1882 and the CCBA in Victoria BC in 1884 (Lai, 1987) According to Evelyn Hu-Dehart (2006, p. 7), huiguan joined into larger umbrella organisations such as San Francisco's

CCBA or Lima's Sociedad de Beneficencia China to minimise competition among them, which could become fierce and mutually destructive. Thus, the establishment of the Sociedad de Beneficencia China in Lima can be understood as a broader strategy practiced by overseas Chinese to promote solidarity and community cohesion as well as to keep harmony among different huiguan.

### ***6.5.2 Fostering Relations with the Chinese Government***

The founding of the Sociedad de Beneficencia China in Lima also provided the opportunity to the Chinese community to engage in closer relations with the Chinese government as it encouraged the formation of Chinese benevolent association among overseas Chinese. The first Chinese ambassador to Peru, Cheng Tsao Yu, played an important role in the founding of the Sociedad de Beneficencia China. On September 16, 1884, *El Comercio* reported that 'Chen Tsao Yu spent time with his Cantonese compatriots and donated 1000 soles [Peruvian currency of the time] for the building of a hospital and a cemetery' (*El Comercio*, 1864, my translation). At the time of his visit to Peru in 1884, Cheng Tsao Yu was also the Chinese ambassador to the United States, and it was during his tour that the Chinese Benevolent Society in San Francisco was founded (McKeown, 2001). The communal effort of Chinese immigrants to establish the Sociedad de Beneficencia China in Lima reflected both the ability of overseas Chinese to organise themselves in similar institutions around the world and the Chinese government's willingness to support their efforts.

### ***6.5.3 Branding the Chinese Community as a Respectable Community***

The formation of the Sociedad de Beneficencia China was a major step forward in the Chinese's struggle to present itself as a well-organised and reputable foreign community. Foreign benevolent societies were considered venerable institutions in nineteenth-century Lima. The Sociedad de Beneficencia Española or Spanish Benevolent Society founded in 1857, the Societe de Bienfaisance Francaise or French Benevolent Society in 1860, and the Societa de Beneficenza Italiana or Italian Benevolent Society in 1862 (Yamawaki, 2002, p. 51) were well-regarded immigrant associations, and by establishing a similar association the Chinese presented an image of a foreign community capable of organising itself like its European counterparts. This is also reflected in the relationship the Sociedad de Beneficencia China tried to establish with European foreign associations. For instance, one of its earliest public donations was 530 silver *soles* given to the English firefighters' station Victoria in February 1884 (*El Comercio*, 1884).

### 6.5.4 *Fostering Relations with the Catholic Church*

The Sociedad de Beneficencia China served to foster closer relations between the Chinese community and the Catholic Church. Benevolent societies aimed to modernise and secularise social work throughout nineteenth- and early-twentieth-century Lima. In practice, the Catholic Church still exercised a significant influence over hospitals, healthcare, and charities. Not surprisingly, the Catholic Church also played a pivotal role in promoting mutual aid among the Chinese residents of Lima and was instrumental in the establishment of the Sociedad de Beneficencia China. The Chinese missionary Paul Akan, along with Chinese Catholic priests trained by the Jesuits in Lima such as Jose Maria de La Riva and Juan Manuel Chavez, ‘formed part of a group of notable Chinese and Peruvian residents of Lima who aimed to protect and organize the Chinese of the city around a common institution’ (Lausent-Herrera, 1992, p. 984). The establishment of a Chinese consolidated benevolent society was thus largely influenced by the efforts of Chinese and Peruvian members of the Catholic Church; the Chinese priests Jose Maria de La Riva and Juan Manuel Chavez as well as the Bishop of Hong Kong, Giovanni Raimondi, were some of the official founders of the Sociedad de Beneficencia China (Lausent-Herrera, 1992).

A good relationship between the Catholic Church and the Sociedad de Beneficencia China was key to the Chinese community since it could facilitate access to important services provided by hospitals and cemeteries run by Catholic congregations. This benefit made the Church an important ally for the Sociedad de Beneficencia China, especially since the Chinese in Lima were often denied these types of social services. For instance, many Chinese residents were denied access to public hospitals. This discriminatory practice seems to have been well known to the authorities and local reporters. On October 16, 1886, a reporter from *El Comercio* observed that ‘we do not understand why Asians are denied medical attendance in public hospitals when they asked for the aid they supposed to be provided in these institutions’ (*El Comercio* quoted in Rodríguez Pastor, 2000, p. 159, my translation). In addition, the Chinese were not allowed to bury their dead in public cemeteries as illustrated in an article published in *El Comercio* on July 4 1867, which noted that ‘the Chinese were not allowed to buried their dead in the Presbiterio Maestro for not being Christians and have to take their deceased to the middle of nowhere institutions’ (*El Comercio* quoted in Rodríguez Pastor, 2000, p. 159, my translation). In short, by establishing good relations with the Catholic Church, the Sociedad de Beneficencia China was an institution that had the potential of helping the Chinese residents of Lima to access services they needed.

### 6.5.5 *Supporting the Creation of Lima's Chinatown*

The Sociedad de Beneficencia China and the huiguan in Lima located their headquarters in the vicinity of Lima's Mercado Central or central market. This area was an important meeting point for Chinese residents and businesspersons in Lima. It eventually became known as *barrio chino* or Chinatown as it was where almost all Chinese community organisations, mutual aid societies, temples, gambling houses, theatres, restaurants, and opium rooms were concentrated (Lausent-Herrera, 2000). In addition, large commercial houses such as the firms Wing On Chong and Pow Lung were also located in Chinatown (Derpich, 2000). The high concentration of Chinese residents, businesses, and associations in Lima's Chinatown turned it into an area where Chinese socialised and interacted as a collective with the rest of Peruvian society. The location there of the Sociedad de Beneficencia added a level of protection and representation to an area of Lima where Chinese residents were often victims of violence and harassment. While not romanticising Chinese community organisations as egalitarian institutions willing to include poor Chinese migrants as equal members of the community or to effectively protect working class Chinese migrants from exploitation by other Chinese community members, it is important to recognise that formal organisations such as the Sociedad de Beneficencia China represented a significant step in community advocacy for the Chinese in Lima.

## 6.6 Conclusion

As of 2024, the Chinese Benevolent Society still operates in Lima, as do also huiguan such as Sociedad Cau Con Chau, the Sociedad Tung Sing, and Sociedad Pun Yui. Migrant solidarity is not a new phenomenon, and solidarity practices have been institutionalised by migrants in the Global South at least since the nineteenth century. The history of solidarity among Chinese migrants in Lima challenges top-down approaches and host-vs-guest dichotomies where solidarity is exercised by the host society through policies and services aiming to include deserving foreigners. The experience of Chinese migrants in nineteenth-century Lima shows that migrant solidarity can also be constructed, institutionalised, and sustained over time through mutual aid and communal efforts for fighting exploitation and discrimination. As such, this chapter contributes to the migration literature studying solidarity practices from below and conceptualising migrant solidarity as transversal (García Agustín & Jørgensen, 2021). Literature on migrant solidarity from below centres almost exclusively on solidarity practices with vulnerable migrants in the Global North, and this chapter aims to expand this field of research to the context of the Global South and add a *longue durée* historical approach to the study of migrant organisations.

While beyond the scope of this chapter, future research on historical experiences of migrant solidarity in the Global South could shed light on how solidarity

practices were established across ethnic groups and how migrant organisations were involved in the social and political movements of the time. For instance, nineteenth-century Chinese migrant solidarity practices were not exclusive to kinship groups through *huiguan* as there are multiple historical examples of collaboration between Chinese and non-Chinese institutions, local worker organisations, and political movements such as anarchism and communism (Benton, 2007).

The migration literature can further theorise on the cultural perspectives and value systems underpinning precarious migrants' own experiences with solidarity and hospitality practices. For example, while the concept of *Xiao* or filial piety has been utilised to explore solidarity practices between older Chinese immigrants and their children (Lin et al., 2015), and intergenerational solidarity between Chinese internal migrants in large urban centres and their parents remaining in rural areas (Luo & Zhan, 2012), it is yet to be investigated in the context of today's urban migrant solidarity. Traditional concepts such as *Xiao* can help further explore the normativity of how institutionalised forms of solidarity based on migrants' commitment to reciprocity and mutual obligations are developed and sustained over time. *Xiao* is a virtue indicative of Confucian ethical traditions and when extended beyond the immediacy of the family to include relationships with all others, it develops into a higher virtue of humanness referred to as *Ren*. Neo-Confucian approaches to social relations argue for the application of *Ren* as a universal value that can respond to today's social challenges (Shi, 2023, p. 51), including extending humaneness across social barriers and building bridges across cultural differences (Neville, 2012). *Ren* is also conceptualised as a self-edifying virtue and has been described as a 'psychological mode of extending one's feelings to consider those of others, together with the positive moral emotion and action of loving and helping others' (Jia, 2022).

Concepts such as *Xiao* and *Ren* offer an opportunity to further theorise migrant solidarity as an ethical social practice conducive to both social change and moral self-cultivation. In Confucian ethics, questions of social progress and individual moral virtues are intertwined. As such, solidarity practices with precarious migrants can offer an opportunity for personal growth in human empathy and kindness while actively building a more humane and just society. Taking into consideration Confucian ethical values can shed light on future studies on migrant solidarity practices in East Asia as well as solidarity practices by East Asian migrant organisations. Furthermore, Confucian ethical values can offer historical studies on East Asian diasporic communities valuable social and cultural insights to differentiate genuine forms of migrant solidarity from less altruistic or indeed abusive community practices.

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**Part III**  
**Practices and Experiences of Solidarity**  
**and Estrangement**

# Chapter 7

## Feeling Represented in the City: How Queer Migrants Create Their Own Spaces of Belonging in Berlin



Lea Baro 

### 7.1 Introduction

It's a Monday night at a queer venue in Berlin. On stage a drag performer lip-syncs to a song by a Syrian artist dancing Dabke with some people from the audience who had just jumped on the stage. Once the song and the thunderous applause have ended, the performer declares: 'We are the core of this city; Berlin without queer migrants would just be Munich. This is our space, and nothing fills my heart more than standing on this stage and sharing my art with you, the art of my ancestors. I am loud and proud, and we need to push this even further. Representation saves lives, we need to push beyond the cultural sector. We make this city what it is, what makes it special, interesting, and beautiful, so we deserve to be represented everywhere' (Fieldnotes, 04.02.2022). This is not the first time I had heard this type of statement. The cultural impact of the queer migrant community on (queer) cultural spaces is undeniable, but it was the first time I heard someone use this argument to demand representation beyond the cultural sector so explicitly and on a public stage.

This statement inspired me to further investigate the role of the city within a broader ongoing creative research project about what feelings of representation are

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© The Author(s) 2025  
H. Bauder, M. B. Setrana (eds.), *Urban Migrant Inclusion and Refugee Protection - Volume 1*, IMISCOE Research Series,  
[https://doi.org/10.1007/978-3-031-95147-3\\_7](https://doi.org/10.1007/978-3-031-95147-3_7)

for queer<sup>1</sup> FLINTA\*<sup>2</sup> migrants in Berlin. At the core of the project lies the question of what affect theory can bring to the study of representation of queer FLINTA\* people with experiences of discrimination, racism, and migration in German public institutional contexts.

The overall qualitative multi-method project was carried out with 21 participants over the course of 3 months where, after an initial 90-min semi-structured interview conducted in English or German (in that case interviews were translated by the author) and mapping exercises, participants completed a photovoice phase of 2 weeks where they took pictures around the city of what makes them feel represented or where they notice a lack of representation. These pictures then served as a starting point in focus groups (Freeman, 2006; Krueger, 2014) where participants discussed collective dimensions of representation and then created Zines together. The word Zine comes from ‘magazine’ and describes a self-published mini magazine that stems from punk and feminist self-publishing traditions. In this project they were created using collaging techniques (Biagioli et al., 2021). In a series of Riso printing workshops participants then printed their Zines and collectively decided where to distribute them. In this way, participants were included in the dissemination process of the results of the research project. Regular contact in the form of check-ins, messages, and emails continued with the participants who wished to remain in contact (16 of 21) after the end of the initial creative methodology phase of the project.

In this chapter, I draw from the interviews, the mapping exercise, and the focus groups. My analysis showed that for the participants, Berlin was a space of newly-found community with people who feel similarly and share their frustrations as well as imaginaries of the future. Feeling represented is central to feelings of belonging and opens new pathways for political participation. Based on participants’ narratives I will describe how these concepts are interwoven with notions of the queer diaspora to create the Berlin that many queer migrants call home. I will discuss the important role of accessibility to queer spaces and how different queer people feel within them. I also dive into notions of safety, belonging, and the role that the presence of queer and migrantised bodies plays therein. This chapter thus shows how

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<sup>1</sup>Queer here is used as a term that serves as an umbrella for an array of sexualities (such as gay, lesbian, bi, pan, and ace) and to a political position (in opposition to a (hetero)normative society). This definition is in line with my participants’ self-descriptive use of the term. Queer here highlights the productive possibilities of people who are left out, displaced, or dispossessed because of their position within the landscapes of what is considered ‘normal’ (Manalansan IV, 2015).

<sup>2</sup>FLINTA\* is a German acronym referring to women/femmes, lesbians, inter, non-binary, trans\*, and agender people and is used here as a term that unites those especially susceptible to patriarchal violence. The term is used in creative, activist, and party as well as academic circles. I acknowledge and share the critiques that women/femmes can be carriers of patriarchal violence, that FLINTA\* spaces can feel unwelcoming for trans\* people because they are often perceived to be AFAB spaces, and that the term might be seen as artificially uniting people with very different political needs and goals, but since all parts of the acronym are politically and institutionally underrepresented, I find it to be analytically useful in the context of representation.

queer FLINTA\* migrants in Berlin erect their own queer sanctuary through solidarity practices that create queer safe(r) spaces.

## 7.2 Methodology

The data collection for the study was carried out from February to April 2023 with 21 participants who self-identify as queer, migrant, and FLINTA\*. They had been living in Berlin for between one and 27 years and ranged in age from 19 to 46. Participants' education backgrounds spanned high school diploma (3) to vocational education (7) and university degrees (bachelor, 7 and master's, 4). Four participants identified as trans, five as non-binary, one as genderqueer, and 11 as women. Six participants held German citizenship (two of whom had acquired citizenship within the last 6 months), three had Polish citizenship, two Turkish, and there was one participant each with Hungarian, Indonesian, Japanese, Chinese,

Syrian, American, Brazilian, Latvian, Peruvian and Colombian citizenship. Those who held German citizenship still identified as migrants and some had been refugees when they arrived in Berlin which is why they are included in the sample. The project started with semi-structured interviews that lasted 82 min on average. After the interviews, mapping exercises were conducted where participants were asked to recollect the experiences that were most influential to who they are today, write these down, and then map them based on their importance. Participants were then asked which experiences a person who is supposed to represent them should have undergone as well to be able to understand and thus represent them, as well as why that was important to them. This mapping exercise took around 60 min. This first phase of the project was followed by a 2-week photovoice phase where participants were asked to take pictures of images, situations, moments that make them feel represented, or where they notice a lack of representation. Participants then discussed their pictures in focus groups. Additional themes included the most important aspects from the interviews. The images participants took were not analysed beyond their commentary in the focus groups for this chapter. All focus groups were transcribed, and thematic analysis was used to analyse the material collected from all three phases. For this chapter, particular attention was paid to narratives connected to Berlin, feelings of safety and representation, and the role of urban space.

## 7.3 Berlin as Research Site

I would like to set the scene by providing some context about Berlin. Urban spaces often drive the sexual imaginary (Weston, 1995). This dynamic is evident in Berlin, often considered distinct from the rest of Germany due to its progressive politics, high visibility of queer communities, and more sex-positive attitudes (Preser, 2017), particularly evident in the kink and party scene. Berlin is branded as a tolerant,

cosmopolitan, and creatively diverse city (Kosnick, 2009). Despite differences and occasional clashes, Berlin offers a space for sexual freedom and queer culture, enabling people to explore and express themselves (Preser, 2017). Berlin's status as a 'cool' and 'free' city fosters a sense of cosmopolitanism and shared understanding among its residents, shaping new scripts of urban belonging based on the city's branding (Donald & Kofman, 2008).

Berlin's 'new party economy' acts as a catalyst for attracting artists and highly skilled labour (Andersson, 2022, p. 107). The vibrant and politically active club scene, part of the city's cultural sector, has historically received substantial public funding, fostering an environment of experimentation and discovery (Kosnick, 2009). 'Self-understanding', 'self-exploration', and 'personal development' have been identified as key drivers for lifestyle migrants relocating to Berlin (Griffiths & Maile, 2014, p. 147). Previous research among Russian-speaking queer migrants highlighted that acceptance of difference and individuality, along with familiar architectural settings, outweighed economic considerations such as job prospects, given that many were financially worse off in Berlin (Mole, 2018). As Jin Haritaworn (2015) described, Berlin is often hailed as Europe's queer capital, contributing to the city's idealisation.

## 7.4 Representation and the City

With its reputation of being cool, open, and the queer capital of Europe, Berlin provides fertile grounds for creating community and spaces of queer representation. In this section I review the literature to clarify what conceptualisations of representation I work with in this chapter. Haritaworn (2015) writes that it is often Muslim and Middle Eastern queers who have their queerness questioned and at the same time their queerness then becomes their marker of belonging in Berlin. This dynamic is also supported by Rahul Rao (2014, p. 174) whose research describes a 'shared geographic imaginary, in which particular attitudes towards sexuality (and indeed particular sexualities) become markers of belonging to particular places.' In Rao's work it is neo-Orientalist LGBT activists and conservatives who replicate the discourses claiming that homosexuality is a Western concept thus turning sexuality into a marker of (non) belonging. In urban spaces this dynamic creates 'sexualized urban orders' (Klaaper & Schönplflug, 2020, p. 88) that describe how the social and temporal inequalities of the different parts of the city find their way into perceptions (of safety) of people based on their sexuality. In their study of the perceptions of safety of queer people in Vienna, Klaaper and Schönplflug (2020) demonstrate the classist and racist notions that are attached to safety, with participants localising homophobia in working-class neighbourhoods where migrants and racialised people live.

Berlin can be described as a queer archipelago, where queer cultural spaces are not concentrated in one area of the city but spread out all over the city like many very small islands of queer representation (Andersson, 2022; Ghaziani, 2019), often

created by migrants for migrants and enjoyed by those looking for the ‘cool’ and ‘hip’ Berlin. With queer spaces dispersed across the city, it is less a matter of districts but rather of neighbourhoods or even streets where participants reported to feel particularly represented. In general, most such places were located in Kreuzberg and Neukölln. Neukölln and Kreuzberg are also at the centre of Jin Haritaworn’s work. In ‘Queer lovers and hateful others’, Haritaworn (2015) demonstrates how homonationalism is mobilised in the Berlin context. The term was coined by Jasbir K. Puar in 2007 to refer to the processes by which neoliberal, conservative, and capitalist forces align themselves with the claims of the LGBT community to justify racist and xenophobic positions, basing them on prejudices that (especially Muslim) immigrants are homophobic. In Kreuzberg and Neukölln, queer gentrification takes place with queer people with race and class privileges moving into working-class migrantised<sup>3</sup> neighbourhoods. There is a racialisation of queerphobia that happens simultaneously that is associated with the ‘homophobic Muslim’ and thus localised within these neighbourhoods that have many immigrants from Muslim countries. Gentrification is rapidly changing the cityscape with equally rapid changes of who gets to feel represented in their environment.

The city is not only a queer sanctuary and Europe’s queer capital: physical violence and discrimination also happen in Berlin, and they happen regularly. This means that the city is also a place of collective ‘queer urban trauma’ located through ‘queer and political-cultural discourses’ following violence (Hartal & Misgav, 2020, p. 2). These spaces in the city and the discourse around them become important factors that influence the city as a representational space. In the weeks of writing this chapter (August 2023), multiple attacks (physical violence and vandalism) on queer women and their spaces have taken place, which has also had affective consequences for my participants and their relationship to Berlin through their sense of safety being disturbed. All attacks have taken place in the neighbourhoods of Kreuzberg and Neukölln, which can be described as the centre of the ‘queer bubble’ (Preser, 2017, p. 7). Feelings of safety and community coexist with constant and persistent fear that shapes how queer migrants perceive the city and which representational value they ascribe to certain spaces. Many participants in this sample described the response to these attacks as important because the many messages of solidarity, demonstrations in response to the attacks, and the support made them feel more represented (Fieldnotes 24.08.2023). The public support provided a way to collectively process the ‘queer urban trauma’ and lead to a shift from a negative to a more positive affective narrative.

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<sup>3</sup>The term migrantised is used here to highlight that the term migrant is not always claimed by a group itself, but that the label is attached to people who might have lived in the country for generations to ‘other’ them.

## 7.5 Affect and Representation

The concept of ‘feeling represented’ draws on Sara Ahmed’s (2000) work on otherness and affect, exploring how individuals seen as ‘different’ or ‘unfamiliar’ can evoke strong emotional responses that shape our perceptions of belonging. Ahmed suggests that when people encounter someone they perceive as ‘other’, it often stirs emotions—sometimes anxiety or discomfort—that impact how they view who does or doesn’t ‘belong’ in a space. When a person’s presence triggers unease, they may be excluded from the imagined community of that place, left out of the narrative of who is accepted or feels at home there.

Affect theory, as Ahmed explores, suggests that emotions are not merely personal experiences but are also shaped by social and cultural forces that guide our interactions with others. These emotions extend beyond individuals, influencing how we relate to institutions and impacting our sense of belonging and representation. Ahmed (2000) emphasises that affect plays a central role in reproducing power dynamics and shaping identities. Emotions are often produced and sustained by narratives that help form our understandings of ourselves and others. As Wetherell (2012, p. 83) notes, ‘Perhaps we “live” not quite in the active chronological moment of the turn-by-turn, but most strongly and personally in the narratives ruminating on some outbursts of after it has taken place, whether these are narratives told to others, or narratives rehearsed internally to ourselves.’

These narratives are particularly significant for representation, as they affect who we relate to and why. People’s stories about themselves and their surroundings are influenced by the spaces they inhabit and the communities around them. In a city like Berlin, narratives—whether from other queer individuals or other city dwellers—interact and shape one another, impacting each person’s understanding of their own identity and sense of belonging.

Affect is not only relevant on a personal level; queer safe spaces and their affective dimensions can also be seen as places where queer identities are produced (Hartal, 2018). This understanding of ‘feeling represented’ thus highlights how emotional reactions to difference can reinforce social boundaries, influencing who is welcomed into the collective identity of a city space and who remains on its margins. Queer spaces can be seen as affective spaces because they create an atmosphere of openness, where people can be themselves and shared experience is presupposed—this affective alignment then makes people feel represented. Here shame also plays an important role and Berlin, as a shame free space (Johnston, 2018), makes representation possible. Representation is situated: it is personal and collective at the same time. As Saward (2006, p. 35) puts it, ‘Representations, selective depictions, draw on a referent, a materially existing group or entity, and they partake of cultural codes that carry meaning and truth within specific social contexts.’ Saward (2006, p. 316) further says that ‘we need an approach that takes the aesthetic and cultural moments in political representation to be as important as electoral ones.’ That means that these cultural codes, the way people speak to each other, how they present themselves and how they interact are important nuances of

representation also within the city. The way people can relate to each other and the places where this relating takes place plays an important role and enables solidarity through representation. Many participants in this study describe this feeling of representation as being ‘seen’, ‘heard’, and ‘understood’ as someone having had similar experiences and thus ‘just getting it’. What the concept of feeling represented can capture is the shared experience that often leads to feeling welcomed and like you belong because the people who are there understand you.

I have now outlined where participants feel like they belong in Berlin, why representation as a feeling and the affects of belonging are relevant in this urban context, and the role that discrimination and violence play therein. I thus locate myself and the analysis of this study between representational theories, affect studies, and research on queer urban belonging to illustrate what is important for the representation of queer FLINTA\* migrants in Berlin. This chapter thus opens a new perspective by showing how representation and affect shape perceptions of safety and belonging in the city and how they build their own urban sanctuary.

## 7.6 What Makes Queer FLINTA\* People in Berlin Feel Represented?

When someone represents you, they make you feel valid. You signal to the community that that is okay. In that way representation can save lives. It is not a question if we want it, we need it to survive (participant 3).

When asked what makes participants feel represented in the city there were two elements almost everyone mentioned: one, stickers, and, two, the presence of people who look like them or like they could be their friends. Having one’s own aesthetic or political view reflected back to oneself was thus a big overarching theme. The stickers that participants referred to are either queer or trans positive/affirming or contain messages that align with their (political) view. People mentioned that stickers are important because they can serve as reminders that one’s identity is valid, that one is welcome in a space, and that one is not alone. Participants felt especially encouraged by stickers in the street, on public transport, or venues’ exteriors, but also enjoyed seeing them in all kinds of bathrooms. This supports research on the transformative potential of stickers as material resistance—for example, a study by Hannah Awcock and Rae Rosenberg (2023) who argue that trans-positive stickers in public space can undermine transnormative, TERF, and neo-fascist gender conservative ideologies. Other queer and migrant affirming materials in public space such as posters and flyers had the same positive effect on participants, although they were less common.

More than just seeing stickers as traces of likeminded people having been to the place, participants enjoyed their actual embodied presence—seeing people who look familiar. One participant mentioned in an interview: ‘I mean It is kind of about not being stared at. I feel represented in spaces where people look like me, look like

they could be my friends' (participant 11). Participants highlighted that seeing many queer people, but especially non-binary, trans\*, and butches made them feel represented. Participants thus construct representation as bodily presence in many cases. It is people's own constructions and projections of themselves that they want to also see in others that made them feel represented. What made them feel safe was a particular 'queer', 'left', 'anticapitalist' aesthetic as well as trans and non-binary people. What people also mentioned as making them feel safe was a presence of brown and black bodies, as well as those who are often 'migrantised', because they feared less racism from these groups and felt more like they belong. Participants' ideas about others' experiences, behaviours, and expectations played a crucial role in shaping their own feelings of safety and representation.

The bodies present in space was the best indicator about the level of queer inclusivity. This finding and emphasis is in line with feminist geographers who have theorised this co-production of bodies and space (Mountz, 2018). Sara Ahmed (2006, p. 9) writes: 'Spaces are not exterior to bodies; instead, spaces are like a second skin that unfolds in the folds of the body.' Many participants mentioned that the audience and the people who frequent a space say much more than the policies they might have, how a space might present itself, or if it has Pride flags outside. Some participants mentioned that they perceive the Pride flag as performative and that they had many negative experiences at places with Pride flags. Perceptions of Pride flags did change overtime and participants reported more positive attitudes after arriving in Germany, but attitudes changed as negative experiences at places that used them to signal queer-friendliness increased. Participants also spoke about pinkwashing and that they feel like the Pride flag is often used to attract queer people but is not necessarily a sign of queer-friendly policies. Thus, the ultimate measure of how represented they feel was to what extent people 'like themselves' moved in the space—which they associated with a lack of stares. Not being stared at was something many participants experienced for the first time in Berlin, where visual representations of queerness are far from being representative but still present in the public space. Being stared at for them was a sign of not belonging and being othered; the absence of stares thus made them feel like they belong.

### 7.6.1 *Queer Bodies and Perceived Safety*

The visibility of different types of bodies and queer people in public space, especially public transport, also mattered for feelings of safety much more than other signals of queer-friendliness, like for example Pride flags. One trans participant said: 'Back home I was always in fear, I was so happy that I could wear a mask.<sup>4</sup> Here I feel like I can be myself, like, like I am not scared to show my face. I see

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<sup>4</sup>The participant is referring to masks worn since the Covid-19 pandemic to protect oneself from infections.

people like me, like even older people. That means a lot. Seeing them means that for the first time I feel comfortable in public transport, I feel comfortable leaving the house' (participant 7). This quote shows that seeing others who look like oneself can have a huge impact on people's lives. In this case one could say that it is about being represented in the public space of the city, recognising oneself in people who look similarly—in the case of this participant, people who are also trans\*.

Notions of race and class also have implications for the perceived safety of queer people in the city (Klapeer & Schönplflug, 2020). The participants in this sample felt especially safe in working-class neighbourhoods characterised by migrants. They stated that shared feelings of shared difference made them feel safer and more represented. One Polish participant noted that even though the Turkish shops in their street in Neukölln do not remind them of Poland in any way, it is the fact they also did not seem German to them that made them feel more welcome and represented in the neighbourhood. A few participants said that this feeling of 'not being German together' (participant 11) is what made them feel welcome and represented. The same participant also mentioned that it is the Turkish shops and supermarkets in combination with the presence of trans\* bodies that made them feel truly safe and seen. They consider themselves to be queer and a migrant, so seeing other queer and migrantised bodies in a space together is an affirming experience for them. It is complex notions of conviviality that participants appreciate. The collective (sometimes violent) experiences that participants shared no matter where they were from fostered the creation of spaces in which people could develop a new sense of belonging, community, and solidarity (Kunstman, 2009). Some participants mentioned that this ease of living together in the city leads to more and more queer people gravitating and moving to Berlin which, in turn, strengthens a sense of community and belonging and subsequently an ease in performing embodied sexualities (Gorman-Murray, 2009, p. 450).

### ***7.6.2 The Queer Space as a Political Space***

In the literature on queer Berlin, it is often the nightclub spaces that receive particular attention as queer spaces. Andersson (2022, p. 104), for example, sees Berlin's queer clubs as 'romantic, utopian, separatist spaces, which often view themselves as experimental starting points for new social and sexual models of togetherness.' Many participants spoke about nightclubs and parties as spaces that make them feel represented, mainly because they saw them as spaces of freedom and community where they go to be surrounded by people who feel like they do. Participants described club and party settings as spaces where they meet people and where many had their first queer sexual experiences. For them these are spaces of representation because people can express themselves freely. Shameless and safe self-expression was special for many participants and elemental to representation. They appreciated that these spaces were (more) accessible to them in Berlin. With representation being partially constructed as the people present in the space, notions of

accessibility are especially important. Most participants also criticised that parties and clubs are often not political enough. For them for a space to be truly queer and to feel seen, heard, and understood, a space needs to have a clear political positioning. This means taking a clear stance on trans\* issues and a clear positioning against patriarchy, colonial continuities, and capitalism. One element of this political positioning was to address racism and classism within queer spaces beyond the club space. What participants were calling for was anti-racist work to be carried out, especially in the form of combating structural anti-Blackness in queer spaces. Participants also mentioned that this is important partially also because these political convictions reflect door policies and consequently who can be seen within the space. This could, for example, be FLINTA\* to the front policies where FLINTA\* people are let into a space first or a pay-as-you-can entrance fee.

Many participants mentioned that living costs in Berlin are lower than in most other European cities, making it more accessibility in terms of finances. This is also partially why they chose and feel like they can belong in Berlin. Many of the more autonomous venues that offer free or cheap access or sliding scale options allow queers of all incomes to participate thus increasing queer migrant participation. Queer spaces that were expensive or too polished were often described as not political enough, ‘whitewashed’ or ‘commercialised’. The commercialisation of queer-ness and how trendy queer spaces have become was one of the biggest discussion points in the focus groups since many participants felt like this heavily restricts access to queer spaces, especially for immigrants who often work low wage jobs (in many cases due to EU restrictions or educational degrees not being recognised). This fear of commercialisation is also part of this participant’s statement: ‘I like seeing Pride flags everywhere, but I also don’t trust it, like most of them don’t mean it, some of us just have money now’ (participant 18). This statement refers to pink-washing, which is the practice where companies and institutions market themselves towards the LGBTQIA+ community without contributing to structural changes that would advance queer struggles, i.e., that Pride flags often are only meant to attract queer customers and not necessarily support for queer people in their struggles. As described earlier, having a Pride flag outside an establishment is also not necessarily seen as a place where queer people feel safe.

### ***7.6.3 Representation and Activism***

Participants also mentioned that they feel more represented in Berlin as a political space and a place where activism takes place compared to other places in Germany or where they lived before. They mentioned that there are many protests, solidarity events, or even solidarity parties regarding issues that they care about such as affordable housing, access to gender affirming care, gender-based violence, or supporting decolonial struggles. Seeing activism around them about the topics they care about made them feel represented because it signalled that there are other people around them who care about queer liberation, abolitionism, better asylum conditions, and

trans\* issues. They said that it made them feel supported and like the issues they care about are talked about and present in the public space. Previous studies have also shown that there is an important anti-capitalist dimension to Berlin's queer politics (Sweetapple, 2018) that was also supported and enjoyed by the queer FLINTA\* migrants in my sample.

All participants agreed that it is important that Pride remains a political event and not simply a party, with one participant stating that 'I would even say that Pride in Germany sometimes feels like a misrepresentation. To me it is not a party, it should remain a riot. The fact that you don't see that kind of shows me that you don't understand. The exact reason that here you can afford to have a party makes me feel misrepresented' (participant 11). Half of the participants mentioned feelings of guilt that they can express their identity freely while many they left behind are still persecuted if they do the same and that this is why for them a certain level of awareness of queer and migrant issues was important. These participants still acknowledged that the queer spaces in Berlin are an achievement, and that queer joy is incredibly important, but they advocated that there is space for recognising the exceptionality of these spaces. Some even stated that 'the only place where I see my interests represented is demonstrations' (participant 5). This statement is interesting because it positions demonstrations to be the only place where feelings of representations arise. It implies that participants' positions were often not represented in mainstream politics and government positions since they saw themselves in the opposition, having to protest to have their views represented.

#### 7.6.4 *Queer Diaspora*

I argue that Berlin contains an array of queer diasporas and these function as important representational spaces within the city where community is created, where affect is shared, and where embodied sexual performances can take place. The presence of diasporas and the visibility of different communities within the city was important for feelings of representation. There is a debate surrounding the meaning of 'queer diaspora', especially in relation to larger ethno-cultural diasporas. Anne-Marie Frontier (2002) locates the queer diasporas within the ethnically-defined diaspora. Richard Mole (2018, p. 95), on the other hand, argues that the queer diaspora 'is better understood as a community of migrants as a social form, united by shared sexual as well as ethno-cultural identities, which operates not necessarily within but also outside (or largely outside) the larger ethno-culturally defined diaspora.' One participant described this tension that can arise within the queer diaspora in this way: 'I do feel represented here, I can just be me, I found community. Is it a problematic community? Yes sometimes, but community nevertheless' (participant 20).

By writing 'instead of dispersing we assemble', Alan Sinfield (2000, p. 103) beautifully describes that what makes the queer diaspora different is not characterised by the same place of origin but a created community as the destination. Sinfield

further importantly notes that there is often no option of return for queer migrants and that they assemble a new home in a new place ‘tying in with the idealisation of migration as necessary to the fulfilment of a true homosexual self. Such narratives establish an equation between leaving and becoming, and create distinctively queer migrant subjects: those who are forced to get out to come out’ (Sinfield, 2000 as cited in Frontier, 2002, p. 118). Space remains tied to the formation of identity (Frontier, 2003), which is visible in the places where my participants feel comfortable. Many participants described the conflicts they feel about wanting to maintain relations with the ethno-cultural diaspora but often feeling like not fully belonging because of their sexuality. They saw themselves as bridges between the ethno-cultural diaspora and the queer party scene while at the same time not belonging to either and thus only truly being at home in the spaces they create with queer people with similar experiences of migration and queerness. They felt represented by those spaces and by the people within them because they have gone through the same experience, through the same journeys both within themselves but also in the migration process. Many participants describe this shared feeling of their identity coming together in Berlin and how their perceptions of themselves changed when they were surrounded by so many people with different gender identities and sexualities, enabling them to think about themselves differently. Participants described the presence of other queer racialised bodies as validating and incredibly important for their own process of discovery.

The queer diasporic journey is one where a person can find community, create a new home, and find a life beyond normative heterosexuality (Frontier, 2003). With all the associations and notions attached to it, Berlin then becomes this place: people arrive and create different queer diasporas.

The participants also described feelings of belonging in regard to the queer cultural places I mentioned earlier—clubs, bars, cafes, bookstores, but also queer house projects or ‘*Wagenplätze*’ together forming the queer Berlin. For them these places feel like ‘the home I never had, there are people there who come from where I come from, who really created something here’ (participant 12). Frontier (2003, p. 119) importantly notes that within this migration as homecoming narrative or queer migration ‘home is devoid of individual bodies or rather how it is assumed that any (gay or lesbian) body will feel at home in its hub.’ Many participants also criticised the need to prescribe to a certain aesthetic or ‘conform to nonconformity’ (participant 8) to fit in. Privileging sexual identity over national identity runs the risk of reproducing Western hierarchies within the supposedly ethno-neutral global queer diaspora (Gopinath, 1995, p. 123).

When I asked participants which queer community in Berlin they feel represented by, few participants felt represented by just one. Answers in terms of membership were similar: most considered themselves part of a community that was closer to their ethnicity, although ethnicity does not accurately describe the boundaries of these imagined communities. Sometimes it was about language, but often it was enough to ‘not be European’ as one participant put it ‘because they are just not aware of their privileges and that is exhausting sometimes’ (participant 5). Others framed it more in terms of continents or regions; some used cultural explanations.

What they all had in common was that these queer diasporas built on a shared willingness to create a safe(r) space for themselves and others captured participants' experience, made them feel 'heard', 'seen', and 'understood', and provided the shared experiences of being queer and deciding to leave to build a new life—which was what mattered most to them.

Many participants describe that it was this queer diaspora that supported them emotionally and materially after they arrived and helped them navigate the new city and especially German bureaucracy. They highlighted how important the presence of different communities was to them and how the spaces they create are what makes the city special. Alison Bain and Julie Podmore (2023, p. 147) write that 'LGBTQ+ activists in the large metropolitan centers of liberal democracies have explicitly worked to resist municipal logics of erasure and discipline, and in the process, built community resilience through the establishment of grassroots organizations, services and support agencies.' Their queer diasporas were places of solidarity for them, solidarity that they did not receive anywhere else, no matter if it was in Telegram chat groups, queer community-led and founded housing projects, or open queer events hosted by queer FLINTA\* people with migration experiences. Many of these spaces of queer diasporic solidarity were founded by queer people for queer people.

## 7.7 Conclusion

Seeing queerness not as a marker of sexuality but a political positioning 'in opposition to dominant norms, a space where transformative political work can begin' (Cohen, 2005, p. 22), is what connected all the different elements of representation that I described in each of the sections. Queerness can be theorised to promise criticism and political resistance to transform (Di Felicianantonio et al., 2017)—in this case to transform the city. The queer diaspora is not necessarily shaped by a shared past or narratives of origin but merely consists of a shared present and a collective creation of spaces in the city, transforming it into a space where queer migrants can feel represented. People arrive with the motivation and will to create a new home, to be part of a community, and to be represented in all aspects of themselves. It is a shared experience of pain and a collective creation of joy that is important for representation. In Berlin participants find shame-free spaces where connections based on shared experiences is possible. People create new narratives together where they can turn this shared pain into collective queer joy. There is a sense of solidarity that is affective (Hemmings, 2012) visible in Berlin, where people can connect based on the way they have felt to create a space where they feel welcome. These spaces then slowly leave their marks on the city. As described above it was the presence of queer, trans\*, and non-binary bodies that played an important role for participants' feelings of representation and safety, but who is in a space depends on who can access it. Places need to be accessible in financial terms, and this is where queer politics often clash with the commercialisation and marketability of Berlin. Material

conditions and differences based on countries of departure can't be ignored. Many participants did acknowledge that in the end access to these queer places does remain a question of capital and that not everyone is able to engage in public political opposition—for example, in the form of protests—because of their legal status. This is where practices of solidarity, thinking about each other, and practicing care are important.

The reasons why people visit Berlin are largely the fruits of queer migrants' labours of love, which is why they deserve recognition and representation beyond those marketable spaces that they have created. Queer migrants create the city that they want to live in and that largely means creating a space in which they can feel represented. This process then pushes for more than just being welcome, being tolerated: to feel represented one needs to feel seen, felt, heard. This is also a call for safe(r) spaces since one can only feel seen or heard if one can safely show oneself. It is precisely the existence of places created by queer migrants for queer migrants. It is the presence of other queer and migrantised bodies that made people feel most safe, and for that to happen anti-racist work needs to be implemented every step of the way from door policies to ownership.

Queer spaces are spread across Berlin with a higher concentration in Kreuzberg and Neukölln, traditionally migrant, working-class neighbourhoods. There, participants described a sense of ease in navigating the streets because they 'did not look particularly German' (participant 20), making it easier for them to arrive and bond with others over their otherness. Feeling represented was equated with a feeling of belonging that is created because of shared experience, but also because of shared exclusion. Participants' pushes for representation mainly happened in the form of demonstrations that made them feel represented but also reflected their positioning outside of the (city) government. The politicised environment in Berlin, the discourses and the active fight against the commercialisation of queerness, anti-Blackness, patriarchy, and colonialisation made participants feel represented. In the end it was a mix of shared otherness, political spaces, the presence of queer diasporas, and a sense of recognition for queer migrants' cultural achievements that made them feel represented in Berlin and lead many to proudly calling it home. Feeling like they belong made them ready to continue to fight for more political representation while still wary of the consequences this might bring. It is the practices based on affective solidarity and understanding for each other's struggles that allow queer FLINTA\* migrants to create spaces of queer joy that make them feel safe, supported, and represented.

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# Chapter 8

## Strangers in the Neoliberal City: Bodily-Emotional Disposition, Urban Ambivalence, and Transcontextuality in the Narratives of Venezuelan Migrants in Bogotá



Erik Jerena-Montiel 

### 8.1 Introduction

Bogotá stands out as the epicentre of the twenty-first-century neoliberal agenda in Colombia, establishing various geographies of urban neoliberalism (Harvey, 2007a) as an outcome of the implementation, action, and spread of this agenda, which impacts the everyday experience of both locals and Venezuelan migrants in this Global South city. This pronounced neoliberal emphasis is notable in the experience of its inhabitants because it significantly affects their daily lives. It does so through the commodification of social life and space, individualism and structural informality, violence, and insecurity, as well as the economic and social crisis exacerbated by the Covid-19 pandemic (Jerena, 2021). In this way, it becomes possible to start understanding how issues like foreignness and urban solidarity are defined within the context in which they are produced, in the city scale—the neoliberal Bogotá in this case—a sociocultural reality constructed as a relational network, drawing from Grossberg’s proposal (2012) for cultural studies.

Starting in 2015,<sup>1</sup> the massive migration of Venezuelans to Colombia began, and the presence of migrants in the city’s public space became increasingly visible. It is currently estimated that in Bogotá there are around 600,000 migrants who have

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<sup>1</sup> The year 2015 is considered a pivotal reference point in the study of this migratory phenomenon as from that moment, the migration process of Venezuelans to different countries in the region intensified. It is estimated that nearly eight million people have migrated from Venezuela, with 6.5 million dispersing across Latin America and the Caribbean, and around half a million having reached the United States (R4V, 2024).

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settled in different areas of the city according to their possibilities (Migración Colombia, 2024). In other words, they have established themselves in a significant part of the urban space, blending in with the locals, tending towards territorial integration and avoiding self-segregation (Jerena, 2021). Along these lines, they follow the pattern of residential distribution across different socio-economic strata established by the locals in the city, although they are more prevalent in areas characterised by marginality and high population density as these areas are more economically accessible. This is linked to the increase in informality and the demand for social services.

Colombia initiated the issuance of Special Permits for Stay (PEP) in 2017 to allow for the temporary regularisation of the stay of Venezuelan migrants. These permits were adjusted in various versions to expand their coverage. The following year, a policy guideline was established for these migrants' care, urging territorial entities to guarantee access to healthcare, education, and humanitarian assistance, prioritising pregnant women and early childhood (Selee & Bolter, 2022).

In 2021, the Colombian government adopted the Temporary Statute of Protection for Venezuelan Migrants in Colombia (ETPV), a mechanism for the mass regularisation of these migrants through the Unique Registry of Venezuelan migrants (RUMV) and the issuance of the Temporary Protection Permit (PPT), valid for 10 years. This fact has been considered a milestone of solidarity at the national level in the Latin-American region related to the foreignness status of the migrants<sup>2</sup> (Selee & Bolter, 2022). However, most literature discussing foreignness and solidarity with Venezuelan migrants in the region tends to overlook the perspective of the migrants' experiences at the urban scale.

On one hand, contemporary studies on foreignness in Venezuelan migration predominantly adopt a national-regional framework. These studies rely heavily on aggregated statistical data to draw comparisons between countries, prioritising the interpretive viewpoint of the destination societies (Gandini et al., 2019; Freitez, 2018, 2019, 2021; Arroyo et al., 2022). That is, they define foreignness from the viewpoint of locals. Typically, these studies address foreignness in normative-legal terms, centring its definition on the implications of migratory status (Cabrera et al., 2019; Acosta et al., 2019). However, such an approach only allows us to scratch the surface of the foreignness configuration, revealing little about the depth of the sociocultural processes in which Venezuelan migrants actively participate. This lack of depth hinders our understanding of the specificity of their experiences in cities of reception (Stepick & Dutton, 2009; Glick-Schiller & Caglar, 2009, 2018).

On the other hand, literature on urban solidarity with international migrants in the Global South context is sparse (Bauder, 2019, 2022; García-Agustín & Bak-Jørgensen, 2019). Thus, discussion on urban solidarity in migration studies has scarcely explored how it manifests in the everyday lives of migrants in Global South cities. The solidarity that emerges from daily interactions between migrants and

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<sup>2</sup>With the regularisation of the immigration status of 2.5 million of the three million Venezuelans who have arrived in Colombia, the country is the most supportive in the hemisphere in terms of solidarity toward migrants (Migración Colombia, 2024).

local residents in urban spaces is largely contingent and depends on the bodily-emotional disposition of those involved in each encounter, in each space, and in each situation. Consequently, urban solidarity practices remain relatively uncertain, given the ambivalence of the city and the fluctuating openness or closeness of locals to interactions. It becomes imperative, therefore, to investigate how, when, and where solidarity unfolds in the daily lives of Venezuelan migrants in Bogotá, as a neoliberal city.

Glick-Schiller and Caglar (2009) use the term ‘city scale’ as a conceptual tool that operates as a multi-scalar framework, facilitating the observation of the relationship between neoliberal urban restructuring processes and the diverse ways in which migrants are integrated into urban spaces. The *city-scale* offers valuable insights into multi-scalar processes, starting from the body itself as the initial scale of experience (Soto-Villagrán, 2018). It also highlights the interconnectedness of different neoliberal contexts in the everyday lives of migrants (Aparicio-Cuervo & Fernández-Pinto, 2022).

In this regard, the chapter’s objective is to contribute to the literature on solidarity cities, addressing a notable gap and providing a perspective that has been neglected. Utilising narrative analysis on a city scale as a theoretical and methodological framework, this chapter enables nuanced perspectives on embodied and emotional belonging and exclusion within urban spaces. This approach adds depth to urban solidarity approaches, shedding light on the intricate dynamics of migrants’ experiences in Global South cities.

First, I present how the process of strangement and migrants’ narratives on the city scale function as a theoretical and methodology framework in this research. I then explore the intricate relationship between migrants’ bodily-emotional disposition, urban solidarity practices, and the construction of Venezuelanness in the context of neoliberal Bogotá. Next, I delve into the manifestation of urban ambivalence, examining how it materialises through both the possibilities for and limitations imposed upon migrants as they navigate the city as somewhat out-of-place bodies. Finally, the chapter concludes by synthesising these insights and their suggestions for the urban solidarity approach in the Global South cities.

## **8.2 Strangement and Migrants’ Narratives at the City Scale: A Theoretical and Methodological Framework**

As I argued above, my study aims to trace the processes through which foreignness is socioculturally configured, that is, within the web of relationships and interactions taking place in the social space of a specific context—in this case, Bogotá. In this perspective, what I propose here is a methodological design that combines the biographical-narrative approach (Bertaux, 2010; Velasco & Gianturco, 2015) with a city-scale framework (Stepick & Dutton, 2009; Glick-Schiller & Caglar, 2009, 2018), allowing us to observe how migration is experienced through the narratives

of a group of Venezuelan migrants who come to inhabit the complex urban social space of Bogotá.

The theoretical framework combines perspectives from social interaction and phenomenological sociology, particularly building on the conceptualisation of the stranger and strangeness (Simmel, 1988 [1903], 2009, 2012, 2016 [1908]); Schütz, 1944, 2012 [1944]; Goffman, 2006 [1970], 2017 [1967]), and engages with contemporary contributions that update this debate (Ahmed, 2000; Sayad, 2004, 2006; Bauman, 1991, 2016). I use the concept of *strangement* to explore the interactions between Venezuelan migrants and locals, as well as between Venezuelans themselves, within the urban space. Thus, the meaning of foreignness is linked to encounters of strangement, spatialities marked by out-of-place presences, and narrative constructions. In this connection, foreignness is conceived as a process of (self)identification and constant definition of one's Venezuelan identity, that is, their Venezuelanness, within an ambivalent urban context. This is achieved through interactions and encounters with others, the ongoing sense of strangement from living in a space foreign to one's own, and reflection on these experiences expressed in narratives.

In this regard, the study was conducted based on a corpus of stories from Venezuelan migrants in Bogotá, gathered through remote and in-person interviews conducted between 2019 and 2021. The methodological framework included processing open and in-depth interviews to identify themes and narratives through their analysis as qualitative data (Charmaz, 2000; Bertaux, 2010). This enabled the identification of prominent themes and narratives in the stories as the expressions of meaning related to foreignness within the process of strangement. To illustrate the insights, excerpts from these stories are included. The study subjects arrived in the city between 2015 and 2021 and have since been living and working there; five are women and five are men. The interviews focus on the perspective of Venezuelan migrants and their recounted and recorded experiences of daily life as stranger-foreigners in Bogotá.

Georg Simmel (2009, 2012, 2016 [1908]) defines the stranger as a figure characterised by mobility in space. The presence of a stranger creates a paradoxical synthesis of distance and proximity, resulting in a sense of cultural difference among those engaged in any social interaction. This out-of-place presence, as Sarah Ahmed (2000) refers to strangers, can lead to indifference, interest, reservation, or rejection when the stranger, in this case the Venezuelan migrant, enters the social life of Colombians in the city. Erving Goffman (2006 [1970]) suggests that the interaction of a stranger in co-presence with locals can lead to acceptance, civil inattention, or stigmatisation. Along these lines, Sara Ahmed (2000) develops her conceptual proposition about *strange encounters*, understood as mechanisms that define both cultural difference and bodily space of strangers in the city. These interactions demarcate the *bodily space*, understood as the space the body occupies, which can even lead to questioning the legitimacy of their out-of-place presence in the *social space*, understood as a system of power relations in a particular place (Ahmed, 2000).

In addition, contributions from Alfred Schütz (2012 [1944]) and Abdelmalek Sayad (2004, 2006) draw attention to two processes: firstly, the learning of *recipes* that involves the maintenance and legitimisation of migrants' presence, which can

determine the success or failure of their entry and stay in the city that entails a constant process of strangement from the cultural pattern of a social group to which they do not belong; and secondly, the development and construction of narratives, which involves making sense of the experiences of being a stranger-foreigner.

In this way, this theoretical and methodological framework allowed me to identify narratives that make sense of the experience of these migrants in the urban social space, based on *encounters of strangement* between Venezuelans and Colombians in different areas of the city. Narrative is a mode of representation that emerges between our experience of the world and our effort to describe it, meaning we *narrativise* reality as we give it the shape of a story (White, 1992). The study of narratives is related to the dynamics of social and cultural change through space-time; in other words, transformation is inherent to narrative, present within the story itself, the lives of the narrators, and even in the researcher's interpretation (Squire et al., 2008).

From this perspective, I propose that foreignness is defined in the balance struck from the process of bodily and emotional adaptation, which can be simultaneously rewarding and painful, within an ambivalent and contradictory context. Next, the discussion presents three relevant components of meaning that emerge from these narratives, stemming from the process of strangement experienced by Venezuelan migrants as they strive to establish a place for themselves within the city: bodily-emotional disposition, urban ambivalence, and transcontextuality.

### 8.3 Bodily-Emotional Disposition: Venezuelanness in Neoliberal Bogotá

The definition of Venezuelanness is nuanced from the perspective of each Venezuelan individual who tells their experience in the neoliberal Bogotá. It is a socioculturally constructed form of foreignness expressed in the range of possibilities for inhabiting Bogotá as foreign migrants. Throughout their insertion into the city and the strangement experienced by Venezuelan migrants, as the protagonists of these narratives, the body and emotions are inevitably involved. This process of strangement influences the production of spatialities, reflexivity, and the construction of meaning. This dynamic allows us to view foreignness as an ongoing process of bodily and emotional adaptation in constant balance within the urban social space—an ambivalent and contradictory context that can be both rewarding and painful. Marlén, a 57-year-old Venezuelan, recounts in the remote interview conducted in August 2020:

I had an experience in a restaurant here in Bogotá...the treatment I received was... there was a lot of humiliation. Besides, I worked a whole day, and when I went to receive my pay in the afternoon, they gave me 25,000 pesos [6 USD]. Meanwhile, selling on the street started going well for me ... I never went back to that restaurant and continued my work on the street, exposed to many things... it's no secret that there, on *Seventh Avenue* [in downtown Bogotá], drug consumption is prevalent, homeless people, exposed to being robbed,

exposed to pollution because I, at least, was out there from nine or ten in the morning until seven in the evening when I returned home. I sold well, but I exposed myself to a lot of danger.

Marlén's experience confirms this tactical order of everyday practices that, in this case, emerge to avoid mistreatment, take advantage of opportunities, evade restrictions, and, despite the risk and bodily and emotional cost, earn better income. These interactions guide how Venezuelan migrants navigate the city. Marlén, for example, prefers to engage in the dynamics of the informal economy in public spaces where she can avoid labour abuse, earn higher profits, and even benefit from the solidarity of Colombian people.

Venezuelan migrants position themselves bodily and emotionally to offer individual reliability in exchange for reciprocity and recognition, aiming to attain social capital in response to the inconsistencies of the host context. Solidarity is a possibility amid the ambivalence of urban space, where places are shared with local people and is expressed through forms of inclusion that largely depend on the bodily-emotional disposition of migrants in interaction. In Marlén's words:

Thank God, I have found support from people I have shared with; they have helped me. On that side, I have encountered Colombians who have seen me with my grandchildren, who also see how one lives in tight conditions, and it has been easy for them to say, 'Look, I want to help you, I have some diapers here that can be useful for your grandchildren.' I have received a lot of that kind of help...I have also gained a lot of love and appreciation from Colombian people. I think that also depends on one's way of being.

The process of strangement in spaces of neoliberal informality enables mutual recognition between migrants and local people, which, as Marlén says, 'depends also on one's way of being', confirming that this recognition is assumed as an individual responsibility. Now, her body is not perceived as a threat because of the way she performs in urban space; local people have been able to verify her own vulnerability and that of her family. So, instead, Colombian people offer her help, extend their solidarity because she has 'gained...love and appreciation', and, in return, recognise a legitimate space for her foreignness.

The process of migrants integrating into the city demands adaptation to 'carve out a space', as one interviewee put it, for their Venezuelanness. This process entails a readiness for bodily and emotional adjustment based on the restrictions and possibilities encountered in the neoliberal social space of Bogotá. It involves striking a balance between costs and benefits, bodily weariness and earned money, pain and gratification, and allowing for provisional stability. For instance, Lesly, a 22-year-old Venezuelan, accepts unfavourable conditions in informal work only if there is no mistreatment: '...sometimes the hours you work don't matter... you work 12 hours, but if you're treated well, you enjoy your work. These are things you have to learn to continue.'

For Lesly, who was aware of the ambivalence of workplace environments, on reflection some experiences of welcome, support, and solidarity from local people stand out. These experiences lead her to make a positive assessment of her stay in Bogotá. In certain workspaces, even though she worked informally, Lesly found

displays of solidarity from her Colombian bosses, and there was even a willingness to assist her during the pandemic lockdown, as she shared during the interview:

My bosses were very good people. I needed something, and there they were. Even during the pandemic, they would call me and ask, 'Hey, Lesly, what do you need? How are you?' They are very nice people... Another boss I had there [at another job] is also a very good person. As time passed, due to pandemic issues, I couldn't work with her anymore, but she has always kept an eye on me, asking, 'What do you need? How can I help?'

Thus, the urban space also facilitates the generation of certain social capital, which is rewarding in terms of both physical and emotional well-being. Even though the pandemic lockdown restricted mobility in space, Lesly was able to receive recognition and solidarity in the closeness achieved with the Colombian people she worked with.

Bodily-emotional disposition comes into play with each strange encounter. Initially, this embodied disposition functions as a performance seeking acceptance, offering reliability in exchange for 'loyalty and commitment to Colombian people who trust us', as an interviewee said. This dynamic progressively defines their foreignness based on the response of the local people. Now, this response can be positive or not, meaning it can align with what each migrant anticipates as a legitimisation of their presence or activate stigmatisation and fetishisation of their bodies. Just as there is a local narrative associating the presence of Venezuelan people with a rise in crime in the city, largely reproduced in media coverage and social networks, there is also the fetishisation and hypersexualisation of the Venezuelan female body. As Liliana, a 42-year-old woman recalls:

During that time, it was very difficult for me because where I started working, in a café in downtown Bogotá, one of the bosses was too abusive, he treated me very poorly, he made me cry. One day he entered, I was washing dishes, facing away, and he grabbed me by the waist, held me against his body, and I told him to respect me, 'Respect! What's wrong with you?' And he just said, 'But why do you get upset?' In other words, he thought that, because I was a Venezuelan woman, I would be like those you hear about out there...

An encounter with a Colombian man can unexpectedly become terrifying for a Venezuelan woman. Unfamiliarity with urban space, coupled with intense sexual harassment, rapidly intensifies fear, as the personal space of the Venezuelan woman is invaded by the Colombian aggressor. Harassment is sustained by a local narrative that stigmatises and fetishises Venezuelan women because it is heard in the city that 'there are Venezuelan women who, out of necessity, submit to Colombian men,' says Liliana. This vulnerability makes the body of the Venezuelan woman susceptible in urban transit. The responsibility then is being put on them, Venezuelan women, who must be vigilant and constantly alert to avoid harassment, ready to protect themselves and set boundaries. In the Bogotá context, there has been a tendency to normalise survival sex among Venezuelan women in their interactions with Colombian men, as Liliana states: 'It's believed that there are Venezuelan women who give themselves to Colombian men out of necessity.' This severely restricts the possibilities of their bodily space in social space, highlighting the constant risk they must assume in their workplaces, residences, or the places they traverse.

Venezuelans develop skills to balance unfair conditions and money-making opportunities despite the initial disadvantage of unfamiliarity with the context and the limitations of neoliberal informality—which are the norm in Bogotá. Accepting these conditions implies facing painful bodily discipline in work shifts that can stretch from 12 to 16 hours a day. This painful adaptation, in turn, results in learning experiences and some money to sustain themselves and continue to live in the city. The body can even be pushed to the limit of its productive capacity. For example, Liliana, who worked informally in that café in downtown Bogotá, was aware of the physical wear and tear and sexual harassment she faced. However, she felt that ‘I had to go to work anyway.’ At times, she even thought she was going to die due to ‘constant headaches’ but ‘the need’ justified her exhausted presence at her workplace: ‘Because of the great need I had, I kept going, I kept working.’

The adaptation and bodily-emotional adjustment demanded by the social space can be relatively costly, depending on the balance between ‘necessity’ and ‘ability to endure’, as stated by Edwin, a 17-year-old Venezuelan who arrived in Bogotá amidst the pandemic: ‘Necessity forces you to work, those who don’t work, don’t eat.’ The social space of work can become even more violent due to the body being subjected to harassment. Liliana’s boss would scold her during the brief time they gave her to eat: ‘Hurry up! Are you done already?’ While she ate, her body became unproductive and that’s why she was constantly harassed. The disciplining of the Venezuelan body can be observed in the conjunction of mistreatment and paltry payment—16 hours a day for USD0.40 per hour without any breaks. Venezuelans’ out-of-place presence defines them as an exploitable body.

Earning a space to live and work in Bogotá involves assuming costs and even risks that fall on the body. As a project of hegemonic reorganisation, neoliberal logic becomes ingrained in the common sense through the articulation of violence and consensus, formality and informality, repression and legality, while promoting a narrative of individual performance and bodily productivity that subsumes the reproduction of everyday life (Calveiro, 2017). At each stage of the strangement process, an awareness of the bodily and emotional costs imposed by the ambivalent social space is acquired.

#### **8.4 Urban Ambivalence: Possibilities for and Limitations of Out-of-Place Bodies**

Bogotá, as a neoliberal context of reception, is ambivalent and even contradictory. The production of social and bodily space in the co-presence with others—locals and other Venezuelans—can simultaneously be defined by acceptance and rejection, inclusion and exclusion, solidarity and xenophobia. Hence, migrants seek to navigate these ambivalences and contradictions by establishing a balance between possibilities and limitations—a balance produced in each encounter, every interaction, every space.

Neoliberal strategies take shape in specific forms and combinations in different parts of the city, considering the complexity of regulatory issues that have affected cities of advanced capitalism (Janoschka & Hidalgo, 2014). Bogotá's neoliberal design has primarily been a spatial redesign, valorising and degrading certain spaces through regulation and organisation, promoting the creation of formal and informal spaces, as well as stratified residential areas segregated by socio-economic reasons. The urban space, then, is established as an efficient form of capital fixation that, nevertheless, allows for the production of accumulation geographies that vary based on their restructuring and organisation as it also functions as a commodity that is consumed (Harvey, 2007b).

Urban ambivalence is present in every encounter of strangement, leading each migrant to navigate obstacles and restrictions emerging in interactions with local people as exclusion is always looming. Moving or relocating within urban space may be a preferable option, as was the case for Javier, a 28-year-old Venezuelan man who arrived in 2019 to try his luck as a street artist on the pedestrian path of the emblematic Seventh Avenue in downtown Bogotá. He recounts to me, in an in-person interview in Bogotá, how Colombian artisans expelled him from the public space:

*On Eleventh Street* I positioned myself only once and didn't repeat it because when I arrived there, everything seemed normal. I didn't even have a table; I had a little box, a small chair, literally occupying no space. Some artisans told me, 'We don't welcome Venezuelans here; you can't do this here!' and they started chasing me and another old man, another Venezuelan. I said, 'Well, brother, let me pick up my paint, I'll leave. I'm not in my land, and even in my land, I wouldn't start a fight, so I'll leave, no problem'...But they kept saying, 'No, go away, go away!' They even kicked my box and everything [he gestures with anger and frustration on his face, emphasizing with his hands]. So, I patiently picked up my things and thought, 'I won't go to the *Eleventh Street* again'; thankfully, I know where to go on *Seventh Avenue*...But no, Bogotá, Bogotá is...in Bogotá, you must know where to go, how to treat, whom to treat. The fact is that you have to learn to figure things out here.

The ambivalence of social space is present in the interaction all the time; therefore, one must 'know who and how to deal with' means deciphering the situation to find possibilities for integration. Distance and proximity degree in these encounters shapes the meaning of each new spatiality, which, in turn, involves bodily and emotional adjustment. 'Literally, I occupied no space,' Javier laments while recounting how those Colombian artisans confronted him: 'You can't do this here.' The difference is not merely an inherent quality of the foreigner's body, the Venezuelan migrant in this case. The personal experience of space gets deeply embodied, involving a firsthand awareness of the sensations and emotions accompanying one's presence in a specific place and moment; it's about feeling and being aware of the significance that one's presence holds in a given encounter.

Differentiation is thus established as a spatial relationship between Venezuelan people and Colombian people in specific social places, as when Javier concludes 'I won't go to the *Eleventh Street* again; thankfully, I know where to go on *Seventh Avenue*.' In this sense, foreignness is established as a relationship between Colombian and Venezuelan bodies navigating the Bogotá space. The Venezuelan

person is recognised as an out-of-place body, triggering tensions and negotiations, sometimes tacit, other times explicit, between strangers and locals. In summary, Venezuelan migrants are aware that any encounter can lead to their devaluation, segregation, and exclusion in the urban space of Bogotá. Consequently, they live with uncertainty about the reception awaiting them and remain attentive to how to respond in each situation. This is how strangement operates, understood as a process that results from approaching someone where the strangeness of the person being interacted with is felt, resulting in mutual perceptions—in this instance, between Venezuelan people and Colombian people.

Venezuelans seeking work as informal street vendors have firsthand experience of being persecuted by the police while working on the streets of ambivalent urban space of Bogotá. In the neoliberal city, public space is ambiguously regulated (Torino, 2016). Normatively, the presence of Venezuelans is prohibited, now doubly out-of-place as both migrants and informal street vendors. The Police Code, which establishes this regulation, makes access to urban social space contradictory: on the one hand, it is ‘against the right to work’, in Marlén’s words, who realised that, on the other hand, ‘there is no possibility of arguing with the police.’ Even silencing the body becomes necessary for protection, such as not drawing attention to one’s accent, for example. In these encounters, the police harass with official violence, illustrating how public space is regulated in Bogotá. This rule is quickly learned, and it is understood that ‘it’s better to flee, to move’, as Marlén says, and safeguard one’s bodily integrity and belongings. In this way, ambivalences and contradictions are established inherent elements of neoliberal informality.

In the face of possible rejection in co-presence due to this urban ambivalence, a tactical response stands out: ‘Acceptance depends on one’s personality.’ Each individual defines their fate in the interaction with locals, and if the bodily-emotional adjustment—which is pure performativity—is appropriate, a positive outcome such as solidarity is possible. The narratives repeatedly emphasise that trust is gained through interaction. As stated by Hollman, a 28-year-old Venezuelan who arrived in Bogotá with his family in 2017, ‘affection and appreciation from Colombians can be earned’ depending on each person’s efforts to prove they are not a threatening presence: ‘that one is a good person.’ Revealing the painful nature of rejection, Hollman reiterates with sadness and resignation that ‘in Bogotá, the most difficult thing is to be accepted.’ Stigma abruptly closes the door to acceptance and recognition by oversimplifying and devaluing Venezuelans. ‘Acceptance is a process; trust is gained as people get to know you,’ Hollman emphasises, claiming the legitimacy of his Venezuelan identity in urban space.

Thus, there is also a recurring calculation between balance and decipherment, for example, when weighing the experience of being informal street vendors. Marlén explained: ‘I was selling well, but I was exposing myself to a lot of danger’. The underlying narrative regarding the contradictions and ambivalences in the city encompasses both opportunities and the risks and insecurity they face. While the urban space might have ‘many beautiful things, there is also a lot of danger,’ Marlén recalls, highlighting how Venezuelan migrants can be accepted, welcomed, persecuted, or vulnerable as they navigate through a (un)decipherable urban space.

Urban ambivalence and bodily adjustment don't exempt one from class distinction. In formal workspaces, Venezuelans sometimes need to make class adjustments, as the same social position from their country of origin may not necessarily apply. 'Privileges are lost,' as Mara, a 42-year-old surgical doctor, experienced: '...back there [in Venezuela], I'm in the high class, the upper class, and here you're nobody, nobody knows you, "Doctor Mara? Who is that?" I mean, you're passing through as a phase.' In any this case, migrants must read the social space to navigate the ambivalence and establish how they need to perform. This involves constantly reconfiguring their corporeality, 'adapting even to the way of dressing, speaking, and behaving,' Mara concludes.

The narrative of 'ambivalent and contradictory but decipherable Bogotá' is a narrative about the reading of the strategic level, about the structural-contextual level, aimed at defining uncertainties in the city while constantly weighing the limitations and exploitable possibilities in the social space. In this way, the ability to articulate learning and action recipes comes into play, sometimes incorporating transcontextual dynamics to optimise resources.

## 8.5 Transcontextuality: Tactical Use of Resources

The Venezuelan context from which these migrants departed is constantly present in their stories. It serves as a symbolic, emotional, and material reference that, while contrasting with the Colombian context, is also integrated into the reproduction of their daily lives. Due to the spatial proximity between Bogotá and Venezuela and the relative ease of going back and forth, migrants can leverage the resources available to them in each context. This novel tactical sense of transcontextuality is grounded in their reflections on their experiences and learnings. Building on her experience, Lesly, for instance, aims to articulate a novel tactical use of resources between both contexts:

I plan to go to Venezuela to keep an eye on the vegetable stand I have there and come to Bogotá to solve whatever needs to be done, and I will work to earn some money. If I have to come and go, I will be there, coming and going...As long as there is enough to pay, one crosses the border.

The spatial mobility of Venezuelan migrants triggers the process of strangement as a journey through physical and social space in which foreignness takes on an immediate bodily and emotional sense, evolving, balancing, and adjusting according to the interpretation and utilisation of resources within each context. In the process of strangement, the protagonists of the narratives construct the sense of their Venezuelanness as foreign migrants. Their Venezuelan identity is rooted in a sense of national belonging, serving as their main point of reference for familiarity in shaping social life and individual identity. Belonging to the time and space of the nation forms a reference that conditions the sense of strangement (Sayad, 2004). The context of origin in Venezuela, their hometown, their relatives, or the place they

left behind to come to Bogotá provides the interpretive framework with which they navigate their insertion into the new social space. Jesus, a 44-year-old Venezuelan who works informally as street vendor in the city centre, told me about this tactical transcontextuality:

I have to work hard in Bogotá to be able to pay for my daughters' education in Venezuela because here in Bogotá, university is so expensive. Colombians pay dearly for education. When I tell Colombians, 'I pay 170,000 pesos a month (USD 44),' they respond, 'But what is that, a garage school, or what?' And I clarify, 'No, it's for a good, private university.' They still express disbelief, saying, 'At a good university here, you pay 15 million pesos (USD 3800) for a semester!'

Establishing a place to stay in Bogotá primarily entails having the ability to earn money to cover the cost of living in this city that is 'very expensive' and where 'you have to pay for everything,' as emphasised by the interviewed migrants. In this aspect, Bogotá differs from Venezuela where 'public services are very affordable' and even 'almost free', as Jesus confirms. The unfamiliarity of the new cost of urban living in Bogotá inevitably leads to constant calculation and comparison with the Venezuelan context. Venezuela serves as a reference insofar as it is a less commercialised context, perhaps less neoliberal, as certain things such as the cost of education, housing, and public services there are not entirely commercialised and begin to be revalued from a distance.

This dynamic of transcontextuality emerges when migrants realise that they can leverage both contexts. Through a strategic reading, they decipher possibilities for resource articulation to facilitate the reproduction of their daily lives. For instance, they may work in Bogotá to pay for higher education for their children in Venezuela, as 'university education in Bogotá is unaffordable', as stated by Jesus. Likewise, migrants create new action plans, such as productive initiatives that blend 'a little bit of Venezuelan and a little bit of Colombian', as asserted by Hollman, now the owner of a restaurant that fuses the cuisine of both countries. For entrepreneurs, it's possible to 'work here [in Bogotá] to sustain the business there [in Venezuela]' as Lesly does. In fact, some of the interviewees assert that 'if you need to go back and forth, it's not a problem, as long as you have the means, you can cross the border.' In this way, money flows between the two contexts, much like people, knowledge, objects, and purposes. In the narratives of these Venezuelan migrants, individual effort is repeatedly emphasised as a tactic for insertion into the urban social space. This individualism, which entails individual responsibility for personal success or failure within neoliberal capitalism, becomes the most effective tactic for entering and self-identifying in the endeavour to carve out a space in Bogotá. Despite the inequality, high cost of living, insecurity, and exclusion, migrants find it fascinating that, in contrast to Venezuela, in Colombia 'the market functions and you can buy everything', as Mara asserts. Nevertheless, they largely use the Venezuelan context and their resources there—such as their own homes, entrepreneurial ventures, university education, and family support networks—to survive in Colombia. While distancing themselves from the somehow failed anti-neoliberalism project in Venezuela and embracing neoliberalism, they draw upon the context of origin and reference to stay in Bogotá.

In this manner, migrants decipher the city's strategic level to establish the exploitable limitations and possibilities within the urban social space. Of course, this depends on their ability to articulate lessons and action recipes and their skill in utilising resources from both contexts. Foreignness and Venezuelan identity also undergo reconfiguration through this transcontextuality.

## 8.6 Conclusions

In this chapter, I examined how foreignness and urban solidarity are configured based on the Venezuelan migrants' living experience in Bogotá. This neoliberal city from the Global South is an ambivalent urban space where Venezuelan migrants navigate facing a strangement process through interaction with locals in different places and situations. I proposed that the meanings of foreignness and solidarity in this urban context are intertwined with encounters of strangement, the production of social space defined by out-of-place presences, and the construction of narratives that result from the Venezuelan migrants' experience immersion in Bogotá. Thus, it becomes evident that while striving to learn how to carve out a space in Bogotá, these migrants constantly self-identify and reproduce their foreignness.

In this regard, based on Venezuelan migrant narratives, I explored the discussion on how strangement works in the migrant experience in the urban space to understand the possibilities of urban solidarity in Bogotá as a city of reception. I found that solidarity could result from the emotional and bodily dispositions of Venezuelan migrants during interactions with locals within this ambivalent urban context.

Narrative analysis allowed me to identify two thematic trends prevalent in the stories. In the first, there are narratives related to bodily and emotional adaptability, highlighting the need to gain the trust of local people to secure a space. These tactically individual narratives emphasise what migrants have had to do in seeking resources, i.e., accessing work and earning some money, considering the possibility of rejection, exclusion, and inconsistencies in the urban context. Faced with the ambivalences of the neoliberal Bogotá, a form of Venezuelanness is constructed that offers bodily-emotional disposition and individual reliability to gain social capital, trust, and acceptance. In the second thematic trend, there are narratives related to urban ambivalence and the need to decipher the contradictory dynamics of neoliberal Bogotá, experienced as limitations and possibilities in the urban social space that could involve multi-scalar and transcontextual dynamics.

It would appear that in the case of neoliberal Bogota, local communities could be pursuing practices of solidarity towards international migrants and refugees in the Global South. In that regard, it has been useful to explore how the perspective of urban solidarity can be applied in the Global South cities and how solidarity practices are highly context-particular.

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# Chapter 9

## Solidarity Practices Among Informal Migrant Networks in Cities of Ghana



Mary B. Setrana , Joseph K. Teye , and Thomas Yeboah 

### 9.1 Introduction

The recent past has witnessed increased attention to solidarity policies and practices, particularly among scholars, policymakers, and activists in the Global North (Bauder, 2017). Despite being highly contested and ambiguous in nature, these diverse practices and policies have been lauded ‘as much a process as a goal’ (Walia, 2014) that necessarily responds to a diverse range of social and geo-political conditions. While the concepts of sanctuary and solidarity city are widely applied in policy planning and debate, their meaning and practice differ considerably between countries. Indeed, while sanctuary and solidarity practices in urban communities have been well-researched, studied, discussed, documented, and contested in the Global North—particularly in North America and Europe—and some parts of South America, the literature on such practices in the African context is still in its infancy or even non-existent. Our chapter seeks to address this shortcoming by focusing on the specificity of rural-to-urban migration in Ghana.

Common to rural-urban migrants in the African context is the reliance of migrants on their social networks in urban cities. Indeed, research and popular interest on the role of social networks and local integration policies in accommodating vulnerable migrants in cities of Ghana remain a subject of interest for both researchers and policymakers. Much like historical trends, contemporary rural-to-urban migration is driven by the motives of seeking sanctuary, embracing newfound liberties, and pursuing avenues of advancement (Bauder, 2016). The networks of rural-urban migrants play a significant role in supporting their aspirations of pursuing life advancements and opportunities in urban spaces. These networks established by migrants have an impact on various aspects including economic outcomes such as

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employment opportunities and income, as well as non-economic facets like maintaining their ethnic identity. These connections, which extend well beyond familial and ethnic ties, represent a crucial, location-specific social asset that can potentially smooth the process of migrant integration in their new environment. This asset becomes particularly important in cases where institutional support is lacking for the integration of rural-urban migrants in Ghana's urban centres.

In Ghana, the share of the urban population grew from 43.8% in 2000 to 50.9% in 2010 (GSS, 2012). This further increased to 56.7% in 2021 with Ashanti and Greater Accra having a large share of the urban population (GSS, 2021). Projections indicate that this trend will persist, with the urban-dwelling population anticipated to burgeon to 63% by the year 2025. The consequences of this heightened urban population expansion are manifold, prominently including the strain imposed on migrant integration and employment prospects within urban settings (Yeboah, 2021). Additionally, the dearth of substantial growth in Ghana's formal sector over recent decades has catalysed an influx of the urban populace, particularly impoverished migrants, into the informal sector. This transition has been notably pronounced due to the proliferation of rural-urban migrants—a demographic frequently observed to gravitate towards menial, temporary jobs characterised by meagre remuneration and encompassing waste management, domestic labour, construction activities, and street vending (Awumbila et al., 2014).

This chapter examines solidarity practices—which we conceptualise as supportive practices among migrant networks in the informal sector—that contribute to the integration of migrants in destination cities in Ghana. We focus on migration from rural northern Ghana to the urban cities of the south because this pattern of migration remains dominant in the country and has been on-going for several decades. Specifically, we focus on migration from northern Ghana to Accra and Kumasi. These two cities remain the dominant destination areas for migrants from rural northern Ghana. The chapter highlights that rural-to-urban migrants are faced with numerous challenges including inadequate resources, cultural barriers, hostile attitudes of destination communities, language, and lack of institutionalised social support systems to promote their integration. However, migrants' informal networks are instrumental in offering financial support, information, and advice about jobs, accommodation, and essential services that contribute to migrants' livelihoods. These practices are embedded in principles of trust, interdependence, and reciprocity. We also identify exploitative practices, and how the migrants through agency navigate the exploitations within their informal networks.

The chapter employed a desk review methodology involving a synthesis and analysis of secondary data on supportive practices among migrant networks in the informal sector and how these practices contribute to migrants' integration into destination cities in Ghana. We draw on literature from both international and internal migration to highlight the complexity and dynamics of the supportive role of networks. The focus on international literature on migrant social networks provides critical insight to understanding how the global and local forces interact to shape migrant networks and the supportive practices for integration in destination areas. The desk research was used as a source for information on the integration

challenges faced by rural-to-urban migrants and how informal networks support the integration of vulnerable migrants in cities of Ghana. Key documents reviewed covered peer-reviewed journal articles, books, government reports, working and technical papers, policy briefs, and project reports with a specific focus on internal rural-to-urban migration and migrant integration within the context of Ghana. A systematic search strategy was employed to identify relevant literature. We initially identified papers and documents related to the chapter's themes and sections using online (academic) databases such as Scopus, Web of Science, Google Scholar, ScienceDirect, and CAB, among others. Key search terms included 'migrants', 'migrant integration', 'social networks of migrants', 'exploitation of migrants', 'importance of social networks of migrants', 'internal migration in Ghana', 'social capital', 'exploitation of migrants', 'integration challenges of migrants', and 'rural/north to urban/south migration in Ghana'. Further, a snowballing technique was used to identify additional papers through close inspection of cited references. Relevant text from the identified documents was extracted and synthesised to produce this chapter.

## 9.2 Conceptualising Migrant Networks and Social Capital

In Ghana, rural individuals are drawn to urban centres by the promise of better livelihood prospects and opportunities (Awumbila et al., 2014; Yeboah, 2021). This migration involves the formation of complex social networks that transcend geographical boundaries (Ryan & D'Angelo, 2018). These networks, commonly referred to as migrant networks, are dynamic structures that are essential for fostering relationships, resource-sharing, and different forms of solidarity among migrants (Wissink & Mazzucato, 2018). These practices are deeply intertwined with the concept of social capital and play a crucial role in how migrants adapt to and integrate into their new urban environments (Wessendorf & Phillimore, 2019).

Migrant networks develop as complex webs of connections between people with similar ancestry, cultural affinities, or language ties. These networks provide more than simply a way to maintain ties to one's place of origin. They serve as complex avenues where migrants may build new relationships, share expertise, and take part in a wide variety of activities geared toward mutual improvement. A key feature of these networks is their responsiveness to the challenges migrants face in urban environments (Wissink & Mazzucato, 2018).

The phenomenon of integrating rural-to-urban migrants into new urban communities brings forth a fundamental query: how does the presence or absence of social networks encompassing personal relationships, familial bonds, ethnic affiliations, friendship connections, and associations that transcend geographic boundaries contribute to facilitating a seamless integration process? (Agyemang & Morrison, 2018). The presence or absence of social networks among migrants creates a safety net that carries profound implications for their perceptions, attitudes, and, ultimately, their potential for successful integration in their new environment. Such

networks provide a gateway to a plethora of resources, including access to vital information, emotional support, employment prospects, and insights drawn from the experiences of fellow migrants (Yeboah, 2017). Access to firsthand information gleaned from those who have successfully navigated the migration journey equips migrants with practical insights and strategies to overcome obstacles (Wells, 2016).

Conversely, a dearth of robust social networks can potentially restrict access to these resources thereby prompting migrants to reevaluate their decision to migrate, foster doubt in their ability to thrive within the urban environment, or even lead them to contemplate returning to their origins (Alho, 2020). The absence of emotional support, informational resources, and mentorship from experienced migrants can exacerbate feelings of isolation, hinder effective job placement, and exacerbate cultural dissonance.

It is crucial to recognise that the role of social networks in vulnerable migrants' integration is not static; it evolves over time (Ryan, 2023). As migrants gradually build and expand their networks within the destination community, they glean insights and accumulate resources that may facilitate smoother integration. Moreover, the development of networks can be a two-way process: migrants contribute to the networks as much as they draw from them, thus fostering reciprocity and collective empowerment (Moroşanu, 2016).

Embedded within the functioning of migrant networks is the concept of social capital—a foundational framework that highlights the inherent value of social relationships in shaping individuals' experiences and opportunities (Sime & Fox, 2015). Loïc Wacquant and Pierre Bourdieu (1992) define 'social capital as the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition.' In this context, Portes (1995) clarifies that social capital is not synonymous with the resources themselves but rather pertains to an individual's capacity to effectively mobilise these resources when required. The social capital framework posits that individuals migrate with the objective of optimising their returns on investments in human capital but also for social, cultural, and environmental reasons, and in doing so draw upon the social capital embedded within their interpersonal networks.

An essential trait of social capital is its convertibility or transmutability into other forms of capital, which subsequently contributes to the enhancement or preservation of an individual's societal position (Bourdieu, 1985). This process implies that social capital encompasses not only the physical connections but also the norms, trust, and shared understandings that govern interactions within these networks and enables migrants to navigate the intricacies of urban life more effectively (Field, 2016). As exemplified in a study conducted in Ghana by Teye and Yebileh (2015), social capital has often been employed as a substitute for economic capital to ameliorate the livelihoods of vulnerable migrants. Although Portes and Sensenbrenner (1993) acknowledge that social capital can yield adverse outcomes, migration scholarship predominantly underscores its favourable role in the acquisition and aggregation of diverse capital forms. To foster the establishment of social capital, a mere social connection is insufficient; the attributes inherent to these

connections—particularly whether they foster trust, intimacy, and benevolence—assume paramount significance (Vismara, 2016). The cultivation of social capital endows individuals with the ability to pursue and realise personal aspirations and a profound sense of personal fulfilment, life contentment, and happiness (Cloutier et al., 2018).

### 9.3 Bonding, Bridging, and Linking Social Capital

Building on the foundational contributions of Granovetter (2001), a tripartite classification of capital, namely, bonding, bridging, and linking, effectively configures the nuanced dynamics inherent to migrant networks. They represent a distinctive facet that contributes uniquely to the intricacies of migrants' interactions, support systems, and integration experiences (Claridge, 2018).

#### 9.3.1 *Bonding Social Capital*

Bonding social capital, as elucidated by Boateng (2010), forges connections among individuals sharing analogous situations, manifesting within familial circles, kinship networks, neighbourly relationships, and friendships and fostering sentiments of benevolence, empathy, and enduring relationships (Awumbila et al., 2017). Bonding social capital delineates affiliations within a specific collective or community characterised by elevated congruity in demographic attributes, attitudes, and the availability of information and shared resources among its constituents (Claridge, 2018). Instances include kinfolk, intimate companions, and neighbours. Friendships are a quintessential manifestation of bonding social capital and often serve as pivotal sources of emotional solace during times of crisis, creating an ambiance of closeness as well as feelings of security and a sense of belonging within a broader migrant community (Gonzales & Nowell, 2017). This variant of social capital embodies both tangible and emotional support among individuals who share connections due to their mutual familiarity and frequent interaction (Tutu et al., 2020). Bonding social capital thrives on mutual trust, shared values, and a collective consciousness that transcends geographical distance. The nurturing of close-knit ties within migrant networks fosters an environment wherein individuals can openly share their experiences, seek advice, and provide mutual support.

### ***9.3.2 Bridging Social Capital***

In juxtaposition to the intimacy of bonding capital, bridging capital propels migrants toward broader horizons. It involves the cultivation of connections that stretch beyond the immediate circles of familial or cultural affiliation. Bridging capital allows migrants to traverse diverse social landscapes, often leading to interactions with individuals from varied backgrounds, social identities, experiences, and perspectives (D'Angelo, 2015; Pelling & High, 2005). These connections operate as conduits that 'bridge' the gaps between disparate communities, groups, or organisations, thereby fostering interconnections that extend beyond conventional boundaries, and promoting interaction, knowledge dissemination, and the potential for individuals to become conduits for new affiliations. Bridging capital serves as an invaluable connector between the familiar and the unfamiliar, the known and the unknown. It facilitates the exchange of ideas, information, and resources that are not confined to the boundaries of shared identity.

The dichotomy between bonding and bridging social capital becomes evident across an array of relationship and network attributes, underscoring their distinctive characteristics and contributions (Claridge, 2018). While friendships are frequently categorised as bonding social capital, they can also function as bridging connections. Such friendships may span individuals from varying cultural, socioeconomic, or generational backgrounds thereby affording access to information and other groups or individuals previously unfamiliar. Friendships thus possess the capacity to function as bridges, facilitating connections among individuals hailing from diverse cultural, socioeconomic, or age-related backgrounds (Kyne & Aldrich, 2020). By participating in networks that transcend their immediate community, migrants gain access to diverse perspectives, novel opportunities, and alternative viewpoints. Bridging social capital enriches migrants' adaptability, enabling them to navigate the complexities of their new environment with greater finesse and flexibility (Lancee, 2012).

### ***9.3.3 Linking Social Capital***

Complementing bonding and bridging capital, linking capital constitutes the conduit that establishes connections between individuals and institutions, formal structures, organisations, and external entities, extending beyond individual relationships and facilitating interactions that can significantly influence migrants' integration trajectories (Dressel et al., 2020). Linking social capital elucidates the intricate interplay of norms and networks existing between individuals who interact across explicit power differentials or institutional hierarchies within society (Harrison et al., 2016). These 'vertical' interactions are distinguished by disparities in social stature and authority. Examples of such relationships are the nexus between community-based organisations and governmental bodies or other funding entities,

prototypical patron-client or mentor-mentee dynamics, and networks and affiliations between individuals and collectives and corporate actors embedded in public institutions, schools, commercial interests, legal establishments, and socio-political congregations (Claridge, 2018).

Linking capital enables migrants to access vital resources, services, and opportunities present within the urban landscape. It empowers migrants to engage with governmental bodies, educational institutions, and healthcare systems, bridging the gap between their aspirations and the broader societal infrastructure. Through these institutional connections, migrants can address challenges, advocate for their rights, and leverage resources that amplify their integration prospects.

### ***9.3.4 Bonding, Bridging, and Linking Capital of Migrant Networks***

The tripartite spectrum of bonding, bridging, and linking social capital forms the dynamic underpinning of migrant networks. These diverse forms of social capital operate in synergy, shaping the multifaceted experiences, interactions, and integration journeys of migrants within their new urban contexts. Allen (2009) posits that bonding social capital can serve as an initial pathway for migrants to enter the labour market, often manifesting through affiliations with co-ethnic enterprises. While the scope of bonding networks might be confined to family members or those of shared ethnic backgrounds, possessing such connections can potentially enhance the prospects of securing employment. Beyond mere job access, bonding social capital provides both tangible and emotional sustenance during times of adversity, while also preserving individual identity and status.

Nonetheless, bonding social capital and networks can also inadvertently restrict opportunities for migrants to engage with broader, diverse networks extending beyond their familial, communal, or ethnic spheres. This dichotomy between the benefits and limitations of bonding capital is evident in the research conducted by de la Haye et al. (2019) who find that bridging networks, in contrast to bonding ones, offer the requisite support for economic survival. When individuals possess primarily bonding capital, the array of resources essential for translating employment aspirations into reality is often limited. In addition, bonding networks can inadvertently foster and perpetuate criminal activities, ranging from minor thefts of sellable items to more severe acts, thereby compounding the challenges faced by marginalised youth especially in response to the monotony arising from prolonged school absence (MacDonald & Shildrick, 2007).

In Ghana, where relatively youthful migrants find themselves in slum areas, a similar pattern emerges. The nexus between bonding capital, marginalised environments, and the proclivity for engagement in risky behaviours—including gang involvement, sexual exploitation, theft, and gambling—gains prominence. The inherent challenges of residing in slums, coupled with limited access to diverse

networks and opportunities, can drive migrants towards such behaviours, further perpetuating their marginalisation within society (Yeboah, 2021).

Pierre Bourdieu (1985) advances a dynamic conceptualisation of various forms of capital, including social capital—one that recognises its potential to perpetuate inequality and social injustice, given that certain groups might enjoy superior privileges in terms of accessing valuable networks and resources. The value of social capital materialises through individuals' aptitude to transform it into alternative forms of capital, such as economic capital. This process of conversion, however, is liable to stratification driven by factors like gender, social class, ethnicity, status, and citizenship. The act of conversion can emerge as a challenge for individuals such as young migrants endowed with meagre reservoirs of economic and cultural capital, as well as for those occupying lower rungs of social hierarchy (Ryan, 2023).

#### 9.4 Historical and Contemporary Dynamics of Rural-Urban Migration in Ghana

In Ghana, the prevailing migration pattern involves movement from the northern regions to the southern regions, with a significant portion of the population migrating from rural areas, particularly the Upper East, Upper West, North, Northeast, and Savanna regions to urban centres in the southern territories in Accra and Kumasi (Abutima, 2019). Kees Van der Geest's study (2011) suggests that approximately one out of every five individuals born in the northern regions of Ghana now resides in the southern areas. Scholars have attributed the enduring trend of seasonal and circular migration from the northern regions to the southern coffee and cocoa plantations to disparities in agro-ecological conditions and climatic variations between these zones (Van der Geest, 2011). Additionally, the aspiration for enhanced living standards has been identified as a motivating factor (Yeboah, 2021).

The phenomenon of north-south migration is best comprehended within the broader context of Ghana's political and historical transformation. Throughout history, migration from the northern areas of Ghana towards the southern forested regions has been a persistent occurrence, tracing back to pre-colonial eras. During that period, the movement of populations was often prompted by a combination of factors such as the pursuit of fertile lands, evasion of internal conflicts, repercussions of slave raids, and participation in trade activities. The unequal distribution of resources has aggravated the longstanding trend of migration from north to south (Songsore, 2009; Yeboah, 2017, 2021).

Moreover, with the arrival of European authorities and subsequent colonisation, this migration trend was tactically exploited by colonial masters to secure labour from the northern Savannah and rural areas, channelling it into the agricultural and mining sectors and Forest Agro-Ecological Zone located in the south (Kirikoshi, 2019; Songsore, 2009). The strategic allocation of developmental initiatives aimed at improving socio-economic livelihoods was disproportionately concentrated in

the southern half of the nation, resulting in an asymmetrical pattern of progress that favoured the south while disadvantaging the north. This trajectory of development bias incentivised migration from the relatively underdeveloped and rural north to the more urbanised and comparatively developed southern areas (Songsore, 2009).

The current spatial disequilibrium being experienced in the country's development is connected to the inability of post-independent governments to effectively implement policies that bridge the developmental gap (Songsore, 2009). Because of this practice, internal migration is on the rise because of people's response to inequitable distribution of resources, services, and opportunities, or to flee violence, natural disasters, and the outcome of increasing extreme weather events (Awedoba & Hahn, 2014). The effect of this shortfall is that in most parts of northern Ghana many families are unable to maintain the ideal societal expectation of living together as a unit, mainly due to the out-migration of one spouse in search of livelihood opportunities for the benefit of the entire family. A significant portion of the younger population in northern Ghanaian communities is incited and swayed to undertake migration to certain areas in southern Ghana due to the resources or capital brought back by individuals who have returned from earlier migrations (Kwankye et al., 2009).

Over recent decades, a notable transformation has occurred in the characteristics of internal migration in Ghana, particularly concerning north-south migration, with an increase in female involvement in migration streams that were previously dominated by men. While earlier studies often perceived women as dependents who are primarily accompanying their migrating husbands or partners, contemporary and emerging literature suggests that in recent migration patterns, young female migrants often exhibit independence in their migration decisions, even in cases where no relatives await them at the destination (Yeboah, 2017; Zaami, 2020). Nearly half of these internal migrants are women who move independently (Ackah & Medvedev, 2012; GSS, 2012).

The surge in the proportion of women engaging in migration movements within Ghana can be linked to the rapid sociocultural transformations within rural communities. These shifts predominantly occur in regions where the livelihood sustenance of rural households has evolved to encompass a diverse array of income sources (Zaami, 2020).

## **9.5 Integration Challenges of Vulnerable Migrants in Urban Ghana**

Migrant integration primarily concerns migrants who intend to reside in their destination for extended periods. Successful integration is not only crucial for migrants themselves, but also for various stakeholders, including individuals in sending areas, other migrants, and residents of receiving areas. Effective integration

contributes to the security and social cohesion of migrants within their new environments (IOM, 2022).

Although the interpretation of migrant integration varies across contexts and countries, the International Organization for Migration (IOM, 2022) defines it as a reciprocal process involving migrants and the destination society, and their mutual adaptation of values, fostering commitment and respect. Upon arrival, migrants encounter challenges such as language barriers, economic resource acquisition, and limited social engagement (Laurentsyeva & Venturini, 2017). Successful adaptation to the destination environment allows migrants to gradually establish a sense of belonging within their communities, leading to a sense of membership in their adopted communities. In addition, migrant integration encompasses equitable access to essential social services and life necessities without constraints. The symbiotic relationship between migrants and destination communities is integral to integration, influencing the level of acceptance and social inclusion migrants experience within these communities.

In the context of rural-urban migration in Ghana, some individuals from rural areas who relocate to urban centres encounter challenges in integrating into their new environment (Yeboah, 2017). These challenges manifest in ethnic or religious bias, linguistic obstacles, and difficulties in accessing essential social services like housing and healthcare (Oucho & Williams, 2019; Yeboah, 2017).

Furthermore, many internal migrants often find themselves engaged in strenuous, informal, and low-paying occupations. Their earnings typically fall short of satisfying their necessities in their new environment, thus posing a survival challenge during their stay. Compounding this issue, certain migrants are compelled to dwell in squatter settlements or informal communities due to their incapacity to secure more adequate forms of housing. This predicament exposes migrants to inadequate water supplies, subpar sanitation services, and limited medical care, thus substantially heightening the potential for detrimental health repercussions (Mberu et al., 2013).

The literature pertaining to the challenges confronted by migrants upon their arrival predominantly revolves around issues associated with securing employment, finding suitable housing, grappling with discrimination, navigating interactions with law enforcement agencies, and addressing health and sanitation concerns. Many migrants from rural areas work in the informal sector in jobs that often carry considerable risks (Awumbila et al., 2014). For instance, in cases of illness or accidents, migrants lose a significant portion of their earnings in addition to shouldering medical expenses (Moyce & Schenker, 2018).

Due to the absence of formal education, many rural migrants find themselves institutionally marginalised within the formal urban labour market (Zhang, 2016). Moreover, their skill sets might be better suited for rural occupations or informal sectors rather than the demands prevalent of urban labour markets. This skills misalignment can curtail their opportunities and compel them into informal and lower-wage positions. Engagement within the informal sector exposes migrants to an array of difficulties and susceptibilities, including the lack legal protection, social benefits, and stable income (Alhassan, 2017; Yeboah, 2021).

In Ghana and elsewhere in West Africa migrants encounter a range of challenges such as exploitation and subjugation, inadequate wages, delayed remuneration, excessive workload, and segregation (Litchfield & Waddington, 2003; Kwankye et al., 2009). Given the absence of formal training and education, many migrants lack the means to generate sufficient income for their personal sustenance in urban areas, let alone provide support to their families back home. This phenomenon has been documented among rural-to-urban migrants in South Africa (Min-Harris, 2010) and cities across East Africa (Kipuri, 2017).

Another pressing challenge confronting most rural-urban migrants in Ghana centres on inadequate housing conditions, rooted largely in migrants' financial constraints. The prevalent practice among rural-to-urban migrants in Ghana involves renting a single room and sharing amenities, particularly when earnings are meagre and accommodation costs are exorbitant. Low incomes, substandard housing, exploitation by employers, harassment by urban authorities, and the arduous nature of labour are the chief dimensions contributing to the array of challenges experienced by the north-south migrant population in urban Ghana (Kwankye et al. 2009).

Cultural barriers in the context of rural-urban migration refer to the obstacles that migrants encounter when adjusting to the diverse cultural landscape of urban areas. Urban centres are often characterised by a confluence of people from different backgrounds, each bringing their unique set of cultural norms, practices, and values (Abdulai et al., 2021). For rural-to-urban migrants accustomed to the cultural homogeneity in rural communities, this cultural diversity can pose significant challenges as they navigate their way through unfamiliar cultural environments. They might find themselves struggling to conform to new social expectations, leading to potential conflict or social faux pas. This process can be mentally and emotionally taxing, often making them feel like outsiders in the urban milieu, engendering feelings of disconnection, loneliness, estrangement, and a sense of isolation, alienation, and exclusion, (Alhassan, 2017). This isolation can be exacerbated by the absence of a familiar social support system they enjoyed in their rural communities, and this can impact on integration process.

In addition, when rural migrants move to urban areas in search of better opportunities, destination communities might perceive them as competitors for jobs, housing, services, and resources or as leading to increased strain on existing infrastructure (Yahaya, 2021). As a result, destination communities might become protective of their interests and be less welcoming to migrants. These negative perceptions can manifest in different ways, ranging from subtle forms of discrimination to more overt acts of exclusion and even violence against migrants that can have a profound negative impact on their well-being and safety as well as further hinder their integration (Owusu, 2008).

To successfully navigate a vastly different environment marked by distinct socio-cultural norms, economic dynamics, and lifestyle patterns and effectively integrate into the urban fabric, migrants require an 'institutionalised social support system' that extends beyond mere economic opportunities (Yahaya, 2021). Such a system encompasses a variety of services and resources designed to facilitate migrants' adaptation and overall well-being.

## 9.6 Migrant Networks and Their Role in Promoting the Integration of Migrants in Urban Ghana

Migrants residing in urban areas of Ghana form and engage with various networks that not only link migrants to each other but also connect them to formal institutions and organisations within the urban environment. These networks facilitate access to resources, services, and opportunities (Yeboah, 2017, 2021).

Studies on social capital among migrants in Ghana have found that rural-to-urban migrants rely on both family and ethnic group networks for their settlement. Thomas Yeboah (2017) emphasised that while bonding networks might be restricted to individuals from shared familial or cultural backgrounds, these connections might help secure employment, offering tangible and emotional assistance during difficult times and reinforcing one's sense of identity and standing. As rural-to-urban migrants transition to urban life, they also develop intricate bridging networks that transcend cultural and social boundaries and which encompass an array of relationships with newfound friends, clients, and colleagues representing diverse backgrounds. A key facet of bridging networks is their role in fostering social cohesion within the urban fabric. These networks act as conduits for the exchange of ideas, traditions, and values, thereby enriching the cultural mosaic of the city. The resulting sense of unity and shared understanding forms the bedrock upon which vibrant and resilient communities are built. Beyond promoting social harmony, bridging networks also wield substantial influence over the economic trajectory of migrants and the urban economy.

Linking social capital in urban Ghana connects migrants with formal institutions and organisations. These networks involve associations with faith-based groups and churches, non-governmental organisation (NGO) workers, and Department of Social Welfare staff. These networks offer migrants access to livelihood support, essential services, and information about available resources. NGOs and faith-based organisations provide vocational training, education programmes, and healthcare services, aiding migrants in their pursuit of a better life. Research shows that young individuals in Ghana who have attained secondary and tertiary education expressed discontent with the limited value of their 'school certificate' (Langevang & Gough 2009) due to the absence of social networks that could link them to formal sector employment. This is where linking capital comes into play, offering support that bonding and bridging networks might not be able to provide.

The three forms of networks—bonding, bridging, and linking—developed by rural-to-urban migrants in Ghana are not isolated entities but instead complement and interact with one another (Asiimwe et al., 2023). In the urban migration experience in Ghana, the establishment of bonding, bridging, and linking networks is a fundamental strategy for migrants to adapt, succeed, and flourish in their new surroundings and contribute to the overall development of urban areas.

The proponents of social capital suggest that participating in informal networks can enhance interpersonal trust, thereby promoting migrants' integration (Danzer & Ulku, 2011). The ability of a migrant to move to a particular destination, secure

employment, housing, establish a business, contribute to their origin communities, and access healthcare can all be significantly influenced by, or even reliant upon, the migrant's social networks. In Ghana, studies highlight that migrants do not haphazardly move to cities in search of jobs; rather, they rely on networks of support and information for guidance and assistance in making choices, traveling, settling, job hunting, troubleshooting, and optimising their livelihoods (Awumbila et al., 2017; Setrana & Kleist, 2022; Yeboah, 2017, 2021). Rural-to-urban migrants in Accra, Ghana, typically obtain information about their destination and financial support for migration and settlement through social networks (Yaro et al., 2015; Awumbila et al., 2014). Based on data from a survey of 1500 households in Ghana, Mariama Awumbila et al. (2016) similarly demonstrate that roughly 58.3% of the 1611 migrants, both current and return, had a contact person at their destination prior to migrating.

Once arrived at their destination, kinship and ethnic ties play a crucial role in aiding the migrant's adjustment to the unfamiliar environment, particularly in the early stages of settlement (Yue et al., 2013). Rural-to-urban migrants often rely on their family, kin, friends, and their respective networks to provide initial accommodation, various forms of assistance, and help in terms of provision of food, basic services (especially water and electricity), psychological support and employment opportunities (Awumbila et al., 2017). Sommer (2020) has argued that bonding social capital can provide rural-to-urban migrants an initial entry into the labour market, for instance through employment in co-ethnic firms. Connections that existed prior to migration also play a crucial role in securing employment in informal sectors of the urban area. For example, positions as domestic workers are typically not advertised publicly; instead, employers rely on word-of-mouth communication with friends, family, fellow domestic workers, and occasionally agents to find suitable candidates. Similar observations in a study conducted by Mariama Awumbila et al. (2017) highlight the significance of family, church members, friends, and neighbours in the recruitment and negotiation of informal work agreements, such as those between domestic workers and employers.

The supportive function of networks in aiding migrants' transition into the job market corresponds with the findings of Awumbila, Owusu, and Teye (2014), who noted that rural-to-urban migrants in Ghana often received financial assistance and job information through social networks in their destination cities. Moreover, the initiation into the informal labour market through social connections plays a central role in shaping specific occupational niches. In Accra, a majority of *kayayei* (female porter or bearer) hail from the Mumprusi and Dagomba ethnic groups, while many roaming shoe-shiners in Ouagadougou, Burkina Faso, belong to the Bisa ethnicity (Thorsen, 2014).

Moreover, networks can provide essential financial support to migrants ranging from small loans to emergency funds. These acts of generosity reflect the Ghanaian principle of hospitality, where community members assist those in need. Financial aid helps migrants cover immediate expenses, reduces financial stress, and enables them to focus on building their lives in the new urban setting. As Thomas Yeboah (2017) illustrated, various ethnic groups possess their own distinctive and informal

savings systems, which tend to be exclusive. These informal savings systems are overseen by respected elders, usually from the migrants' hometowns and with whom the younger migrants can relate. Participation in these savings systems is voluntary and based on personal choice, with no fixed contribution requirement. The fundamental idea is that individuals can retrieve their savings at the conclusion of each month. However, situations like clients or employees failing to make payments prompt young migrants to tap into these savings prematurely for basic needs. These networks create strong bonds of trust and reciprocity, furnishing the resources that improve migrants' livelihoods and diminish the challenges they might face in the new society (Awumbila et al., 2017).

Furthermore, it is common for rural-to-urban migrants in Ghana to rent a single room, dividing the cost evenly among themselves in order to lower their accommodation expenses (Yeboah, 2017). These networks also serve as sources of support in times of difficulty, such as illness or job loss. This support is not solely limited to emotional and relational aid from close acquaintances, it also encompasses psychological assistance derived from both close social ties and connections within religious communities as a significant number of migrants regularly attend religious gatherings (Awumbila et al., 2017). These religious institutions also serve as hubs for community interaction among migrants. This research aligns with findings from other studies that indicate migrants lacking financial resources can utilise their social capital as a surrogate for economic capital, thereby bolstering their economic survival and achievements (Jacobsen, 2012).

## **9.7 Migrants' Networks, Experiences of Exploitative Practices, and Coping Strategies**

Although social networks have often been portrayed as having a positive impact on integration and improving the lives of migrants (Jacobsen, 2012), these networks might be exploited to the detriment of either the migrants or their employers (Awumbila et al., 2017). For example, female domestic workers who were recruited through family or friend connections refrain from demanding better working conditions and find themselves taken advantage of due to the unclear nature of their relationship with their employers. Young migrants in urban Ghana who work for employers whom they know have been reported to experience non-payment or reduced wages, which sometimes contributes to financial hardship. Again, while sharing the cost of renting a single room among rural-to-urban migrants might reduce accommodation expenses, it can inadvertently lead to negative consequences like conflicts and theft (Yeboah, 2017).

Coping with exploitation and tension among social networks requires a combination of individual, collective, and systemic strategies. There is a need to empower migrants with information about their rights, labour laws, and resources available to them to help them recognise instances of exploitation and take appropriate action.

Support groups or networks can aid migrants in this respect. Likewise, government institutions such as the Ministry of Gender, Children and Social Protection, and other community-based organisations could assist migrants in acquiring new skills that can enhance their employability and bargaining power and reduce their vulnerability to exploitation while increasing their ability to negotiate better working conditions.

## 9.8 Conclusion

This chapter has explored the social networks and practices within such networks that facilitate the integration of rural-to-urban migrants in cities of Ghana. The chapter has shown that rural-to-urban migrants are faced with numerous challenges including inadequate resources, cultural barriers, hostile attitudes of destination communities, language, and lack of institutionalised social support systems to promote their integration. However, informal bonding, bridging, and linking social forms of capital are instrumental in offering financial support, information, and advice about jobs, accommodation, and essential services that contribute to migrants' livelihoods and overall integration. In a sense this chapter has shown how bonding, bridging, and linking social capital are central to urban migrant solidarity through provision of diverse forms of support critical to migrants' integration in the urban environment. Overall, the chapter suggests that informal networks and the relationships and trust within them are central to enhancing the integration of vulnerable migrants. This is akin to what has been described as solidarity practices in the Global North literature (Bauder 2021). Despite reported cases of abuse and exploitation, the chapter suggests that migrant networks have the potential to promote integration and offer a solidarity-based social capital infrastructure for migrants in urban areas to realise their aspirations for migration.

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**Part IV**  
**Perspectives of Sovereignty, Scale, and**  
**Space**

# Chapter 10

## Sanctuary Versus the Nation-State? Socio-spatial Strategies and the Struggle for Migrant Rights



Janika Kuge  and Friederike Anders

### 10.1 Introduction

Restrictive migration policies and brutal border regimes are rising globally (Chowdhury, 2023; Jones, 2021; Proudfoot & Rohwerder, 2022). Numerous Western national governments have committed to politics aimed at reducing the numbers of migrant arrivals, which leads to a further normalisation of migrant exclusion and disenfranchisement. Yet, this very volume gives numerous examples of political entities and communities beyond the nation-state taking an active stance against restrictive migration politics, e.g. by passing more inclusive policies and advocating for a right to stay (see also Bauder, 2017b). Through schemes often referred to as sanctuary or solidarity policies, subnational governmental bodies—such as cities, counties, states, as well as administrations of campuses and corporations—aim to improve the living and working conditions of undocumented people.<sup>1</sup> For instance, by granting access to a range of social services, the exclusionary effects of illegalisation are somewhat mitigated (Bauder, 2016). Within the current manifestations of sanctuary practices in the United States, the city is the

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<sup>1</sup>We choose the term ‘undocumented’ because it is used by the political movement of people without legal status or with precarious legal status themselves in the United States (Nicholls, 2019; Sleiman-Long, 2020). This is similar to the term ‘sans papiers’, which is often used in the European (especially the Swiss, French, and German) context (Schilliger, 2020; Schilliger & Ataç, 2023). Other terms to describe this status would be ‘illegalised’, stressing the institutional and structural act that is necessary to produce this status (Bauder, 2013).

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predominant spatial scale (ILRC, 2018), with municipal institutions acting as the primary initiators of sanctuary policies in numerous cases. It is frequently highlighted that urban areas are often governed by more progressive or liberal actors (Sassen, 2012; Gulasekaram & Ramakrishnan, 2015; see also Bauder & Setrana, FM, this volume). In fact, both popular and academic discourses portray the city as a beacon of more inclusive migration policies forming an opposition to the nation-state (Kuge, 2020, 2022). However, we argue that framing the city as an inherently progressive and immigrant-friendly space vis-à-vis the more exclusive nation-state is too simplistic and requires a more nuanced analysis. Sanctuary as a phenomenon is not limited to a single scale; rather, it is enacted on various subnational scales, including states, counties, university campuses, and premises of institutions and companies (Villazor & Gulasekaram, 2018). Similarly, sanctuary is not necessarily tied to political partisanship: while sanctuary jurisdictions in the United States are more commonly found in areas governed by members of the Democratic Party (Gulasekaram & Ramakrishnan, 2015), there are various cases that point out more complex realities. For instance, some local governments led by the Democratic Party actively oppose becoming a sanctuary city (see Cohen, 2021; Collingwood et al., 2023).

Developing and implementing more inclusive policies depends on various interlocking social, political, and economic factors. Sanctuary policies are highly contextual (Walker & Leitner, 2011) and processual (Houston, 2019), bringing together different actors in grassroots politics fostering migrant inclusion (Wells, 2004). These actors strategically pitch and implement policies aimed at influencing and changing the political conditions in their favour. They might do so ‘from below’, but at the same time these policies are embedded in the complex political relations of the nation-state. Thus, they are not detached from the nation-state, but resulting from it. From a relational state theory perspective (e.g. Jessop, 2007), we argue that sanctuary cases deploy multi-spatial strategies against exclusion that, while arising in opposition to the nation-state, are inextricably linked to its logics, actors, and institutions. Therefore, the sanctuary phenomenon is a part of the nation-state rather than its polar opposite. As migration is strongly contested within the nation-state, conflicting interests collide and translate into a ‘multi-jurisdictional patchwork’ of varying, sometimes contradictory immigration policies (Varsanyi et al., 2010). Relational state theory allows us to analyse this patchwork as the result of political contention integral to the workings of statehood. From this starting point, the state is a social power relation in which various actors interact and interrelate (Jessop & Morgan, 2022). The sanctuary phenomenon comes into being within this power relation. In other words, it is as much a part of statehood as it also exerts influence over it.

In this chapter, we draw on the rich field of U.S. and international literature on sanctuary policies and apply the lens of relational state theory to it. The resulting theoretical argument about different socio-spatial strategies contributing to a diverse and versatile sanctuary phenomenon can serve as a heuristic for further empirical research on sanctuary cases, as proposed by Mourão Permoser & Bauböck (2023). The chapter is divided into four sections. First, we show how the sanctuary

phenomenon is a diverse phenomenon of socio-spatial resistance to restrictive migration politics. In the second part, we outline how the nation-state brings about a spectrum of migration policies, ranging from restrictive to inclusive forms—and how sanctuary is an integral part of it. We explain this against a backdrop of relational state theory. In the third section, we signpost the sanctuary phenomenon as a multidimensional socio-spatial strategy against exclusion. This chapter concludes with a discussion of concrete strategies for strengthening sanctuary movements derived from the state-theory-driven considerations.

## 10.2 Sanctuary as a Diverse Phenomenon

Sanctuary as a topic of inquiry has drawn the attention of scholars from various fields, including legal studies, sociology, political science, geography, and health studies. As U.S. migration policy became increasingly restrictive over the last decades, attempts to mitigate their effects began to take hold (Colbern et al., 2019). Sanctuary policies and practices present a multi-faceted approach for implementing alternative, more inclusive logics of dealing with migration. As this edited volume shows (see especially Parts 1 and 3, volume 2), the prospect to mitigate the effects of restrictive policies ‘from below’ has spread around the globe. Originating in the religious practice of church asylum to prevent deportations, sanctuary policies in the United States have existed since the 1980s (Ridgley, 2008). During periods of political backlash against migrants, a growing number of cities, counties, and eventually states have passed sanctuary policies. Especially during the first Trump presidency, the number of sanctuary policies skyrocketed: 11 states and over 300 cities and counties implemented policies to restrict local police involvement in conducting or assisting in migration controls, resulting in a reduction of deportations. Some of these policies were a direct response to Trump’s anti-migrant populism (Kocher, 2017). Additionally, some jurisdictions implemented policies granting their undocumented population access to local institutions (Kuge, 2019; Villazor, 2010). The long history and high prevalence of such policies in the United States underline their significance and deep integration into political structures (Colbern et al., 2019). Given this context, we chose the U.S. sanctuary phenomenon as an example to demonstrate our argument.

The sanctuary phenomenon is often seen as a beacon of progressive migration policies in the United States, successfully mitigating various exclusionary practices and preventing deportations. However, it is crucial to contextualise it within a spatially heterogeneous spectrum that constitutes U.S. migration regulation: simultaneously to the sanctuary movement, 11 states and a handful of cities and counties not only affirm but often exceed the restrictive national migration policies, primarily by actively integrating migration controls with routine police work to raise deportation numbers (Kocher, 2019; Provine et al., 2016). The absence of comprehensive national immigration law reforms since the 1950s is often seen as a driving force behind the proliferation of subnational migration policies that has been referred to

as ‘immigration federalism’ (Chacon, 2012; Gulasekaram & Ramakrishnan, 2015). The broad range of both pro- and anti-migration policies at city, county, and state levels contributes to a highly contested landscape of migration policies and a diversifying field of actors involved (Chacon, 2012; Gulasekaram & Ramakrishnan, 2015).

Various scholars trace back the intensifying ‘immigration federalism’ trend to the shortcomings of the existing national legal framework concerning reasonable migration regulation (e.g. Colbern et al., 2019). Following this interpretation, sanctuary jurisdictions are a part of the ‘immigration federalism’ trend (Blizzard & Johnston, 2020). By numbers, the sanctuary phenomenon is predominantly a local instrument with city governments as the most prevalent initiators. Moreover, there are currently 11 states that have passed more inclusive migration policies, mostly in recent years, scaling up and strengthening the sanctuary phenomenon (ILRC, 2023). Seen as a subnational response to restrictive migration policies within the nation-state, they strategically deploy the right to self-administrate and for municipalities to address specific local needs (Kuge, 2022, p. 242). The subnational rescaling of migration control across the federal administrative levels has shifted more power and agency towards subnational governments in terms of creating their own policies, but also leaves an intricate and highly contested ‘multi-jurisdictional patchwork’ of migration policies (Varsanyi et al., 2010).

The concept of ‘immigration federalism’ implies that the trend to pass migration policies on different subnational scales would ebb and cease if the nation-state would find sufficient answers for recent problems with national migration policies and its legal framework. While such reforms could help on some levels, this assumption falls short of the recognition that the very concept of the nation-state is based on territorial control and (racist) selective exclusion (Al-Khersan & Shahshahani, 2022), making inclusive immigration law reforms unlikely on a national level. National restrictive migration policies and border politics often create problems for institutions on other state scales. Migrant illegalisation and exclusion can aggravate social inequality, lead to instability in local communities and threaten public safety (Kuge, 2019; Wong, 2017). Sanctuary policies operate across several subnational scales to solve problems caused by exclusionary policies and practices (Bauder, 2017b; Bauder & Gonzalez, 2018).

Not only are sanctuary cities spatially diverse, but their forms also vary. As we will show below, many international studies contribute to a multi-faceted state of research in this area. Often, the research highlights the importance of political and socio-spatial aspects for the sanctuary phenomenon; politics of scale, but also place, their character as networks, and their territorial effects have been identified. First, politics of scale are often explicitly or implicitly considered inherent to the sanctuary phenomenon. Here, sanctuary works as a phenomenon predominantly appearing at the local/urban scale challenging higher state-scales (such as state and nation-state) (Kuge, 2019). This prospect underlines the observation that cities seem to have an inherently more inclusive character than the nation-state (Agustín, 2020; Sassen, 2012; Valverde, 2009; Varsanyi, 2008). In that regard, some research creates a vision of possible new models of (urban) citizenship and more progressive policies towards migration (Bauder, 2017a; Holston & Appadurai, 1996). There are

only a few works on sanctuary policies at other scales, for example, at the state level (Arrocha, 2021; Sleiman-Long, 2020), in the context of federalism (Collingwood & O'Brien Gonzalez, 2019; de Graauw, 2021; Hershkowitz et al., 2021), or on the tension between national, local, and state scales (Kuge, 2022). In that respect, sanctuary policies have been a matter of numerous litigations: the scaling of responsibilities in migration enforcement is at the heart of the U.S. sanctuary phenomenon (Blizzard & Johnston, 2020; Gulasekaram et al., 2019; Varsanyi 2008).

Recent research has gone beyond scale to examine other socio-spatial features of sanctuary. Two publications consider politics of place, describing how local solidarity campaigns by networks for migrants' rights shape the identity formation of local communities (Bauder, 2020; Walker & Leitner, 2011). The literature indicates how place-based struggles and movements for migrants' rights can create an environment that is affirmative towards more inclusive policies. Furthermore, as a *modus operandi* for collaboration with flat hierarchies between local hubs, the network plays a significant role in sanctuary movements. Different networks (e.g. human rights networks, networks of pro-migrant mayors supporting sanctuary, local pro-migrant social movements, and connections between these) collaborate to organise sanctuary policies and their implementation. Villazor and Gulasekaram (2017) emphasise the importance of social groups and political organisations for the phenomenon, especially when NGOs seek to influence policymaking in favour of sanctuary policies. Likewise, Houston (2019) shows the long-standing grassroots engagement behind the implementation of sanctuary policies, framing sanctuary as a process. Walker (2015) applies a multi-spatial heuristic to an empirical example of sanctuary policy implementation, showing how scale, network, and place come together. Additionally, Mourão Permoser and Bauböck (2023) briefly mention territory as another spatial aspect of sanctuary, establishing an alternative migration policy for a specific administrative space.

The research described above showcases the diversity and complexity of what sanctuary encompasses, offering a deeper insight in its manifold dimensions. Several socio-spatial aspects are central to the contentious character of the sanctuary phenomenon, such as its processuality, politics of scale, juridical-political negotiations, the networked politics, the politics of place sustaining it, and its territoriality. Therefore, sanctuary policies and practices can be understood as a set of socio-spatial strategies within social struggles for migrants' rights. As indicated above, these strategies result from a complex interplay of factors such as economy, demographics, and relations to other scales (Walker & Leitner, 2011). Sanctuary policies therefore vary according to specific local conditions. In this approach, the nation-state is not a mere backdrop or adversary to migrants' rights, but a dynamic and versatile assemblage, encompassing diverse and at times contradictory logics, aims, and interests. Thus, migration politics within the nation-state are not necessarily restrictive. Pro-migration NGOs and social groups are not necessarily adversaries to statehood, but their relation to the state is differential and dynamic. In other words, the state both shapes the conditions for social struggle, but is at the same time also shaped by social struggle, such as the struggle for migrants' rights. Analysing the sanctuary phenomenon through a perspective of relational state theory enables us to

grasp the sanctuary phenomenon as versatile without letting sanctuary blur into an arbitrary ‘catch-all phrase’ (Chishti & Hipsman, 2015). If, where, and how the sanctuary phenomenon forms, depends on socio-spatial selectivity of power relations in the nation-state. It is therefore vital to analyse the nation-state not as a backdrop, but as a complex setting for social struggles and as an actor in them, shaping the sanctuary phenomenon through socio-spatial relations.

### 10.3 The Nation-State vis-à-vis Migration

The nation-state plays a pivotal role in migration policies as an important and powerful structure that both enables and constrains migration, for instance through citizenship as ‘membership’ policies (Rygiel, 2010). Classical concepts of national citizenship are based on the concept of a rigid and static relation between society and space: citizenship as an exclusive individual membership is classically tethered to a specific territory (Isin & Nyers, 2014; Isin & Turner, 2002). In this logic, migration, particularly unauthorised migration, challenges the concept of the nation-state. Consequently, the ability to control migration is an important source of sovereignty for nation-states (Bauder, 2022). National governments seek to employ a wide range of measures, including border regimes and legal techniques to discriminate against non-citizens (Varsanyi, 2008). In fact, while the experience of migrating can be very different, nevertheless in the words of Nail (2015, p. 2), ‘what all migrants...share at some point, is the experience that their movement results in a certain degree of expulsion from their territorial, political, juridical, or economic status.’ While the criminalisation of migrants or non-citizens has intensified throughout the last decades, conversely, migration is vital for societies. For example, in the realm of economics, migration can mitigate worker shortages, decrease wages, and connect to foreign markets. In many cases, national programmes to attract foreign workers are implemented simultaneously to restrictive national policies.

Between politics of enabling and deterring migration, there is a panoply of political measures debating how to deal with migration in nation-states due to a wide range of different actors and institutions within the state, such as political parties, banks, corporations, trade unions, faith-based organisations, NGOs, and social movements. These are not only state, but also non-state institutions and actors with different areas of responsibility, e.g. economic tasks, social welfare, education, or public health. According to their specific responsibilities and objectives, they develop specific political interests towards migration. These different, sometimes contradictory interests are constantly negotiated among them. Some actors and institutions (e.g. conservative parties and governments) have an interest in restricting migration, while others (e.g. employers, trade unions in labour-intensive industries) profit from more liberal migration policies. All these actors and institutions try to exert strategic influence on the state apparatuses to shape migration policies. Their ability to lobby their interests is not equal, but varies according to their relational position, resources, connections and influences, hence their power (Jessop,

2016, p. 11). Although some actors are integral to the state, others are considered non-state (such as NGOs, labour unions, religious congregations, and so on). However, all refer to the state and are in a certain relation with it. The line between official state apparatuses and close non-state actors and institutions is often blurry and prone to change (Cottle, 2020; Hirsch et al., 2008). The social field, in which all these actors and institutions politically engage, relate, and exert their interests is relational and dynamic. Instead of placing the state as an apparatus of structures and institutions on the one side and civic actors and institutions on the 'non-state' other, relational state theory shows that the state expresses as a relational and differential socio-political field: a power relation between heterogenous and unequal state and non-state institutions and actors. As Jessop (2022) explains:

The state as a social relation can be studied as a complex apparatus with no pre-given structural unity that has a strategic bias that makes it harder to achieve some goals rather than others but that the effects of state power depend on a changing balance of forces within and beyond the state. (Jessop & Morgan, 2022, p. 86)

In other words, the state's form is shaped by strategic behaviours of various apparatuses, institutions, and actors engaging with one another to achieve their interests. The form has grown historically and is constantly evolving due to ever-changing societal needs and problems that often express as social struggles. The state reacts to these struggles by applying a range of strategies, such as passing new laws and policies, or establishing institutions (Demirović et al., 2010).<sup>2</sup> Federalism, as a form of spatial organisation of state power into different scales, with different state functions and government tasks, is also among those strategies. It allows solving organisational problems through spatial differentiation. Some contradictive tendencies within different sections of the state can thus be resolved spatially (see Smith & Harvey, 2010), such as border politics or international trade (national scale) on the one side, and integrational politics (local scale) on the other. Different interests of actors in migration politics tend to be resolved through spatial differentiation in the same logic: the 'multijurisdictional migration policy patchwork' (Varsanyi et al., 2010) can be read as proof for this principle.<sup>3</sup>

To sum up, perceiving the state as a power relation enables to see its structural form as generally versatile, dependent on institutions, and in the words of Jessop (2016, p. 11) 'changing sets of politicians and officials in specific sites, acting in specific conjunctures, using...specific horizons of action.' Moreover, social struggles shape and influence its form and often result in spatial differentiation of governmental functions (such as scalar differentiation of state-power, federalism). In the next step, we will connect the relational state theory framework with the sanctuary phenomenon.

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<sup>2</sup>Of course, most states hold a monopoly for the right to apply compulsive measures up to violence. The use of violence in modern nation-states is very complex and its discussion surpasses the possibilities and the goals of this chapter.

<sup>3</sup>However, the state structure can only be stable in the short term because of its inherent fundamental paradox: it is simultaneously subject and object of social relations.

## 10.4 Placing Sanctuary within Relational State Theory

Understanding the nation-state as a social relation has several implications for grasping the sanctuary phenomenon. First, the sanctuary movement in its manifold manifestations is not opposed to the nation-state, but rather an integral part of negotiation processes within the social power relation, which the state consists of. Second, the spatial differentiation of migration policy, its ‘multi-jurisdictional patchwork’, is a result of conflicting interests in migration politics being resolved spatially. Third, as local actors implement sanctuary according to their interests and local resources, it adapts to the specific local power relations. In doing so, sanctuary combines several strategies into specific bundles, forming local cases of sanctuary practices and policies with differential political effects. What is possible and practicable in each subnational manifestation of sanctuary is owed to each complex socio-political landscape. In short: it is strategically selective (Petzold, 2018, p. 20). It is evident that sanctuary thus takes on many forms. However, we argue that at its core are socio-spatial strategies selectively adapting to each local political landscape. To grasp and structure the multiplicity, we follow Jessop, Brenner, and Jones (2008) in their landmark work on the spatiality of social relations, in assuming there are four main socio-spatial principles structuring those strategies: territory, scale, network, and place.<sup>4</sup> These principles ‘must be viewed as mutually constitutive and relationally intertwined dimensions of socio-spatial relations’ (Jessop et al., 2008, p. 389). We will now briefly introduce these four principles for socio-spatial strategies and operationalise them for analysing the sanctuary phenomenon.

*Territory* defines through the delimitation of a spatial segment. Processes and acts of active demarcation, visible (fences, walls, entry controls, etc.) or invisible (zoning plans, administrative and jurisdictional boundaries, trespass bans), define as territorialisation as they produce material and ideological inclusions and exclusions (Belina, 2013, p. 88). According to classical state theory, the term ‘territory’ describes a specific political organisation spatially extending in clearly demarcated borders (Jellinek, 1905; Weber, 2010). Moreover, delineating a territory is generally a strategy to establish order, laws, or jurisdictions. Order and space ‘do not exist autonomously...they are always fused’ (Braverman et al., 2014, p. 11). Hence, territorialisation is a key strategy for establishing and enforcing rules or laws. Sanctuary policies territorialise too, as they utilise pre-existing administrative units for passing a sanctuary policy and having the local institutions enforce it, such as local police forces or city government institutions. Sanctuary jurisdictions make use of the territorialising properties of laws and orders. Moreover, in the so-called church asylum, a practice from which the sanctuary movement originates, and which is still closely related to the current sanctuary movement, territoriality plays a key role: asylum in consecrated places, like churches, temples, or other, avails of a de facto-territoriality of these spaces. Within the premises of religious worship, ‘worldly’

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<sup>4</sup>These four terms also emerge from long-standing geographical and sociological debates on social spatiality. They are also referred to as ‘TPSN’ (Jessop et al., 2008).

forces like the police traditionally are not allowed (Bau, 1985; Kocher, 2022). Consequently, consecrated places can become bounded territories that can provide sanctuary and prevent deportations.

Originating from the Latin word *scale* (ladder rung), the notion stands for the hierarchical organisation of space. In his renowned work *Uneven Development*, Neil Smith describes scales as an historical result of capitalist division of labour that developed into the scalar order of ‘the global/the international’, ‘the national’, and ‘the local’<sup>5</sup> (Smith & Harvey, 2010). This order describes the spatialisation of different political and economic functions. According to Valverde (2009), ‘the local’ refers to the everyday-space of people’s life, such as cities. ‘The national’ stands for the organisation of political and economic affairs, such as access to markets. ‘The global’ is the scale of trade and international affairs. Federalism, the scalar organisation of state power into different levels of governments, is a historically developed governing strategy. Federal scales stand in a hierarchical order, but they are equally important for organising different and sometimes contradictory matters of the state (Valverde, 2009, p. 140). Conflicting interests between different state actors tend to be temporarily mitigated over scales (Smith, 1992). Thus, scales can be seen as manifestations of an ongoing need for compromise within the nation-state (Kuge, 2022). Referring to a particular scale can be strategic and subject to political negotiation processes (e.g. Smith, 1992). For instance, migration is often narrated as an issue on a global or national scale. The sanctuary phenomenon draws matters of migration, citizenship, and belonging into the scale of the everyday and the local. This process of rescaling opens new possibilities for policies of membership and belonging, such as urban citizenship.

The third principle for socio-spatial strategy is *place*. The notion refers to collective ideas and representations connected to locations, such as cities, countries, or a favourite spot in the park (Cresswell, 2015). These shared ideas and meanings of places can inspire political engagement (Massey, 2007). For instance, Bauder (2020) analyses the use of place-based practices of solidarity. He finds that social movements operating at the urban level often evoke a ‘sense of place’, similar to the concept developed by Massey (1991) in their campaigns by conjuring a welcoming character and openness of the people of a certain city. Local, respectively place-based solidarity campaigns can help inspire policies that mitigate exclusion and repression against migrants. Solidarity actions thereby contribute not only to the formation of political subjectivity, but also to the formation of place-based identities (Agustín & Jørgensen, 2016; Bauder, 2020). This still under-researched connection between place-based identities and sanctuary policies can help to understand where and why such policies are implemented—and where and why they are not (Walker & Leitner, 2011).

As a fourth principle, *network* strategies are of utter importance for the sanctuary phenomenon. Network is often described as a decentralised collaborative

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<sup>5</sup>Later works also add the scale of ‘the intimate’ or ‘the body’ as a fifth scale (Herod, 2011), but it is irrelevant for this work and therefore omitted.

work-mode, often with low hierarchies and several (flexible) nodes and centres (Leitner, 2004). Furthermore, network is a strategy to share knowledge and skills, an effective technique for dividing labour (Oomen et al., 2018). Struggles for migrants' rights have sparked a wide range of political activism that often makes use of the networking strategy. Social movements, initiatives, NGOs, and even some subnational governments network at a local, state-wide, national, and sometimes international scale, using the sanctuary or solidarity city as a label<sup>6</sup> (Bauder & Gonzalez, 2018; Bazurli & De Graauw, 2023; Faret & Sanders, 2021; Kuge, 2022). Following the success of other sanctuary activists, alliances of migrant and civil rights groups and politicians have adopted sanctuary policies in their demands as a vehicle for advancing migrants' rights (Bauder, 2017b; Walia, 2013). Thereby, policy drafts, strategy plans, and legal knowledge circulate in these networks. The network mode helps to further disseminate and implement the solidarity or sanctuary movement, its policies, and practices. Second, through networking, 'public and private actors are more effectively able to instantiate an alternative set of norms to challenge' and democratise debates on migration policy (Villazor & Gulasekaram, 2017, p. 1).

These four strategies combine and intertwine in various ways within the multifaceted sanctuary phenomenon. They are highly context-sensitive (Mourão Permoser & Bauböck, 2023). This is owed to the different resources of the actors and to differing local conditions, e.g. political climate, economic state, and local (power) relations. Many different international examples in this book account for the versatility of the phenomenon (see Parts 1 and 3, volume 2). Not only actors proposing sanctuary policies and practices, but the whole spectrum of actors within the contentious politics of migration combine socio-spatial strategies to weigh in on the nation-state's power relation. The strategies simultaneously bring about the power relation and they challenge it. Socio-spatial strategies can strengthen, affirm, transform, or weaken aspects of the power relation. In short, they are fuelled by socio-political negotiation processes, rendering the nation-state relatively dynamic in both time and space. Immigration federalism, the multi-jurisdictional patchwork of migration policies, and foremost the sanctuary phenomenon with its multifaceted socio-spatial aspects illustrate the described power relation. Across the social power relation the state consists of, many actors express their manifold interests. This translates into socio-spatial strategies, policies, and practices, finally forming contentious migration policies. In other words, migration policies are processual and dynamic in both space and time.

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<sup>6</sup>Internationally, there is a whole range of other names for similar movements and policies, often in the language of the respective country. But among them, sanctuary or solidarity city have become the most commonly known.

## 10.5 End: Operationalising Socio-spatial Strategies for Sanctuary

To conclude this chapter, we outline practical insights that we derive from the socio-spatial strategies of sanctuary policy struggles within the state as a power relation. We identify the following three socio-spatial hypotheses: (1) the complex role of the state, (2) legal, scalar, and territorial strategies, and (3) the networking of social struggles.

First, if we look at the state as a power relation that is subject to influence and change, it becomes crucial to address the position of sanctuary and migrants' rights supporters vis-à-vis the nation-state. While the nation-state is often discussed for its exclusionary migration politics, its role is more complex. The state can be both an opponent and an ally in the fight against exclusion of migrants, as it is multi-layered: a social power relation. Collaborating with local representatives and institutions of the nation-state can be a powerful tool to advance migrants' rights.

A central strategical strength of sanctuary is its (legal and institutional) compatibility with state structures. At the same time, this compatibility marks its most critical limitation at the same time (Chishti & Hipsman, 2015; Houston & Lawrence-Weilmann, 2016; Leitner & Strunk, 2014). On the one hand, strategic collaboration with state actors can be beneficial because state institutions tend to have more power and resources than non-state actors, enabling movements to achieve funding, professionalisation, and thus continuity. Moreover, state institutions hold power over many processes and laws affecting migrants' rights where careful lobbying in their favour can be a powerful driver for change. On the other hand, collaboration with state actors encompasses significant disadvantages: the rigidity of state organisation and their tendency toward restrictive migration laws bear the risk that social struggles and movements lose momentum or are even dismantled. Most importantly, sanctuary advocates must ensure that cooperation with state actors does not endanger undocumented persons and their practices since this work requires a scrutinised case-by-case vetting if state-power can be used or influenced in favour of migrants' rights. Sanctuary advocates must be very selective with the collaborations they agree on and which information they share with respective organisations. Meetings with the city council, other official representatives, and powerful non-state actors (such as pundits in economy or culture) can help to identify possibilities for joint projects or strategies for gaining influence on state institutions. To figure out courses of action, activist groups find shared understandings of the objectives achievable with certain partners and strategically agree on acceptable means to reach these goals. Furthermore, it can be important to define knock-out criteria in which case and under what conditions a cooperation must be terminated.

Second, as we have shown above, legal matters play a key role in the organisation of space (Maaroufi & Schwiertz, Chap. 6, volume 2 and Bruce & Crettex, Chap. 8, volume 2). Therefore, legal knowledge can be a crucial resource in struggles for sanctuary and migrants' rights. Collaboration with lawyers or legal experts can be extremely valuable for managing legal questions or litigations. Yet, it is also

essential for activists themselves to acquire knowledge in the workings of the juridical realm of migration, asylum, constitutional, vocational, and human rights law. Legal knowledge can be strategically employed in several ways—even beyond court hearings or legal battles. Asserting compliance with existing law and raising awareness of denied rights can improve the living conditions of undocumented people and migrants and help to combat institutional ignorance, post-colonial structures, and racism (for a detailed discussion see Bauder, Chap. 1, this volume). Moreover, legal knowledge enables a better understanding of contradictions in the patchwork of policies and grey areas within migration laws that are favourable for creating sanctuary spaces. As we have shown above, the very idea of sanctuary cities grounds on the legal and spatial distinction between local and national jurisdictions that derives from the strategy of the federal division of power across scales and thus differing administrative tasks (Kuge 2022). Furthermore, providing access to legal consultation for undocumented people is helpful, as this includes assistance with translating documents and navigating through official procedures. However, access to comprehensive legal advice is often scarce because it requires specific knowledge and vocational qualifications and thus funding. Many unions and advocacy organisations arrange ‘know-your-rights’ trainings and compile brochures for migrants and their advocates to provide them with relevant judicial knowledge (e.g. ILRC, 2019).

Third, a diverse array of social movements exists, frequently employing networking strategies to organise their work. Many localised social movements pursue similar goals. Therefore, interlocal networking can be advantageous. While establishing relations with other movements to explore potential synergies requires extra work and time, the formation of such alliances and joint campaigns can ultimately save work and generate greater outreach. A reciprocal exchange of ideas and mutual learning can facilitate further division of work and the sharing of infrastructures and knowledge. The implementation of a digital platform, where people from different movements can communicate with each other, can help to stabilise networks while simultaneously enhancing public visibility for their cause. Moreover, a joint media outlet demonstrates cohesion and resolve in pursuit of shared objectives. In addition, such networks make it easier to share and celebrate incremental achievements, such as successful procurement of funding for language courses or translation and interpreting services. Advertising accomplishments can be a source of inspiration and motivation for others.

These strategic implications for sanctuary movements, situated within the broader context of a struggle for migrants’ rights, are a brief insight. As restrictive migration politics escalate, sanctuary actors develop creative strategies mitigating them. They derive from socio-spatial principles of social relations in the state’s power relation. In this book’s compilation of sanctuary and solidarity practices, numerous promising approaches and strategies to advance the sanctuary platform are presented (for examples see Parts 1 and 3, volume 2). In this sense, combining and nesting different socio-spatial strategies show significant potential (Leitner, 2004; Leitner et al., 2008). Analysing the sanctuary movement through a relational

state-theory perspective enables us to grasp the sanctuary phenomenon as versatile and analyse its adaptive bundle of socio-spatial strategies.

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# Chapter 11

## Urban Cosmopolitanism: Towards Multiscalar Networks of Solidarity and Hospitality Cities



Óscar García Agustín  and Martin Bak Jørgensen 

### 11.1 Introduction

When the ‘refugee crisis’ took place in 2015, four European mayors, Anne Hidalgo from Paris, Ada Colau from Barcelona, Giusi Nicolini from Lampedusa, and Spyros Galinos from Mytilene, wrote a letter titled ‘We, the cities of Europe’ to the European Union demanding support for the cities to strengthen their role as places of refuge. In the letter, they claimed that the cities are ‘cities of refuge’ since they are ready for reception by having the possibility of providing services, the necessary space, and, most importantly, citizens who are willing to receive refugees. The nation-states, the European Union, and other international organisations should listen to the claim from and by the cities to guarantee the reception of refugees; by doing so, the values of Europe would build upon the principle of solidarity. The cities would prove how a new history of Europe can be written beyond the constraints of state sovereignty and, instead, respond to the commitment of the citizens to humanity: ‘Our biggest responsibility is with the human being. If we continue building walls, closing borders, which message are we sending to the world?’ (Colau et al., 2015). In 2016, the cities of Lampedusa, Lesbos, and Barcelona reached an agreement of cooperation to improve the reception of refugees. The Mayor of Barcelona noted that cities needed to mobilise given the inaction of the state and that an alliance between the three cities was a step against resignation towards a dehumanised Europe (Safont, 2016).

In the context of the Russian invasion of Ukraine, Harald Bauder (2022a) pays attention to the support of the European civil society for Ukrainian refugees. Bauder distinguishes between the role of nation-states regulating borders and civil society practicing hospitality. Cities are the places where sovereignty of territorial

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nation-states is challenged and where migrants and refugees experience hospitality. Sovereignty, as territorial control, and hospitality, as practices by civil society, are two different ways of imagining solidarity towards refugees: the former is contingent to and limited by border controls, over which the nation-states have power, while the latter occurs in the cities where civil society has power and hence is subject to civil society's ability and willingness to forge solidarity with refugees. Urban solidarity is, therefore, presented as an alternative to regulations by nation-states.

The 'refugee crisis' of 2015 differs from the Russian invasion of Ukraine in this regard: the conflict between municipalities, civil society, and states was stronger during the 2015 humanitarian crisis than 2022. In 2022, the states were more supportive in the reception and even coordinated in cooperation with municipalities. However, both cases share the importance of the cities becoming a place of solidarity and hospitality. The question we ask is whether the cities can generate a larger articulation of solidarity or if they are constrained by the particularities of each city and mainly perceived as the scale of implementation of national policies.

Undoubtedly cities are becoming sites of solidarity with an increasing awareness of the importance of materialising practices of integration, solidarity, hospitality, and coexistence. The emergence of new municipalism as a progressive form of organising and an institutional form of urban solidarity is a good example of how the municipality is becoming a strategic site for the organisation of transformative social change (Agustín, 2020). Jacques Derrida already in 1995 asked the question: 'Could the city, equipped with new rights and a greater sovereignty, open up new horizons of possibility previous undreamt of by international law?' (1995) at the inauguration of the International Parliament of Writers network of Cities of Asylum (now International Cities of Refuge Network). The question is not easy to answer. Within the literature, transnational city/municipal networks have been regarded as a positive and empowering response to restrictive national policies, although recent studies argue that there is limited evidence for this optimism (e.g. Caponio & Clément, 2022). Nevertheless, cities not only develop new approaches individually, but also connect in a different way than states, while developing networks among themselves (as the alliance of Lampedusa, Lesbos, and Barcelona shows) and across regions of the world (as the case of Fearless Cities will show) to engage in both collective claims-making regarding migrant and refugee protection as well as sharing policy experiences and learning.

We argue that it is not only possible but also fruitful to conceptualise cosmopolitanism from the perspective of cities (see also Correia, Chap. 3, this volume). This perspective requires moving beyond the dichotomisation of cosmopolitanism and localism as opposites and connecting the cities with universal values and a larger political community (humanity, a universal political community) despite the tensions provoked at the national scale. The point then becomes how do we connect the local to the universal, and the universal to the local. Clearly, there are organisations and protests at the local level that connect their struggles with a universal and cosmopolitan community (Agustín & Jørgensen, 2019). However, if we look at the cities as space for hospitality and solidarity, how can the cities acquire a universal dimension? Our immediate response is through articulating a universal political

community at different scales: local and global but also regional and national. The multiscale dimension is achieved by networks of solidarity and sanctuary cities that claim that they can forge an inclusive and plural cosmopolitan ‘We’.

Thus, we define *urban cosmopolitanism* as the practices and policies of solidarity/sanctuary cities that allow for envisioning an equal society, locally and globally, and are connected in the form of networks through scales beyond (or despite) border control and the constraints of the nation-state. Our goal is to understand cosmopolitanism (and, with the same logic, globalisation) rooted and produced locally as well as local practices constituted by global dynamics by connecting different scales. The result is, consequently, a cosmopolitanism shaped by solidarity relations and bottom-up hospitality (see Bauder, Chap. 1, this volume) where the cities can contribute to more diverse and inclusive societies by (re)defining the (universality of the) political community. Moreover, this framework allows us to analyse new forms of global networking of solidarity/sanctuary cities. We argue that such networks may have a transformative potential based on local solidarities and the ability to both develop new imaginaries and materialise these through practices.

In the following sections, we will present the main characteristics of urban cosmopolitanism and illustrate it with some current examples to explore its potential and some of its tensions and limitations. We use two different cases that enable us to highlight different aspects of urban cosmopolitanism, the Fearless Cities movement and the World Social Forum on Migration. The two cases relate to the urban issue in different ways and outline different transformative potentials. Thus, we contribute to the theoretical discussion about urban cosmopolitanism and to its empirical understanding and application as there are still few studies that deepen its possibilities in concrete practices and cases (Müller, 2011).

## 11.2 Conceptualising Urban Cosmopolitanism

The current interest in cosmopolitanism must be seen in the light of the consequences of globalisation. In this regard, the term ‘cosmopolitanism’ can acquire negative connotations and evoke ‘the image of a privileged person: someone who can claim to be a “citizen of the world” by virtue of independent means, high-tech tastes and globe-trotting mobility’ (Robbins, 1992, p. 171). The visions of cosmopolitanism, based in Immanuel Kant and the Enlightenment universalist rationalism, have been criticised from decolonial approaches for reproducing colonial and imperial implications (Mendieta, 2009). However, cosmopolitanism can also constitute an alternative to the homogenisation and exclusion provoked by globalisation. Ben Campbell (2008) singles out how a new conceptualisation of cosmopolitanism is emerging that is not aiming for general validity (normative cosmopolitanism) but at positive tolerance of multiplicity, empathy, and respect for the others (cultural cosmopolitanism). Although it is challenging to think about cosmopolitanism due to its universal(ist) dimension, it can be related to diversity and multiplicity instead of homogeneity, as implied by cultural cosmopolitanism. Obviously,

cosmopolitanism cannot be reduced to a Western notion of modernity and globalisation, in which case diversity would be diluted and entail exclusionist dimensions. Cosmopolitanism must allow for the development of new relations between the self, the other, and the world (Delanty, 2006). In other words, the objective of cosmopolitanism is to imagine an alternative political community (Agustín & Jørgensen, 2019), grounded in diversity and inclusion, and to foster 'a political project of transformation of living, being, and becoming in a world in which new geographies are constructed' (Agustín, 2017). The approaches of critical and reflective cosmopolitanism are extremely useful for this inclusive and transformative notion, as well as for overcoming the false dichotomy between the local and the universal.

When addressing the case of solidarity/sanctuary cities, there are some particularities we need to consider from a cosmopolitan perspective. The first is the importance of cities, considering the relationship between localism and globalism. For this purpose we refer to 'urban cosmopolitanism' to highlight such a connection. In our case, the place of production is the city, but it includes both European and non-European cities and does not reflect exclusively Western conceptualisations and practices. The critical dimension here consists of questioning the universal 'We' projected mainly by European and Western states. The second particularity is that the solidarity/sanctuary cities are mainly places of hospitality since they reflect the actions and attitudes of locals towards migrants and refugees rather than the interactions between them or the notable contributions by migrants and refugees to the host society. Hospitality, from a critical perspective, is in tension with the idea of the other (the stranger) as a threat to nation-states and their sovereignty. Third and lastly, we see the networked character of solidarity/sanctuary cities, implying that alliances and practices of solidarity are developed at different scales, ranging from the local to the global. All in all, we see that there is a strong potential for a transformative project if we conceptualise urban cosmopolitanism from the relation between local-universal, the critical dimension, hospitality, and scale. Thus, urban cosmopolitanism offers a way of imagining the political community beyond the constraints of national sovereignty.

### ***11.2.1 Local-Universal Relationship***

Urban cosmopolitanism reflects the need for a dialectical relationship between the local and the universal. On the one hand, cosmopolitanism cannot be a mere abstraction, without being rooted in local realities, and on the other, globalisation has promoted a new geopolitical imaginary that can be associated with, but not necessarily, increasing homogenisation and new forms of colonisation. Cosmopolitanism cannot be detached then neither from the geographies of domination, when related to a mode of (re)production, nor from the forge of geographies which questions those forms of domination and develops other forms of living. As emphasised by David Harvey, cosmopolitanism entails, not only, the practice of passive contemplation, but also a principle of intervention that ought to be grounded in knowledge of the

existing geographies and in the possibilities of producing new geographies. Consequently, there must be a mutual dialogue between cosmopolitanism and geography that rejects its apparent incompatibility.

The cosmopolitan point is, then, not to flee geography but to integrate and socialize it. The geographical point is not to reject cosmopolitanism but to ground it. The political point is not only to change our understanding of the world by getting the Kantian propaedeutic right, but to remake the world's geography in emancipatory and practical ways. (Harvey, 2000, p. 560)

In a similar way in which dichotomies between universal (cosmopolitanism) and local (geography) should be overcome, the opposition between homogeneity (globalism) and fragmentation (diversity) should be avoided. It would be more productive to recognise that the local is shaped by globalisation just as globalisation is locally produced. Wolfgang Sachs caught this relation and coined the term 'cosmopolitan localism' to explain how the globe was imagined as a 'discontinuous space where difference flourish in a multiplicity of places (Sachs, 2010, p. 123). Sachs does not suggest that localism is the alternative to globalism (as unifying project). He points out that a new localism could revitalise universalism by cherishing particular places, by keeping in mind the relationality of all places rather than stressing their uniqueness.

We can retain our scepticism as to whether this type of new localism is enough to imagine a universal model not drawing on Eurocentric visions. The notion of decolonial cosmopolitanism reminds us of the need for radically changing the geopolitics of knowing and being and the imaginaries of European cosmopolitan modernity—which propagates itself through globalism. Walter D. Mignolo (2010) offers the very attractive idea of (decolonial) cosmopolitanism as a connector by linking the commonality of colonial experiences and uncommon local histories. Cosmopolitanism emerges from the idea that 'all human beings confronting—at different scales—the consequences of modern/colonial racism and patriarchy have something in common, beyond their religious, ethnic, gender, sexuality, nationalities, and languages' (Mignolo, 2010, p. 125). The connections manifesting between existing political societies would contribute to decolonise the framework of liberal cosmopolitanism, allowing it to become global. Through linking commonalities and respecting their diversities, civil society (and the cooperation between municipalities and civil society when it is the case) envisions a plural and inclusive community and a geography connecting different types of resistance, alliances, and projects that transcend the borders of the nation-states.

### ***11.2.2 Critical Dimension***

As mentioned above, we see the potential of civil society as the main source of forging a new form of universalism, rooted in the cities. Our understanding of cosmopolitanism is, therefore, related to the one of cosmopolitanism from below. To avoid

cosmopolitanism becoming a mode of domination and exclusion, it must be conceptualised as an expression of dissent (Caraus, 2014) or of conflict (Agustín, 2017). This shift is essential for us to reshape our thinking of universalism: from exclusionary to compatibility with diversity. Mignolo (2000) distinguishes between cosmopolitanism from global designs, led by the will to control and homogenise, and critical cosmopolitanism that articulates dissent against global designs. The critical dimension consists of acknowledging that forging an inclusive universalism without relating to existing forms of exclusive universalism is akin to impossible. In other words, urban cosmopolitanism as critical is constituted as contestation towards other forms of universalism that generate mechanisms of exclusion and reproduce relations of domination.

When cosmopolitanism is reduced to globalisation and universalism uncritically, consensus is established (by focusing on a type of commonality) at the cost of excluding several groups, and exclusion in itself remains unquestioned. It opens up the possibility of another universalism by questioning the dominant consensus. The critical approach enables this openness while maintaining the universal character of cosmopolitanism: 'the universalizing impetus disturbs particular given meanings, filiations and identities and, by contesting these, expands the possibilities for alternative political orders, directly or indirectly projecting a new, better and more just world' (Caraus, 2014, p. 1). From an urban perspective, the shaping of the cosmopolitan 'We' and a common ground entail a dual challenge: the coexistence of commonality and diversity, and of localism and universalism. The former refers to the formation of an inclusive community for migrants and pro-migrants to reject and react against existing forms of domination (Jørgensen, 2016) and to promote practices and imaginaries to overcome those forms of domination. The latter relates to the city as a place to practice contestation and the connection between the resulting geographies of contestation. With the practices being local, while the imagination is global, the challenge then is how to address the nation as the dominant actor and national scale as equally predominant. To be able to create an inclusive community, we suggest that cosmopolitanism should include hospitality as a core feature. However, hospitality is not free from the tensions and contradictions provoked by national borders. The critical standpoint is then how to imagine hospitality within and beyond national borders.

### ***11.2.3 Hospitality***

The reflections of Derrida (2001) on cosmopolitanism and refuge highlight a couple of elements that are crucial in conceptualising urban cosmopolitanism in terms of its place and its subject. Firstly, Derrida shifts the focus from state sovereignty to solidarity between cities of refuge; secondly, he considers it a priority to elaborate an original concept of (right and duty to) hospitality, that presumes certain universalism and simultaneously establishes a sociospatial relation between the host and the guest. The distinction between a host and a guest and categories such as home

and stranger can be problematic, as Derrida acknowledges, when the aim is the constitution of an inclusive political community. Hospitality implies the concepts of 'guest' and 'outsider'.

Derrida posits that cities could reorient the politics of the state and 'transform and reform the modalities of membership by which the city belongs to the state, as in developing Europe or in international juridical structures still dominated by the inviolable rule of state sovereignty, (Derrida, 2001, p. 4). The city, and not the state, is the place to create new horizons of possibility. Cities should be free or become as independent as possible from the state. From the perspective of urban cosmopolitanism, the cities are sites of contestation and they are in a conflictual relation with the states, particularly with the definition of sovereignty (who belongs to the political community and who does not). Welcoming the Other and defining the relationship between host and guest may differ significantly when they occur at the nation-state or the city level.

Derrida establishes two intertwined distinctions: the law of hospitality and the laws of hospitality, on the one hand, and unconditional and conditional hospitality, on the other. The law of hospitality refers to unlimited hospitality, whilst the laws of hospitality limit and condition the former since they reflect the history of hospitality. Thus, the law of hospitality is unconditional, and the laws of hospitality are subject to laws, norms, and restrictions that make them conditional. Conditional hospitality entails rights and duty: the rights given under certain political and juridical restrictions. When hospitality is conditional, the outsider must meet the criteria of the a priori 'other' otherwise it is not given to any (unknown or anonymous) guest (Westmoreland, 2008).

Unconditional hospitality neither imposes any restriction nor requires any compensation. It is not relevant to ask whether she is foreign or undocumented. Even her name is irrelevant. It is hyperbolic and absolute hospitality not constrained by laws but motivated by justice. It does not reproduce the asymmetric relation between host and guest because it 'requires the host to relinquish all privileges of ownership to the guest, thus negating their role as host' (Derrida, 2000, p. 3). Unconditional hospitality is, however, impossible. There are always conditions since the host imposes restrictions on the guest and the state is equated with home. There is no single country that applies unconditional hospitality or hospitality without sovereignty, where there are open borders and the roles of guest and host are exchangeable. This does not mean that unconditional hospitality is not relevant, rather the opposite: the practice of hospitality enables different degrees of closure and openness (Bernhardt, 2022). The city becomes a site to question sovereignty (Bauder, 2022b), to redefine the relationship between guest and host. Unconditional hospitality, claimed by solidarity/sanctuary cities as welcoming cities, questions the restrictions by nation-states made in the name of protecting borders and sovereignty. Out of these critical moments of questioning, a form of conditionality would arise in the sense that there would be new regulations or legislations. And the openness promoted by municipalities or civil society actors in the cities would enhance a new imagination about how people's relations are within and between the cities and, at the same time, within and beyond national sovereignty. Therefore, we argue that it is also necessary

to account for scale and scaling-processes when cities seek to move beyond the local scale and create imaginaries of global networks.

### **11.2.4 Scale**

Cities are taking a prominent role in solving global challenges, with a ‘new localism’ inviting a reorientation of power from nation-states downwards, outwards and globally (Oliver et al., 2020). They not only act independently but constitute both movements and networks of likeminded cities. On different scales (national, transnational, and global) we see the formalisation of networks like Fearless Cities, Global Parliament of Mayors, Solidarity Cities, Intercultural Cities, Eurocities, Sustainable Cities, commune hospitalitière in Belgium, Ciudades Solidarias, and more. Therefore, it is important to consider how cities develop networks and how they switch from the local to the global scale. What is central for our understanding, however, is how we can analyse the urban and the local through an approach emphasising horizontalism at a global scale. Networks—in an abstract sense—often will focus on nodes and relations and how networks produce and share information, resources, and policy orientation towards common goals (e.g. migration, environment). City networks form around issues which are central to the individual cities (members) that they can amplify by acting together.

The reception of asylum seekers is a good example of a global issue manifesting itself at the local scale. The new municipalism emphasises a new localism that—as Caroline Oliver et al. (2020) claim—refers to a radical shift of power that goes downwards from nation-states to cities and horizontally from national authorities to networks and globally to transnational networks. In practice, a new localism requires acknowledging and emphasising interconnection between all scales: local, regional, national, international, and transnational. Moving between scales is a complex process that not only diffuses contention across space or social sectors but also creates instances for new coordination of contention at another scale. Sanctuary cities in North America ‘undermine (but do not transform) federal immigration laws and policies by enacting contradictory municipal laws and policies’, while creating a ‘de facto regularization program from the ground up’ (Bauder, 2017, p. 261). The diversity of institutional frameworks around the world points to a diversity of both possibilities and limitations in cities’ attempts to bypass national scales.

Elsewhere we have outlined three ways of connecting scales to account for the development of networks of sanctuary/solidarity cities (Agustín & Jørgensen, 2024). Here we conceptualise the different positionings regarding the national scale in terms of scaling-up and scaling-out: scaling-up refers to expanding the geographic and political reach, turning the local into regional, national, and global, and dissolving spatial boundaries that are imposed from above and constrain forms of resistance; scaling-out indicates moving from the traditional understanding of scales (with cities subjugated to nation-states) to networked, transnational, and translocal forms of power; and down-scaling refers to strengthening the importance of the

local to broaden the scale of action (regional, national, and global). We draw on these notions here to emphasise the scaling processes within our two cases.

In sum, urban cosmopolitanism offers a new mode of thinking universalism and localism in dialectic terms through a critical reflection that allows us to imagine an inclusive and plural political community and, through practices of hospitality, question and move beyond power relations fixed by national states in their attempt to preserve their sovereignty.

### 11.3 Fearless Cities: Urban Cosmopolitanism and Transformative Politics

In the publication *Fearless Cities: A Guide to the Global Municipalist Movement* published as an output from the first Fearless Cities summit held in Barcelona in 2017, Gerardo Pisarello and the International Committee of Barcelona en Comú wrote about Fearless Cities in the introduction:

It's [the municipalist network] a movement known by many names, from Fearless or Rebel Cities, to Cities of Change, Indy Towns, *neomunicipalismo*, democratic confederalism, communalism and our own preferred term, municipalism. This varied nomenclature is, in itself, a reflection of who we are: decentralized, diverse and radically pragmatic. (Barcelona en Comú, 2019, p. 7)

To these labels or names we should add urban cosmopolitanism. The Fearless Cities movement is an excellent illustration of how the urban scale can form translocal spaces for local bottom-up hospitality. The summit in Barcelona was organised by Barcelona en Comú in 2017 and was attended by over 700 people representing over 100 municipalist organisations from all over the world. The webpage explains: 'Fearless Cities is an informal global movement of activists, organisations, councilors and mayors that are working to radicalise democracy, feminise politics and drive the transition to an economy that cares for people and our environment' (Fearless Cities – about, n.d.). Since 2017 the network has organised summits and events in Warsaw (2018), New York (2018), Brussels (2018), Valparaíso (2018), Naples (2019), Belgrade (2019), Barcelona (2021), and most recently Rosario (2022), illustrating a clear centring of a global scale. In terms of issues, Fearless Cities is not only focused on migration and development but works broadly on issues related to fostering local democracy, participation, gender issues, care, and the ecological crisis.

The cosmopolitan values articulated by Fearless Cities shows that cosmopolitanism is not in opposition to localism but, in Harvey's term, seeks to 'to ground' universal values in local geographies. Ada Colau—then Mayor of Barcelona—articulates this aim well when she outlines the dynamics of the current economic system and increased inequality often narrated crudely as a distinction between 'winners' and 'losers':

Both divisions—‘above/below’, ‘us/the others’—are reductive and dangerous: they do nothing other than increase the level of fear in the world and put at risk the democratic rights and freedoms which it took our grandparents so much effort to achieve. Municipalism seeks to do away with these divisions, starting from the place where we all recognize one another as equals: the community. Our neighbourhoods, our towns, our cities. Municipalism is an emerging force that seeks to transform fear into hope from the bottom up, and to build this hope together, in common. (Ada Colau, Barcelona en Comú, 2019, pp. 146–147)

This statement (serving as a conclusion of the summit) captures both the transformative aspects of urban cosmopolitanism as well as the four perspectives of local-universal relations, critical dimensions, hospitality, and scale.

The central actor here is the municipality, and the central question addressed is how such new municipalism can develop a progressive localism and forge translocal solidarities (Agustín, 2020). The concrete actors within the network are not only municipal platforms or movements, however, but also local institutions and social movements. Progressive municipal platforms play a strong role in the network and are individually composed of strong relations between civil society actors and social movements. The local scale is regarded as central for having transformative potential. It is where we can identify socio-spatialised universalism articulated in the local. The network expresses a scaling-up process where the actors have scaled up municipalism, not to subordinate or replace the local scale with the national one and in a way by-pass the national scale, but to create a network through connecting the geographies of municipal change (Agustín, 2020). Global municipalism is positioned as an alternative to global neoliberalism through an approach of bottom-up political engagement, development, and responsibility. The idea of upscaling municipalism and moving towards a global municipalism seeks to overcome the dichotomies of ‘winners and losers’, generate new commonalities and ‘create an international network to promote human rights, environmental justice and feminism’ (Agustín, 2020, p. 63). Fearless Cities in this way expresses a critical cosmopolitanism articulating dissent against global designs. One of the aims for the network is to share and develop ideas that can strengthen local democracy and participation. Although the network has a strong urban anchoring, it is not only focused on the urban scale. However, Fearless Cities is not only a European phenomenon but a truly global network connecting experiences from global geographies. As such the network becomes a platform for learning, sharing, and care that seeks to articulate the visions of a global political community. It articulates the vision of a plural, inclusive, and diverse community. Fearless Cities is not solely an attempt to imagine a political community not constrained by national borders but also to manifest this imagination in concrete practices. The Fearless City summits do not just relate to the issue of refugees and migration but also to how cities have a transformative potential based on local solidarities and the ability to both develop new imaginaries and materialise these through practices (Agustín & Jørgensen, 2019). The goal of developing new practices, and the work of actually doing so, was launched with the summit in 2017: ‘The time is now to strengthen our network. I would like to call out to this international alliance—to be courageous and ambitious. We want to

transform the reality—we want to be the politics of the majority’ (Ada Colau, *Fearless Cities* closing plenary, 2017).

Hospitality is a crucial part of this work. As we write in the introduction of this chapter, the orientation towards making cities places of refuge gained strength during the ‘refugee crisis’ beginning in 2015 and was also decisive in shaping the strategies of the *Fearless Cities* movement. Opening cities to newcomers regardless of status and imagining, developing, and implementing practices of welcoming has been central for the actors in the movement and for how we conceptualise urban cosmopolitanism as it is expressed and practiced. Openness and hospitality are not confined to migrants and newcomers but are part of a radical transformative strategy and practice towards a new political language. Practices of feminism and anti-racism are equally important in these efforts. The transformative potential of the new imaginations of *Fearless Cities* lies not only in the attempt of creating commonality and political community up against national borders but also in the centrality and insistence of making feminist and anti-racist strategic orientations. As stated by *Fearless Cities*: ‘Transformative politics will be weak unless it finds ways to build solidarity across constructed divisions, ways to undermine competition and resentment based on gender, citizenship status and ethnicity’ (Barcelona en Comú, 2019, p. 142). This statement captures the perspectives of local-universalist relationships, critical cosmopolitanism, hospitality, and scale very well. The limitation of this form of urban cosmopolitanism is the dependence on strong municipalist platforms. Although the movement includes non-municipal actors and members from cities not driven by municipalist principles, the strongest examples we have mostly derive from urban contexts where civic platforms with emphasis on participatory, inclusive, and plural democracy have won elections. Although we have many good examples across the world, there are a number of Spanish cities exemplifying urban cosmopolitanism quite brilliantly. However, recent political developments have meant electoral losses for most of these cities, which also has been a setback for progressive municipalism (Roth et al., 2023). Nevertheless, fearless or solidarity cities as the ones taking part in the movement illustrate how localism can be connected to globalism and how imaginaries and practices of social justice and equality are shared across local realities globally.

#### **11.4 World Social Forum on Migration: Prefigurative Politics**

The 8th World Social Forum on Migration (FSMM) took place in Mexico in November 2018. The forum’s slogan was ‘Migrate, resist, build, transform - Let’s all migrate, let’s migrate the system’; it points to the transformative power civil society and communities are believed to hold if it can be realised in practice. The slogan vividly offers an example of imagining a political community much different than what we see across the globe in present times. Like the example of *Fearless*

Cities, we can analyse FSMM as an illustration of urban cosmopolitanism in discourse and practice.

The World Social Forum on Migration is linked to the World Social Forum (WSF) and thus has a long history. The first World Social Forum was held in Porto Alegre, Brazil, in January 2001 with 20,000 participants. It has been held several times since, with participation numbers exceeding 150,000. WSF has adopted the horizontality of networks as an organisational principle and aims of presenting an ‘open space’ where hopes and alternatives for another possible world could converge (Mac Lorin, 2020). The WSF principles start out by declaring:

[WSF] is an open meeting place for reflective thinking, democratic debate of ideas, formulation of proposals, free exchange of experiences and forging effective action on the part of organizations and movements of civil society that are opposed to neoliberalism and the domination of the world by capital and any form of imperialism, and are also committed to building a global society directed towards fruitful relationships among people and between humankind and the planet. (World Social Forum, 2001)

Alongside WSF we find the World Social Forum on Migration (FSMM), which—as the name indicates—has focus on migration in a global context. The organisational dynamics of FSMM are similar to those of WSF. So far eight Forums on migration have been held, with the one in Mexico City being the most recent. The actors participating in the WSFM come from migrant organisations and communities, migrant rights activists, human rights activists, academics, and established civil society organisations (as La Via Campesina).

The key for understanding FSMM is to look at the diagnoses the Forum makes of global capitalism. At the 7th World Social Forum on Migration in São Paulo in 2016, the organisers had the goal of consolidating a ‘globalisation of solidarity’. This term resonates well with our understanding of urban cosmopolitanism. FSMM 2016 focused on six different themes, amongst these: systemic crisis of the capitalist model and its consequences for migrations; resistance and alternatives for migrants; and right to the city, social inclusion, and migrants as citizens. These themes articulate a critique of the global order (or what Mignolo (2000) terms global designs) and thus emphasises a critical dimension of solidarity and—based on the centrality of lived experiences and local knowledges and practices—how to connect the local and universal in a common quest for a global solidarity.

The urban scale and the discussion of what the city offers as a space of hospitality gained even more attention at the 8th World Social Forum on Migration in 2018. Again, critique of the capitalist system and growing inequalities were central to the discussions, e.g. identifying root causes of migration and refugee issues as well as searching for alternative solutions and how to form a counterhegemonic block in conflict with migration management authorities and agencies at the national and global scales. Here we emphasise the analysis and practices of FSMM in describing the role and transformative potential of cities in moving from radical imaginaries to radical (transformative) practices. In the years before, cities had been central to international institutions. In 2015, the International Organization of Migration had the theme of cities and migration for its annual conference (Ahouga, 2017). The emphasis later led to the inclusion of local authorities in the preparation of the

Global Compact for Migration. Already 2 years before, the UN General Assembly's Second High-Level Dialogue on Migration and Development, in October 2013, resulted in the establishment of the Mayoral Forum on Human Mobility, Migration and Development and the Mayoral migration mechanism that—at least in theory—embedded the presence of local authorities (municipal platforms, etc.) within an institutional migration governance framework (Oomen, 2020).

The latest FSMM took place in 2018. This time it was organised around seven themes, which, as in 2016, can be read as part of a decolonial critique as well as a critical analysis of structures and drivers of global inequality. Cities and the urban got renewed attention at the Forum. An optimistic aim (but not naïve given the global examples, municipalist victories, and existing networks) was to create a global network of sanctuary spaces and cities (World Social Forum on Migration, 2018). This aim was discussed in several workshops and roundtables with the intention of overcoming limitations of notions (sanctuary cities, solidarity cities, welcoming cities, intercultural cities, cities of hospitality, inclusive cities, etc.) that would allow for a network of interconnected cities and spaces of solidarity, opening new forms of inclusive citizenship regardless of migratory status (Agustín & Jørgensen, 2024). The slogan 'Migrate, resist, build, transform' disrupts the principle of unchallenged sovereignty of the nation-state(s) and points to radical different imaginaries of hospitality, co-habitation, and so on. FSMM can also be read as a form of prefigurative politics as many discussions and outputs centred on developing alternatives to overcoming the limitations of municipalist institutions and the local scale.

There are of course also limitations to FSMM. As we have seen with the alter-globalisation and the broader World Social Forums, global changes are not achieved easily. Contradictions are built into the set-up of FSMM. Staying loyal to decolonial principles, local experiences, and knowledges are prioritised and brought to the centre of analysis but this effort can also make it difficult to switch to the global scale. Likewise, the setback of progressive municipalism is also a factor for the aims of FSMM of creating a network of hospitable cities.

## 11.5 Conclusion

In this chapter, we have engaged critically with the literature on cosmopolitanism and move beyond it by offering a conceptualisation of urban cosmopolitanism. On the one hand, the theoretical development of notions such as cosmopolitanism from below, critical cosmopolitanism, and rooted cosmopolitanism emphasises the possibility of thinking of cosmopolitanism as an attempt to create more inclusive communities. Additionally, this also sheds light on spatial and scale relations, and acknowledges the role of civil society, municipalities, and others (deploying horizontal relations) to question domination and mechanisms of exclusion. On the other hand, we have witnessed in the recent years the strength shown by the 'Welcoming refugees' movement in 2015 to offer hospitality to refugees despite the contrary

position of nation-states, and the foundation and development of solidarity and sanctuary cities to formalise the increasing role of the cities to govern migration and give support to solidarity manifestations emerging from civil society. Our objective with this chapter was to explore the convergence of the intertwined theoretical and empirical reflections and, thus, show how solidarity and sanctuary cities constitute a certain type of cosmopolitanism that we have denominated ‘urban cosmopolitanism’.

The concept of ‘urban cosmopolitanism’ organises our thoughts in terms of thinking about cities beyond cities and to consider how cities are connected (through networks), how they connect different spaces (being multiscalar), and which political community is resulting from these dynamics (inclusive and universal political community as contestation of power relations and based on the principle of hospitality). In our conceptualisation, we highlight four dimensions that characterise urban cosmopolitanism and that can be useful to reflect on the development of Solidarity and Sanctuary Cities and their networks (Table 11.1). The local-universal dimension reflects the risks of two opposing tendencies: the consideration of universalism as an abstraction and of the cities as an alternative to nation-states with complete capacities to govern themselves. Between these two extremes, universalism can be rooted in sociospatial practices as the basis for an imagined community that would be more inclusive and pluralistic. The critical dimension questions the inclusiveness of existing political communities and considers the formation of a cosmopolitan ‘We’ as a contestation of forms of domination and exclusion. Rather than rejecting the potential emancipatory force of social conflicts, cosmopolitanism, by being critical, acknowledges existing conflicts to expand the inclusion of social groups into the political community. The selection of hospitality as a main feature of ‘urban cosmopolitanism’ is explained not only by the relation between host and guest, but also by the need of overcoming the limits of such a relationship within the nation-state. The moments of unconditional hospitality entail moments of openness and overcoming the asymmetric relationship between host and guest. Finally, scale is necessary to move beyond the national framework as the dominant one, as well as the risk of reducing the impact of ‘urban cosmopolitanism’ to the local scale. By taking the form of networks, different scales, especially the local and the global, are interconnected and universalism becomes rooted in the local with localism acquiring a universal dimension.

Above, we illustrated these dimensions and discussed the transformative potential of the concept through the cases of the Fearless Cities movement and the World

**Table 11.1** Conceptualisation of urban cosmopolitanism

	Local-universal	Critical	Hospitality	Scales
Challenges	Isolated localism, abstract universalism	Reproduction of power relations globally	Asymmetric relation between host and guest	Predominance of national scale
Potential	Socio-spatialised universalism	Expanding inclusion	Unconditional relations beyond the nation-state	Connecting cities through networks

Social Forum on Migration. The first case shows how it is possible to build solidarity across constructed divisions of gender, citizenship status, and ethnicity and how inclusion can be expanded through reimagining and practicing forms of unconditional hospitality. The second case shows how prefigurative politics can disrupt the principle of unchallenged sovereignty of the nation-state(s) and points to radically different imaginaries of hospitality, co-habitation, and inclusion. In both cases we also find limitations to what urban cosmopolitanism offers. In the case of Fearless Cities, we find that strong municipalist platforms are needed to develop inclusion in practice, and for the World Social Forum on Migration we can also see how prioritising the local can, paradoxically, make it difficult to connect to a global scale. However, we also showed the transformative potential of urban cosmopolitanism and how it can shape solidarity relations and bottom-up hospitality, potentially contributing to more diverse and inclusive societies by (re)defining the (universality of the) political community.

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# Chapter 12

## U.S. Faith-Based Sanctuary: Possibilities for Understanding ‘Sanctuary’ in New Ways



Kathleen R. Arnold 

### 12.1 Introduction

Forms of sanctuary have existed around the globe and throughout history (see Deslandes, 2017; Gray, 2016; Hoye, 2020; Maira, 2019; O’Sullivan, 2016; Rabben, 2011; Shoemaker, 2011; see also Bauder, 2017; Manfredi-Sánchez, 2020). However, the meaning of sanctuary has varied. In ancient times, the term was most often used in a religious context (see Shoemaker, 2011; Bauder, 2017). In medieval Europe—specifically England and France—sanctuary often involved an individual suspected of criminal activity who entered a church to find refuge from authorities. Less frequently, foreigners fled to new localities to seek asylum from politico-religious persecution (Rabben, 2011). In both cases, these sanctuary-seekers challenged monarchical power, which was purported to be unbroken. While local criminal suspects seeking sanctuary were quite different from foreigners fleeing political persecution, both groups interrupted what appeared to be an inevitable process based on a highly asymmetric power matrix: the monarchy’s sovereign power versus the alleged powerlessness of a subject.

Medieval English and French forms of sanctuary involved non-compliance with or suspension of criminalising laws, edicts, or norms in religious sites or cities. Sanctuary *spaces* provided respite from punitive religious or legal norms or both. Sanctuary has also entailed an individual *process* that allows a person to change or disrupt legal processes, rectifying their circumstances in some way. Together, these two approaches to sanctuary challenged monopolies on power (including religious monopolies) and allowed the seemingly rightless person to exercise agency and resist undesired outcomes.

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As these countries modernised, sanctuary practices for criminal suspects gradually ended in the early 1900s. Nevertheless, migration flows expanded with individual political exiles increasingly seeking sanctuary from the mid to late 1800s. By the turn of the twentieth century, mass displacement became the norm, and a nascent refugee system emerged to provide a new form of sanctuary (see Arendt, 1979; Rabben, 2011; Rushdie, 1992; Said, 2002). Unfortunately, this system has been limited by narrow governmental interpretations of human rights provisions, and in modern U.S. history a sanctuary movement emerged in the early 1980s precisely to challenge the limitations of this system. As refugees have been denied “sanctuary” through refugee provisions, sanctuary provisions have emerged to protect exiled groups.

Like their medieval predecessors, U.S. sanctuary practices similarly aim at challenging the state’s monopoly on power in the migration context. Since the birth of the U.S. sanctuary movement in the 1980s, it has relied on two main tactics aligned with these historical patterns: sanctuary localities and faith-based sanctuary. Sanctuary localities have arisen to protect arriving and resident foreigners from federal migration policing, thus challenging enforcement processes. Key tactics are policies of non-compliance and non-cooperation with migration police, as well as mechanisms of inclusion that bypass federal-level exclusions, such as state identification cards (see Arrocha, 2021; Lasch et al., 2018; Motomura, 2018). These localities have opposed the federal government’s plenary powers over foreigners and supported the dual system in which states treat all residents as ‘persons’ per the Fourteenth Amendment of the U.S. Constitution.<sup>1</sup> Those who enact or practice sanctuary policies are challenging federal policies treating foreigners as ‘non-persons’ (see Varsanyi, 2008). These localities effectively support human rights or post-national rights or both, importantly resisting the criminalisation of foreigners based on their status rather than a moral violation. Sanctuary localities model a politics of democratic equality in which humans are legally legible, regardless of country of origin. We can also recognise constitutional personhood as necessarily linked to human rights guarantees of personhood and dignity extending beyond borders if interpreted through a post-national frame (see Soysal, 1994; Tonkiss, 2021). Constitutional protections, including inalienable rights, need not be bordered or opposed to human rights; rather, they can be interpreted as mutually supporting values. Faith-based sanctuary supports these same ideals but more actively disrupts and alters the power of the sovereign state by creating sanctuary spaces.

Faith-based sanctuary interrupts the process of detention and removal, helping individuals and families directly resist seemingly inevitable processes in which sanctuary seekers are *de facto* rightless (see Stumpf, 2006). Sanctuary seekers live in a faith-based structure, creating a geographical space in which normal law is suspended and in which, despite their formal rightlessness, participants challenge and often rectify their legal issues. Since 2007, when the New Sanctuary Movement

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<sup>1</sup>Briefly, the 14th Amendment of the U.S. Constitution holds that all ‘persons’ have the rights to ‘equal protection’ and ‘due process’. This amendment has been interpreted as providing all residents of the country with legal protections against discrimination by any public official.

emerged, faith-based sanctuary has been rooted in community activism, tailored to individual cases, and involves on-going processes of discussion, community formation, and educational protest. In shielding individuals from arbitrary arrest and forced removal, faith-based sanctuary challenges the subjection of resident foreigners to neo-imperial, racist policies that disproportionately police certain migrant groups over others. Faith-based sanctuary advocates have called for changes in foreign policy, democratic reform in countries of origin, and have operated transnationally by aiding individuals in their efforts to get to the United States (see Coutin & Perla, 2009; McAndrews, 2015). For example, the Chicago Religious Leadership Network (CRLN) has questioned U.S. foreign policy in Central America since the 1980s, exposing grave injustices and working within these countries for democratic reform. This group has facilitated travel to this country, aided individuals in seeking refuge in welcoming U.S. cities, and sought policy change to rectify their ‘illegal’ status (see also Mayes et al., 2021; Marcelo et al., 2021; New Sanctuary Movement of Philadelphia website, n.d.). They have essentially treated borders as mere obstacles but not as restraining their activities.

Despite significant differences in their tactics and relationship to formal politics, these two sanctuary forms have often been lumped together. This frequently occurs by using the term ‘sanctuary’ without a qualifier and presupposing that only sanctuary ordinances are ‘sanctuary’. This conflation was most notable under the Trump presidency (2017–2021) as his administration heavily focused on sanctuary localities (see Lasch et al., 2018). This administration framed sanctuary localities as fostering criminality and sanctuary policies as illicit. It correspondingly characterised Central American or ‘Third World’ migrants as ‘illegals’, criminals, and more.

This conflation has also been evident in progressive scholarship asserting that ‘sanctuary’ is liberal or neoliberal (that is, only responding to formal politics and offering superficial protection for city residents, e.g.); it is bordered because it merely responds to the strengthening of borders rather than seeking changes in foreign policy, questioning criminalising laws (aka ‘crimmigration’); and/or because sanctuary locality leaders’ discourse is often reduced to an exclusively econometric lens when arguing for the value of migrant residents’ contributions (see Bosniak, 2018; Houston & Lawrence-Weilmann, 2016; Simpson, 2017, e.g.; see also Bauder, 2017; Bagelman, 2013). In these instances, sanctuary ordinances have been presupposed to largely define ‘sanctuary’ with faith-based sanctuary either minimised in these accounts or ignored.

In this chapter, I analyse the U.S. sanctuary movement from the 1980s to the present, noting how this movement is a response to migration policy shaped as foreign policy. Regarding *methods*, this chapter relies on a political theory approach, entailing analytical interpretation of the significance of key terms, including the deconstruction of policies and enforcement; critical examination of definitions of two types of protest; and an exploration of the relationship between informal and formal politics. As explained below, the fact that migration policy has been deemed foreign policy does not merely signify its extra-constitutional character but also indicates that this policy is not intended to be exercised exclusively at or inside U.S. border sites—it is coextensive with foreign policies (including regional trade

agreements) that trigger regional displacement and migration (see Sassen, 1998, 2006). Sanctuary localities and faith-based sanctuary practices emerged in reaction to the unconstitutional nature of migration border policies and interior policing. Since 1996, mass detention and deportation were authorised, and following the events of 9/11/2001 these policies' tools have led to the arbitrary arrest of thousands of people based on their status. Many of these foreigners have been forcibly removed as deportation has also become a key policy tool. Each sanctuary approach has become increasingly important to combat and disrupt unconstitutional policies.

Below, I first briefly explain the significance of a set of mostly extra-constitutional policy norms of the sovereign 'warfare' state (Wolin, 1989); second, I discuss the emergence of the sanctuary movement as a direct response to these state powers. The legal context helps us to understand important differences between faith-based sanctuary and sanctuary localities, even if they often work well together. Each form of sanctuary responds to specific dynamics of liberal state sovereignty deployed in wealthier destination states. In the third section, I analyse faith-based sanctuary, arguing that its U.S. modality is transnational and fundamentally democratic (see Lasch et al., 2018; Preston, 2017; Villazor, 2009, 576n20). It is perhaps more radical than movements in similarly situated destination countries (like Canada) yet aligned with grassroots movements elsewhere (for example the *Sans Papiers* movement in France), which the literature has neglected. I conclude by discussing how and why post-national analytical frames provide a vision of a more democratic future.

## 12.2 The Extra-Constitutionality of U.S. Migration Policy

It is imperative to understand the historical roots of the contemporary U.S. migration system to fully comprehend the political context of sanctuary resistance in the past 40 years. The Supreme Court decisions in the Chinese Exclusion cases of the late 1800s are foundational to migration powers and instructive in understanding how detention and deportation were conceived of as definitional opposites of prisons, punishment, and therefore, constitutional personhood. In the Chinese Exclusion cases, the Supreme Court held that immigration policy was foreign policy and therefore rooted in 'plenary powers'.<sup>2</sup> The Court maintained that only the executive and legislative branches have authority over matters of immigration and so immigration policies and enforcement cannot be constitutionally scrutinised. In effect, at the federal level foreigners can be treated as if they are on foreign soil, courts' decisions are not bound by precedent, and enforcement is highly discretionary (see Heeren, 2015; Kanstroom, 2007; Wadhia, 2015). The Court also deemed immigration policy a 'civil' and not criminal matter, and detention and deportation are not considered punishment (*Wong Wing v US* (1896)). Accordingly, there is no right to counsel in this system and Immigration and Customs Enforcement (ICE) does not have to

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<sup>2</sup>The cases are: *Chae Chan Ping v US* (1889); *Fong Yue Ting v US* (1893); *Wong Wing v US* (1896).

maintain the same records or have the same level of transparency as do other public officials (Calavita, 1992; Kanstroom, 2007; Martinez, 2010). As Justice John Paul Stevens, famously stated, ‘in the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens’ (*Mathews v Diaz* 1976, 1891).

While the plenary powers are concentrated in the federal government, states and municipalities must uphold the Constitution and until 1996 could not discriminate against foreign residents in state policies or enforcement. This division of powers created a dual system that largely protected resident foreigners except when they crossed U.S. international borders or interacted with federal agents. This dual system did not prevent federal authorities from breaching resident foreigners’ rights—notably in the Great Repatriation of 1936, Japanese Detention, Operation Wetb\*ck, and McCarthy-era deportations. However, resident foreigners who did not travel were often protected from discrimination and unequal treatment at the state and local levels based on federal pre-emption of immigration powers (particularly after the 1950s). Personhood rights were often respected and strengthened in cases such as *Plyler v Doe* (1982): territorial presence, community ties, and community belonging were taken into consideration over and above legal status (see Bosniak, 2008; Calavita, 1994).

In contrast, federal plenary powers have meant that arriving foreigners and resident foreigners who travel have not been provided guarantees of free speech, due process, equal protection, or protection against cruel and unusual punishment (see Stumpf, 2006). In 1996, the plenary power doctrine was partially devolved to the states in matters of anti-terror policing and welfare (see Arnold, 2011; Varsanyi, 2008). This devolution has: increased the rightlessness of resident foreigners at the state level; permitted mass detention as a key facet of policy (which was unconstitutional at the state level pre-1996); and expanded the use of removal proceedings triggered by state policing (Bosniak, 2018; Kanstroom, 2007; Plascencia, 2017). Consequently, migrants’ personhood rights at the state level have diminished or even disappeared, depending on the context. From 1996 on, indefinite detention, mass deportation, and the use of secret evidence were unsurprising by-products of this system.

Policy was also explicitly racist until 1965, when *de jure* eugenic policies ended, even if racist enforcement has continued (see Johnson, 2000; Ordover, 2003; Shanks, 2001). Under the Trump administration, racial profiling was expanded as policing guidelines were suspended (see Bosniak, 2018, p. 197; Cruz, 2021). In recent years, individuals from Central America and countries associated with terrorism have been disproportionately targeted in anti-terror enforcement, ranging from policing to detention (see Johnson, 2000; Verdeja, 2002). Many—if not a majority—would be eligible for refugee screening but detention hinders these processes, as refugees are jailed and removed before they can make their case (see, e.g., Liptak, 2020). Because foreigners are policed based on their status and not a crime, they are treated as if they are guilty until proved innocent (Stumpf, 2006).

When individuals are slated for detention and deportation, they have effectively lost any minimal due process rights they once had. Detainees are not criminals nor

even persons per the Fourteenth Amendment when they are caught up in these processes. That is, they are legally recognised and yet lack personhood and constitutional protections. Furthermore, to the degree that the immigration system has increasingly criminalised immigrants, this merger has not given foreigners criminal rights (see Hernández, 2014; Stumpf, 2006). Detention conditions are either prison-like or detainees are in jails and prisons, but these detainees lack criminal rights to equal protection, habeas corpus, protection from cruel and unusual punishment, or the right to counsel (Arnold, 2018). Migration policy is heavily discretionary; it is considered foreign policy (and therefore, extra-constitutional); and it is civil law rather than criminal law. Taken together, these factors mean that the system is arbitrary, it lacks transparency, there are few checks and balances, and it is rife with human rights violations (Heeren, 2015; Wadhia, 2015).

Since the events of 9/11, the U.S. has implemented even harsher policies for people arriving at border points without previous authorisation (see Schachar, 2020). These policy mechanisms were applied to an even broader range of foreigners in 2017, when the Trump administration was established (2017–2021). Measures included: the administration’s discursive attacks on migrants, caging unaccompanied children, separating families at the border (and putting the children up for adoption), and instituting travel bans. These policies were neither illegal nor unprecedented: family separation at the border was only conceivable in a context in which racial profiling, forced sterilisation, and minute control over the body have been legally authorised as part of foreign policy over the past century (see Motomura, 2006, pp. 83–84). Today (2025), these policies have been maintained through other means as families continue to be separated, and migrant arrivals are treated as invaders.

Faith-based sanctuary and sanctuary localities therefore do not operate in a constitutionally authorised zone, even as they invoke personhood rights and adherence to refugee obligations. Rather, they resist the power of a highly discretionary sovereign state that operates outside of constitutional guarantees and protections. In the next section, I examine the theoretical and practical concerns revolving around sanctuary localities and faith-based sanctuary.

### 12.3 U.S. Faith-Based Sanctuary

The U.S. faith-based sanctuary movement first arose in the 1980s in response to the U.S. government’s criminalisation of refugees fleeing the violence of Central American wars (see Chinchilla et al., 2009; Coutin & Perla, 2009; Davis, 1992). This movement criticised U.S. foreign policy under the Reagan administration, which funded and armed opposition to socialism (see McAndrews, 2015 for a conservative analysis of this history).<sup>3</sup> As victims of government repression fled north,

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<sup>3</sup> Socialism broadly construed, including liberation theology of radical Catholic clergy.

they were not treated as genuine refugees when they arrived in the United States. This was partly because their flight demonstrated how destructive U.S. foreign policy in this region was—admitting them as refugees would also be an admission that foreign policy interventions led to increased violence and displacement. A second issue was a refusal to view these migrants as having been subject to *political* persecution because the U.S. began to frame migrants and refugees as ‘economic’ migrants (see Coutin & Perla, 2009; Shanks, 2001).

Catholic clergy were leaders, but as the movement emerged, other faith groups and politically motivated individuals also joined. As the government refused to recognise refugees’ claims and detained some individuals, the movement worked on several fronts. Just as the plenary powers authorising migration policies were in the sphere of foreign policy, the faith-based movement operated transnationally. Sanctuary leaders challenged U.S. foreign policy and exposed the harm of funding conservative opposition groups in Central America to the American public; it tried to rectify the status of all migrants fleeing these conflicts; it worked within these countries to expose and resist political oppression; and it aided migrants’ flight to the U.S. border as well as facilitating pathways to safe cities (see Coutin & Perla, 2009). Politico-ethical goals that united this diverse group were notions of hospitality, democratic inclusion, and an understanding of the importance of asylum (see Derrida, 2001; see also Rabben, 2011). These leaders and participants confronted the warfare state—a state that operates differently than one guided by the rule of law (see Wolin, 1989; see also Bosniak, 2018). Although there were divisions within the movement (Davis, 1992), the movement was nevertheless very successful in several ways, from helping to expose bad foreign policy to rectifying the legal status of most refugees.

Sanctuary localities arose at the same time, aiding the faith-based movement and challenging federal authorities’ characterisation of Central American refugees as ‘illegal’ (see Lasch et al., 2018; Mancina, 2013; Motomura, 2018). These localities asserted resident foreigners’ personhood, upholding constitutional protections in the face of extraconstitutional policies dealing with this displaced population. Fewer in number than today, they were forerunners in modelling non-compliance with federal authorities and ensuring that resident foreigners could seek medical care, pursue education, and enact their ‘right to the city’ just like their neighbours (Lefebvre, 1996; see also Bauder, 2017; Kassa, 2019).

As the rights and protections of resident foreigners have diminished since 1996 with devolution of migration powers to states in welfare policy and anti-terror policing, sanctuary localities have emerged to uphold the dual system largely in effect in the twentieth century (Arrocha, 2021; Hoye, 2020, p. 85; Lasch et al., 2018, p. 1710). This effort has meant that state and local authorities have upheld the Fourteenth Amendment rights of resident foreigners even as federal authorities mostly suspend these protections.

The designation of states, counties, or cities as ‘sanctuary’ is a direct reaction to the expansion of borders and the diminishment of foreigners’ rights; sanctuary is thus an open response to a particular legal context (Lasch et al., 2018, p. 1707; see also Hoye, 2020, p. 85). In this way, U.S. sanctuary is historically and

geographically specific, even if there are very comparable movements in similarly situated countries (notably Australia and to a lesser degree, Canada). U.S. sanctuary localities might more accurately be called ‘resistance’ localities (Manfredi-Sánchez, 2020), cities of refuge, or constitutional localities (my term) to help others understand that these sites are not free of extra-constitutional policing; nor do they actively interrupt or interfere with enforcement; but rather, they refuse to cooperate with these powers (Arrocha, 2021; Hoye, 2020; Lasch et al., 2018).

Lasch et al. (2018) have pointed out that sanctuary localities do not merely refuse to comply with federal authorities but model alternative methods to protect rights, establish an inclusive community, and challenge the injustice of migration policy (see also Davis, 1992). In refusing to cooperate with federal authorities unless they have adhered to criminal justice norms, they create an alternative political community that is inclusive of all residents. They bolster public education and public health through minimising the atmosphere of fear that arises when there are no safe spaces for migrants seeking to evade federal authorities. There is some variation in sanctuary locality approaches, but a crucial commonality is police refusal to cooperate with federal immigration police (ICE), except when a judicial warrant has been issued (see Lasch et al., 2018; Motomura, 2018). Sanctuary cities are effectively *constitutional cities* in that they aim at upholding the dual system, even if change also occurs through upholding the law when federal agents do not. For example, as Motomura (2018) has argued, sanctuary locality ordinances create new forms of non-compliance—from state identification cards to alternative sources of college funding—that Vaclav Havel might characterise as building a ‘parallel polis’ (1986).

Sanctuary localities are transnational in that they recognise all residents within their jurisdiction as ‘persons’, despite absence of documents, city of birth, and other questions of alienage. That is, their definition of a person, established through residency and not city of birth, is not limited by borders. They also presume that all inhabitants are criminally innocent unless there is proof otherwise. U.S. borders are defined as extending 100 miles into the interior and are designated as ‘Constitution-free zones’ (ACLU, n.d.). Accordingly, when sanctuary border cities recognise the inherent humanity and dignity of individuals residing in these zones, these cities do not merely reinstate constitutional protections but also refuse to recognise borders (ACLU, n.d.).

Faith-based and local forms of sanctuary are complementary. Sanctuary localities operate within a constitutional context, but faith-based sanctuary is more explicitly transnational and a more active form of resistance to unjust policies. From the 1980s on, the U.S. movement has involved activism in the country of origin, facilitating Central American migrants’ flight from the country when necessary, and providing housing in the U.S.<sup>4</sup> Unlike the New Sanctuary Movement that emerged in 2007, 1980s activists created an underground railroad for these individuals when the U.S. government refused to recognise them as bona fide refugees. As they were

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<sup>4</sup>For example, ICDI (Interfaith Community for Detained Immigrants) in Chicago uses all these tactics to aid refugees.

rejected as legitimate refugees, sanctuary groups challenged foreign policy in Central America, fought for refugees’ legal status, and facilitated activism in each area as needed.

The New Sanctuary Movement, which began in 2007, is informed by tactics from the 1980s and supported by many of its leaders, but there are key differences.<sup>5</sup> In this case, there is no underground railroad even if there is broad information-sharing across cities as well as national-level meetings of the New Sanctuary Movement (see also Genova, 2010; Lippert & Rehaag, 2013). There is less secrecy in the newer sanctuary movement and migrant participants are at the centre of all activities, defining their needs and framing their individual narratives. The 1980s sanctuary movement brought would-be refugees into the country, whereas today’s faith-based movement largely tries to prevent the detention and deportation of long-term residents, even if it does also aid entry into this country as well as help new arrivals. Unlike the previous movement, current sanctuary participants are from a broad range of countries, and individuals have complex and varied stories. The one unifying factor in all stories is the unfairness of U.S. migration policy.

Today, faith-based sanctuary involves an offer that is extended to an individual or individuals who believe they will soon be detained and deported. They must live in the religious part of the structure until their situation has been resolved. This is because ICE treats faith-based institutions as ‘sensitive areas’ and despite breaching other sensitive areas in the past few years, they have not yet interfered in this form of protest (see Department of Homeland Security, 2021; Lasch et al., 2018). Leading up to this point, clergy and activists must convince parishioners to extend this offer and ensure that they understand the need for radical action. On the day that this action is announced, the press is called, and activists form a human chain around the structure. The participants tell their stories and explain their resistance to forced removal. Speeches, petitions, and other communication educate the public about the individual and why criminalising rhetoric is not merely damaging but incorrect.

The testimonials by the sanctuary-seeker(s) undermine claims about their criminalisation; they pressure ICE agents and the local police (if relevant) to reverse their determinations; and they publicise the injustice of each potential deportation. While sanctuary participation must occur in a place of worship, it necessarily involves the media and community to be successful. Perhaps because of the show of community support, actions are often successful and lead to reviews of cases, reversals of decisions, and/or a withdrawal of scrutiny.

Ironically the Trump administration policies fostered the growth of sanctuary localities, as they expanded from cities to counties and states to combat increasingly unconstitutional migration policing (see Arrocha, 2021). Despite this administration’s hyper-focus on ‘sanctuary’, they conflated the two types of sanctuary, concentrating on sanctuary localities as if that was the only form of ‘sanctuary’. The media similarly lumped the two together when it used the term without qualification.

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<sup>5</sup>Elvira Arellano’s sanctuary participation in Chicago in 2007 is considered the beginning of the New Sanctuary Movement. See Bauder, 2017; Genova, 2010; McAndrews, 2015. See also Hurtado, 2022; Cole, 2006.

Arguably, researchers who contend that sanctuary is only ‘cultural’, that it is ‘bordered’ or liberal or even neo-liberal, similarly conflate the two sanctuary approaches by exclusion (i.e., not accounting for faith-based sanctuary at all or by reducing faith-based sanctuary to a subcategory of sanctuary localities) (Bagelman, 2013; Bosniak, 2018; Houston & Lawrence-Weilmann, 2016).

Sanctuary localities and faith-based sanctuary each oppose the injustice of migration policy and policing, but they operate at very different levels and should not be conflated. In political theoretical terms, both are ‘political’ activities in that they involve a community, they foster education and discussion for the public benefit, and they urge decision-makers to adhere to a set of inalienable rights (whether constitutional or human) that are explicitly stated and available for all to understand.<sup>6</sup> As faith-based sanctuary involves grassroots activity embedded in civil disobedience tactics, it is more *actively* democratic than sanctuary localities. Faith-based sanctuary is rooted in a *demos* that involves individuals of all citizenship statuses and diverse motivations working together. This form of sanctuary democratises unjust and undemocratic relations—it is an exercise of freedom of expression; the deployment of agency and alternative space-claiming in a rightless context; and it humanises negative and damaging frames, countering ‘epistemic injustice’ (Thurber et al., 2016; see also King 1963). Broadly, this movement questions detention and deportation policies as well as foreign policies spurring migration pathways through attention to individual cases.

Focusing on faith-based sanctuary helps us to understand how sanctuary movements are not bordered but transnational and historically embedded, not new or crisis-driven. Tactics are shared across borders and have been deployed since the 1980s. Each movement has worked in countries of origin to rectify conditions spurring displacement, as well as facilitating refugee flight to the host countries, while challenging each host country’s foreign policies. U.S. clergy and activists have worked in Central American countries experiencing foreign intervention and civil conflict. In Australia, radical Catholic clergy similarly worked in East Timor to defend the rights of East Timorese people brutally repressed by the Indonesian government. Finally, migrant protests expose political and economic abuses in their origin country as well as the deleterious effects of destination country migration policies in the post-9/11 era. For all these reasons, migrant protest is firmly transnational, refusing to accept the naturalness of borders and challenging the inside-outside logic of the nation-state.

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<sup>6</sup>Authors who believe that migrants are invisible in the faith-based movement are incorrect (see Bosniak, 2018; Kasimis, 2013). Some have even charged that sanctuary policies are neoliberal and thus institute less visible, but troubling, hierarchies. This is due to the conflation of faith-based sanctuary and sanctuary localities. These arguments perhaps fit the context of sanctuary localities but are altogether incorrect when considering faith-based sanctuary (see Bagelman, 2013; Houston & Lawrence-Weilmann, 2016; Lippert, 2005; Simpson, 2017).

## 12.4 Conclusions and Further Discussion

In this chapter, I analysed sanctuary practices in a wealthy destination country—the United States—that is alleged to operate as a liberal representative democracy. Sanctuary practices uncover a highly unconstitutional policy and enforcement matrix. However, without understanding the two forms of sanctuary, it is easy to conflate the two approaches, which depoliticises and dehistoricises the democratising effects of each. This is a crucial error and shifts the focus away from the plenary power doctrine, institutionalised racism, and neo-imperial foreign policy. At the same time, the two forms of sanctuary—sanctuary localities and faith-based sanctuary—have important differences.

Faith-based sanctuary offers new space claims, providing alternative discourses that explode commonly held views, terms, and justifications for harsh policing. Faith-based sanctuary relies on a heterogeneous community, connecting people of various migration or citizenship statuses or both, different ages, and with different beliefs. It does not call for reinstating the law but creates new, unauthorised spaces and is led by people whose status is legally illegible. It models new types of positive freedoms that go beyond life-sustaining concerns, invigorating civil society through ‘fugitive’ tactics (Wolin, 2004, 2016). These groups must engage in a ‘deconstructive episteme’ given hostile, biologically deterministic discourse; this is not simply to dismantle existing power matrices but to effectively create plural, democratic communities (Thurber et al., 2016).

Sanctuary localities uphold constitutional protections against arbitrary policing, challenging the legitimacy of the warfare state—in this way, the premises of reinstating the rule of law and personhood cannot merely reform but must unsettle current policies. To put it differently, rights-claims can lead to greater inclusiveness and democratise political governance—rights do not have to be static and individually-oriented. A post-national perspective allows us to understand how rights-claims can be ‘revolutionary’.

Post-national rights involve a notion of rights and community formation beyond the nation-state (see Soysal, 1994; Tonkiss, 2021). Post-national rights include treating human rights, inalienable rights, protective rights (due process, equal protection) and civil rights as central to any definition of democracy and as directly at odds with national security policies that violate these guarantees. These rights are not the static, individualised rights of consumer-oriented polities but rather, extend beyond borders to purposefully include historically stateless groups. Yasemin Soysal’s earlier work on post-national citizenship, Peter Westoby’s analyses of justice-oriented community formations, and Patricia Williams’s advocacy of rights demonstrate that when the dispossessed exercise these rights, upending conventional narratives, decentring nationalising and denationalising power dynamics, and challenging their relegation to bare existence, that ‘rights’ change (Soysal, 1994; Westoby, 2021; Williams, 1987). Rights do not have to be conceived of as static, liberal, or individualising: their meaning is transmogrified if and when the dispossessed can exercise rights both individually and on behalf of the collective good.

Rights can be formulated in terms of duties and relationships—not just possessions that individualise and induce competition (on the former, see Moyn, 2016; on the latter, see Marx et al., 1978, pp. 26–52). Faith-based sanctuary protests are precisely post-national because they radically challenge citizenship as the marker of belonging and they breach borders, demonstrating their malleability. In effect, they undermine the primacy of the nation-state in defining what is political. Sanctuary ordinances are aligned with human rights norms and recognise all residents as ‘persons’ per the Constitution—in this way, they also adopt a post-national framework for political inclusion.

Like the United States, the 20 or so similarly situated countries in the world viewing themselves as liberal democratic destination states are accepting fewer and fewer refugees (Fassin, 2016; Houston & Lawrence-Weilmann, 2016). In contrast, countries accepting the largest numbers of refugees globally are neither particularly wealthy nor democratic, and many have not fully ratified the conventions on the status of a refugee (if they have ratified them at all) (UNHCR, 2022). In these destination countries, civil society groups have arisen to support refugee camps, but they are not oriented to the same set of circumstances found in the wealthier, representative states. Rather, they are concerned with migrant integration into the economy, informal political negotiations, and they are often led by individuals from the sending countries (see Malkki, 1996; World Food Programme, February 2020; World Food Programme, October 2020).

While refugees in these mass camps can experience great difficulties—for example, the experiences of Rohingya refugees in Cox’s Bazaar—the meaning of sanctuary or asylum is very different. Accordingly, ‘sanctuary’ as direct opposition to militarised coercion, resistance to detention that approximates enforced disappearance, and as an activity that exposes violations of the principle of non-refoulement might only logically occur in the wealthier destination countries with high barriers to refugee acceptance. That is, they emerge in countries that claim to be defenders of human rights while also instituting mass detention and deportation policies. Of the 20 wealthy destination countries engaging in adversarial refugee processes and punitive treatment of asylum seekers, the United States and Australia are exceptional in the scale and breadth of the institutionalisation and systematisation of the human rights violations undergirding mandatory detention and mass deportation policies (Arnold, 2023).

In the case of Australia, there are instances of informal sanctuary localities, but the meaning of ‘sanctuary’ is almost exclusively faith-based. There is one odd caveat: this movement is founded on an offer of sanctuary but not based on migrants living in these institutions, despite this offer (Arnold, 2023). Nevertheless, members of this movement have physically blocked deportations, including a famous case—the #hometobilo movement—that involved protesters stopping a deportation flight. There are other cases of cutting detention fencing to help some detainees escape. Like the U.S. movement, Catholic clergy working in the countries of origin have acted transnationally—from working to fight government repression in the home country; advocating on behalf of refugees in transit; and actively opposing

unchecked plenary powers of the ‘host’ country to delay detention or deportations or both.

Canada is another country that has a faith-based movement. However, similarities between the U.S. and Canadian faith-based movements are weak, as Lippert (2005) has argued, and Canadian cases are merely isolated ‘incidents’. This weakness is logical if sanctuary tactics are responses to the precise geographical and politico-legal context. Because the U.S. and Australia have implemented the most systematised policies violating human rights, the emergence of the faith-based movement is understandable as it actively disrupts deportation attempts.

Since the events of September 11, 2001, expulsion has become a key policy. For this reason, despite claims that migrants are flooding U.S. borders and stealing jobs, the United States has not come close to meeting its refugee ceiling numbers in the past two decades (see e.g., Schrag et al., 2011). In contrast, urban areas in Africa like Nairobi host displaced individuals to a much greater extent. Sanctuary practices and cities of refuge would accordingly reflect a much deeper involvement with mass displacement and the refugee experience than would a country with isolationist policies (Kassa, 2019). Similarly, Gulf states that host the largest number of refugees in the world have a much different relationship to the law, human rights norms, and sanctuary-seeking (Rajan & Arokkiaraj, 2022). Investigating the bizarre tension between relatively low migrant and refugee admissions and incredibly harsh policies, U.S. sanctuary practices should be viewed as exposing the development and institutionalisation of unchecked, arbitrary powers of the US government rather than exposing truths about refugees.

From this perspective, faith-based sanctuary demonstrates that even when confronting state domination, so-called Third World migrants can challenge and alter these processes. When displaced foreigners define their experiences and identify their needs—particularly in faith-based sanctuary—we cannot locate these practices or name these processes as merely ‘American’. To do so singularly focuses on migrants’ supporters and privileges formal citizenship when analysing this form of resistance. The key participants are displaced foreigners who explain why they cannot return to their country of origin, hardships on their journey to the United States, and their difficulties once they crossed a U.S. border—these testimonies are necessarily transnational because they are rooted in migrant experiences.

Authentic forms of democracy must arise spontaneously, involving the local demos and led by those most affected by historically and politically specific circumstances. However, again, they are not just local but also transnational (or: trans-local): faith-based sanctuary is a protest form that forces an encounter between poorer foreigners and more privileged U.S. citizens (see also Celikates, 2022, p. 99). Migrants’ sanctuary participation democratises sites of militarised sovereignty and exemplifies a more inclusive form of politicisation for this region of the world than current policy allows. Sanctuary participants model forms of democracy from which those in the global north could learn.

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