



Media, Migration, and the Law

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Law and migration engage the realm of images as the location of both the sensuous and the phantasmatic: concrete, realistic representations of actuality, on the one hand, and idealized or demonized fantasies of migrants as heroic pioneers or invading hordes, on the other.

-- W.J.T. Mitchell, *Seeing Through Race* (2015)

In this essay, I will direct my thoughts to the ways in which media help us conceptualize *the law*, its nature and functionings, its stipulations and prohibitions, in order to consider some implications for policy with regard to migrants and refugees. By “media,” I mean not just the various outlets through which we get the news, but equally, fictional and imaginative ways in which social issues and tensions come to be narrativized and circulated in the wider culture. Documentary and feature films, television programs, and social media are, arguably, as fundamental to our view of the world as the more quotidian routines of information dissemination. By “migration” I refer to the forced or voluntary movement of humans outside their countries of birth and the politics of such relocation. And “the law” suggests a complex of rules and procedures through which societies govern themselves, often crystallized in enforcing and recipient bodies. These three phenomena are increasingly interconnected: what I want to discuss are the particular tendencies and patterns within this larger configuration.

In my work, I have attempted to theorize the emergence of what might be called a “migration genre” in media culture -- a set of formal and narrative conventions through which the phenomenon of migration takes on form and meaning in the popular imagination. In order to further focus the topic for this panel, I will deal specifically with the problematic of the border as a key preoccupation across a range of media, both journalistic and fictional. Given that the border (physical walls separating countries or lines on a map demarcating national territory and guarded as such) has emerged as the critical zone of competing definitions of the nation and belonging, it is not surprising that media narratives of all sorts have made the border the primary locus of attention. In a kind of visual shorthand, the architecture of the border has come to signify a privileged site for the intersection of human movement, national sovereignty, and law enforcement. At once jealously guarded and porous, borders can be staging grounds for debates around immigration taking place across many areas of the world today. For instance, in a podcast on NPR’s *This American Life* (March 18, 2018), the reporter notes that walls to keep out immigrants exist, or are being planned, in Hungary, Turkey, India, Kenya, Morocco, Norway, Ireland, and a host of other countries. The border and not the frontier has become the governing metaphor of our time.

Although media scholars are still debating the exact nature of the impact of media on popular consciousness, there is general agreement that media tend to define what are salient issues as well as provide us with the tropes, images, and vocabulary to deal with them. What is worth keeping in mind is that these tropes are embedded in larger discursive structures that are often specific to particular national or ethnic contexts. Migrants and refugees in popular media are almost exclusively dealt with in terms of their infringement of the law: for instance, “undocumented” or “illegal immigration” is



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the dominant way in which the subject is presented in mainstream media. What is interesting is that this is also the underlying structure for media that are more artistic or innovative in nature.

Border Mediations

The law and its disintegration meet at the border. Borders have become synonymous with migration and migration with illegality. How is this so? Let me provide a few examples taken from a range of media formats and from different countries. The British social thriller, *Dirty Pretty Things* (2003) involves two “illegal aliens,” one from Nigeria and one from Turkey, who are part of the gritty underworld of London’s migrants caught up in the lucrative but illicit traffic in human organs. Migrants sell kidneys and other body parts in order to survive, exploit but also help each other, and scam the system. While no actual borders are shown, we are almost exclusively in illegalized spaces. In the American film, *Frozen River* (2008), the border in question is between Canada and the northern U.S. and the story revolves around a single mom who finds herself unwittingly involved in the illegal trade of migrants across the border. Her partner-in-crime is an indigenous woman for whom the border is artificial and the area is “native” territory. The film thus invites the viewer to consider different histories and racial attitudes towards the law and what constitutes legal behavior. The actual migrants become incidental to this larger conversation.

The acclaimed documentary, *Fire at Sea* (2016) deals with the real-life migrants and refugees who crossed the Mediterranean in 2015 to find refuge in Lampedusa, Italy. The film alternates between two near-incompatible scenarios: the simple, daily rhythms of a fishing village community and the harshly-lit scenes of African migrants coming ashore. The films, *El Norte* (1984) and *Sin Nombre* (2009) portray migrants from

Mexico and Honduras trying to make their way northwards across the US-Mexico border. Fleeing gang violence, poverty, and lack of opportunity, the film treats the main characters sympathetically and audiences are invited to sympathize with them. In *Una Noche* (2012), two Cuban teens try to take a rickety boat to Miami, with only one of them able to make it there. Television drama and cop shows have not been far behind. An influential Swedish series called “The Bridge” was remade as a crime drama called “The Tunnel” in Britain and as “The Bridge” in the US. In all of them, the ambiguity of borders is symbolized by the discovery of a body cut in half and strategically placed exactly halfway between the two countries. The currently-running *U.K. Border Force* is a reality TV show in which conscientious border patrol agents apprehend people hoping to sneak across into Britain.

In the Macedonian film, *Before the Rain* (1994), the migrant in question is a journalist who had been forced to leave his country during the Balkan conflicts, and decides to go back to his native place. Here the borders are ethnically- and psychologically-defined, the law is the law of the tribe, and the efforts to cross borders costs the journalist his life. In the Palestinian film, *Omar* (2012), in a powerful image bringing these motifs together, the opening scene shows a portion of the towering wall built by Israel in the West Bank which the young protagonist has become an expert in scaling to meet his love interest on the other side. In this film too, walls are both external and internal, ensnaring the characters in an intricate web of deceit, secrecy, and violence.

Politics and Optics of the Border

Border narratives and border reports play on, and reflect, the tangle of attitudes, responses, and emotions regarding migrants felt by mainstream populations in many parts of the



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world. While some of the examples above adopt the perspective of law enforcement in terms of safeguarding national borders, most present more sympathetic portrayals of migrants who are often shown as victims of circumstance and hence forced to flee their home countries. Although in much popular journalism migrants and refugees continue to be shown as the “invading hordes” mentioned by Mitchell in my epigraph, and as critiqued in Leo Chavez’s book, *Covering Immigration* (2001), it is the recent “humanitarian turn” that is of more interest to me here. The framing of migrant rights as human rights is one of the ways in which some scholars and activists have been trying to rethink the presence of national borders. In other words, the category of “the human” precedes the category of “the nation” and hence hospitality towards immigrants may be one solution to the migrant crisis. This stance was evident in the German response to the early wave of migrants during the 2015 European “influx,” until nationalist sentiments reasserted themselves and German society was no longer as welcoming as it had been. In some sense, the border narrative can be seen as an aspect of this larger humanitarian versus nationalist debate. As a liminal space, the border is both the primal scene and the extension of the migrant, poised not only between two countries but also between two forms of identity, one historical and cultural, the other abstract and universal. By making migrants the protagonists of their stories, with names, voices, and the ability to act, many journalists and filmmakers are claiming the right of a migrant to be treated as a human being. This is certainly a step in the right direction. However, the synchronicity of border narratives, the fact that action is concentrated around the border, tends to render the migrant’s past as incidental to this world. Called upon to play a somewhat predetermined role, either of victim or of survivor, the migrant’s humanity simultaneously makes him or her less culturally-nuanced.

The border narrative highlights the dilemma of knowledge-formation about the migrant that is the foundation of innovative policy making. On the one hand, I want to acknowledge the ways in which media practitioners and artists are trying to wrestle with humanitarian discourses by presenting compelling migrant stories, both real and fictional. On the other hand, media formats often remain bound to certain structures of drama and resolution, thereby leading their audiences towards pre-existing molds and impressions.

Policy Proposals

Given the above, what might be some policy implications and takeaways? My suggestions below all relate to a necessary shift from what is a nation-centric framing of migration stories to a more global and transnational one. At a time of extreme fragmentation around the globe, there is a real need for more relational understandings and implementation of processes. I would like to propose four avenues for policy work.

- The first relates to increased public funding for news organizations such as NPR and PBS in the U.S. that, while still constrained by some of the discursive structures prevalent on the topic of migrants and refugees, have the potential to build further, dig deeper, and innovate with new angles for storytelling and coverage.
- Second, the migration narrative in media reveals the complicated nature of relations between state control and citizen interest -- it gets especially murky in cases like Al Jazeera Media Network, which is state-funded by the Qatari government. Media censorship hampers the free and nuanced exploration of issues that are not just local, but rather global in nature. Although it is not easy for international pressure to be put in what is deemed a national matter, the US, through the UN, could create the conditions



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for more robust standards in domestic coverage of migration and borders.

- Third, education about the law and how it works needs to be implemented much earlier in the school system. While the law is a staple of popular entertainment shows, crime is the dominant lens through which the legal system becomes concrete to audiences all over the world. The more mundane functioning of the law is entirely hidden from average people and legal matters are invariably the province of experts. A more wholesome approach is needed to make the law more accessible as a way of knowing the world. Such education needs to start in middle school when young minds are being shaped.
- Finally and most importantly, I would like to propose an “Inclusion Rider” in the hiring of “minority” (i.e. non-national) journalists and other content providers in the creation of migration stories and reporting. I am suggesting the formation of a Media Global Partnership Forum which pairs journalists, photographers, filmmakers, and digital artists from different countries who produce media coverage of issues together, in active dialogue that produces new knowledge and learning about their mutual situations and perspectives. Media are now more integrated in our social and cultural lives than ever before, and policy-making should start at this fundamental level.

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