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ON THE DEATH OF MAME MBAYE: RACIALISM AS THE ULTIMATE GOAL IN THE “BATTLE AGAINST IRREGULAR IMMIGRATION”

Barak Kalir

Abstract: On 15 March 2018, Mame Mbaye, a 35-year-old migrant from Senegal who lived in Spain for 11 years, died on a street in the centre of Madrid. A police raid on unauthorized street vendors caused panic among illegalized migrants, who ran away trying to avoid an arrest that could have led to their detention and deportation. Mbaye ran towards his home, located a few hundred meters down the road, but he never made it. The official version, endorsed by the Spanish court, is that Mbaye suffered a fatal cardiac failure. Some eyewitnesses claim the police suffocated him to death. The article explores how the pervasive and perverse exercise of racism on different levels against illegalized migrants results in their social and in some cases literal death. To fully grasp the tenacity with which racism and racial cruelty are applied in the immigration field, we must recognize that most other arenas that have historically served as breeding grounds for advancing racialism in western societies have been legally proscribed. In contrast, the anti-immigration arena allows for acting practically, discursively and politically in racializing and racist manners against some of the most vulnerable members in society: so-called ‘irregular’ migrants, ‘failed’ asylum seekers and ‘non-real’ refugees. The immigration field thus serves as a crucial, and perhaps the last, frontier for advancing racialism more holistically in western societies. Animating racialism as an operative ideology informs—consciously or not—those who staff the state apparatus, and society more broadly, to believe in and act upon racialized categories of othered people. In so doing, racialism legitimizes the social production and justifies the social death of illegalized migrants. The ultimate goal of this vicious dynamic, of inhumane treatment and judicial impunity, is to keep operational the racist notion that the lives of some people matter less than others.

Keywords: deportation; illegalized migrants; police; racialism; Spain

Introduction

On 15 March 2018, Mame Mbaye, a 35-year-old migrant from Senegal who lived in Spain for 12 years, died in a street in the centre of Madrid. Mbaye was escaping the police, running through the cobbled alleys of Lavapies, the “multicultural

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neighbourhood” at the heart of the Spanish capital. The exact circumstances of his death are disputed. The police maintained that they found Mbaye lying on the sidewalk, only metres away from the building where he was living, suffering a fatal cardiac arrest. They immediately called for an ambulance and tried to resuscitate him, but it was too late. Friends and neighbours of Mbaye claimed that several police agents had chased him down and while trying to apprehend him he collapsed, was stifled, and died. An autopsy established cardiac failure as the formal cause of death, and made mention of the heart condition from which Mbaye had suffered for years, and for which he had not received medical treatment, since illegalized migrants¹ in Spain have no access to the national healthcare system.

Of all the different jobs that Mbaye held in Spain, being a *mantero* was possibly the worst. *Manteros* must endure long hours on the streets, often in the scorching sun, waiting for tourists looking for bargain prices for football shirts from famous Spanish clubs, fashionable ladies’ bags or trendy caps and sunglasses. To catch the eye of passers-by, *manteros* display their merchandise on a large *manta*, a white sheet or shawl, which gives them their name. The *manta* is usually tied to ropes from its four corners, allowing *manteros* to pull them all at once, turning the display in a split second into a big sack that can be carried on their back while running away. This is a crucial skill for *manteros*, who need to escape police raids. *Manteros* often work in groups and they count on receiving warning from colleagues before police patrols get too close. Yet, this method is not always effective against a carefully planned police raid, like the one Mbaye tried to escape from, when several agents circled an area around Plaza del Sol and ambushed the *manteros* unexpectedly.

Street vending is illegal in Spain and those caught engaging in it can be subjected to a fine, the confiscation of their merchandise and even a prison sentence. Although these sanctions can hand *manteros* a devastating economic blow, the menace of police raids is even greater. As illegalized migrants, if apprehended, *manteros* can be detained for weeks or even months in an attempt to deport them. It is not unusual for *manteros* who are trying to escape the police to drop their *manta*-turned-sack in the hope that they can run faster or that the police will stop to pick up the goods and quit the chase.

This article seeks to answer a perturbing question: why did Mame Mbaye die at the age of 35 on a street in the centre of Madrid? We will not concern ourselves here with how Mbaye died; whether the police version, which the Spanish court endorsed, is truthful, or rather a cover-up. Focusing on *why* he died, we insist that Mbaye’s death—as well as other deaths and numerous physical and mental injuries suffered by racialized and illegalized migrants at the hands of state authorities in routine identity checks, raids, border patrols, detention centres or forced deportations—should be understood as resulting directly from the exercise of “racial cruelty”

(Reddy 2011). The notion of racial cruelty is best understood as “the extreme or surplus violence alongside and within state practices of supposedly rational violence (military, security and legal), through which the state establishes itself as at once the protector of freedom and an effective, because excessive, counterviolence to the violence of race” (Melamed 2015: 77).

In western so-called liberal states, the presence of racialized and illegalized migrants is construed as posing an imminent security threat to the state and to the integrity of the nation (Bourbeau 2011; Buonfino 2004). Fighting this fabricated security threat supposedly legitimizes the extreme and disproportionate investment in racial violence. Since illegalized migrants are always already in an extremely vulnerable position vis-à-vis the state and the market, their construction as security threat by politicians, so-called public intellectuals and many mainstream media outlets, must build on their phantasmagorical vilifying framing as rapists, terrorists, religious fanatics and backward people (Eberl et al. 2018; Kim et al. 2011; Faye 2016). Only then can the extreme and irrational violence against migrants be constructed as a form of self-defence or a necessary exercise of counter-violence.

Much of the critical scholarship on the production of dangerous racialized and illegalized migrants in western societies rightly connects their violent and inhumane treatment to power elites’ desire to achieve concrete material and political goals. Prominent here are studies focusing on: the generation of a new lumpenproletariat, transnationally available to national labour markets as well as a global capitalist market (De Giorgi 2010); the emergence of gigantic new industries around detention and deportation (Arbogast 2016; Golash-Boza 2009); the beefing up of the state administrative and diplomatic branches as well as its security apparatus (Kalir 2015); and the electoral rise of populist movements and neo-fascist political parties that blaze nationalist and nativist sentiments by scapegoating migrants and refugees (Fekete 2009). To a large extent, all these palpable goals are mutually reinforcing in a time of neoliberal hegemony (Harvey 2016).

But how are we to account for racial violence that goes far beyond being instrumental for achieving any of these goals? How should we make sense of deaths like the one of Mame Mbaye or the whims of western politicians and state officials who decide to separate migrant children from their biological parents at the US–Mexico border; or the drive to denationalize and deport the so-called Windrush generation in the UK; or the direct and indirect involvement in the drowning of thousands of people in the Mediterranean Sea? Under a utilitarian paradigm, all these and many more instances of irrational and excessive racial violence against migrants might only be explained (away) as unintended or inevitable consequences, as the uncontrolled actions of a “few bad apples,” or as episodic bursts of “things getting out of hand” under unique circumstances.

This article insists on taking irrational and excessive racial violence in the immigration field not as exceptional but rather as ordinary in serving the reproduction of a state-led ideology of racialism in western so-called liberal states. It conceptualizes racial cruelty not merely as instrumental for the extraction of racialized labor power but as foundational for the propagation of white supremacy and its rendering trivial and banal when leading to racist ways of thinking and acting against migrants (Jones et al. 2017). Racialism is understood here as a belief system that recognizes and *sees* race as separating human beings into distinct categories of people who share physical, cultural and/or moral characteristics with members of their own group but not with those outside it. Importantly, like other -isms, racialism is an ideology that strives to animate the notion of race, legitimize the process of racialization, and promote racism to act upon race by confronting those deemed dangerous and threatening (Appiah and Gutmann 1998; see also Murji and Solomos 2005; Omi and Winant 2018).

It is crucial to our argument to note that most arenas that have served as historical breeding grounds for advancing racialism in western societies have been legally proscribed. In contrast, the anti-immigration arena is one in which acting discursively and politically in racializing and racist manners is being legally tolerated to a much higher degree and where impunity applies more broadly to otherwise unacceptable racializing and racist conduct. It is therefore that the immigration field in general, and the racializing and illegalizing of migrants in particular, serve as one, and perhaps the last, frontier for advancing racialism more holistically as an operative ideology in western societies. Advancing racialism in the immigration field draws on, and consequently recharges, other forms of racisms. The “Muslim Ban” imposed by the Trump administration on migrants from seven “Arab countries,” for example, did not only promote racist thinking and acting in the immigration field but also fostered Islamophobia and animated racialism more broadly in US society.

The article proceeds with a section calling for understanding violence against racialized and illegalized migrants in western states not only instrumentally in the service of racial capitalism but also ideologically in sanctioning racial cruelty for the broader promotion and dissemination of racialism. It then examines Mame Mbaye’s death against this understanding of racial violence from two perspectives: first, that of Mbaye and illegalized migrants like him in Spain; and second, that of the Spanish police and other state actors. The perspective of the state authorities is based on non-consecutive fieldwork conducted in Spain between 2015 and 2019, including five months of ethnographic fieldwork at a police deportation unit in Madrid.² The account of the life and death of Mame Mbaye is mostly reconstructed from various journalistic reports that appeared post-mortem as well as from talks with migrants and activists in Madrid.

From Racialism to Racial Cruelty

Cedric Robinson's (2000) work on racial capitalism is powerfully instructive in grasping the instrumentality of racializing projects by power elites who seek to forge social hierarchies based on race in securing the accumulation of capital by violently subjugating and systematically justifying the exploitation of racialized labourers. Locating the emergence of racial capitalism in Europe, Robinson (2000) stresses continuity between the racial order under feudalism and the subsequent organization of labour under capitalism. He insists that "[a]s an enduring principle of European social order, the effects of racialism were bound to appear in the social expression of every strata of every European society no matter the structures upon which they were formed" (ibid.: 2). Racialism, according to Robinson, is an ideology that promotes the construction of and belief in racialized human beings, and in "the legitimation and corroboration of social organization as natural by reference to the "racial" components of its elements" (ibid.).

Historically then, the notion of race and the exploitation of labourers and slaves preceded the conquest of the "new" world by Europeans and the meeting of White and Black people. In fact, racializing people as Blacks, Yellows or Reds by White Europeans in colonies around the world worked effectively precisely because the racial framework had already been in operation for centuries in Europe and was espoused by monarchs, religious orders and merchants. An important take away, then, is that the ultimate goal in fighting all forms of racism must be the dismantling of racialism. For it is racialism that operates as an ideology that promotes, legitimizes and ushers in processes of racialization, upon which power elites and ruling groups subsequently act, using racism instrumentally to benefit from imposed social, political and economic hierarchies. Otherwise, even when winning ground in the fight against racism in some quarters of society, racialism will continue to breathe life into new fields and different social constructions that advance racializing projects and racist dynamics.

Analysing how migration regimes in western states have morphed in recent decades in restrictive and racist ways to exclude, subjugate, exploit, abandon and kill racialized and illegalized migrants from the Global South, one must recognize "links between contemporary border security and the *longue durée* of racial-colonial violence" (Danewid 2021: 5; see also Saucier and Woods 2014). In her seminal work on "border imperialism," Harsha Walia (2013: 5) demonstrates how

[b]order controls are most severely deployed by those Western regimes that create mass displacement, and are most severely deployed against those whose very recourse to migration results from the ravages of capital and military occupations [. . .] Migrants' precarious legal status and precarious stratification in the labor force are further inscribed by racializing discourses that cast migrants of color as eternal outsiders: in the nation-state but not of the nation-state.

Border imperialism forced Mame Mbaye out of Senegal in search of a better life in Europe, where he was only allowed in as an illegalized migrant. While living for 12 years *in* Spain, Mbaye was never part *of* the Spanish nation-state. He experienced severe racialized precarity that fatally included an exclusion from the national healthcare system. According to Gilmore (2007: 247), we should see racism as “state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death.” By illegalizing racialized migrants like Mbaye, condemning them to live in constant fear of the police, depriving them from access to the labour market and the healthcare system, the state authorities enforce structural and institutional racism. Worse yet, racial cruelty is frequently exercised in the treatment of illegalized migrants, leading directly to their killing at border zones or to their abandonment within the sovereign territories of western states, letting them die prematurely in an alarming display of indifference.

To understand how state actors are swayed, effortlessly it seems, to impose racial cruelty on illegalized migrants, we should recall the seminal work of Aimé Césaire (1955: 42), who critiqued the apparent civilized political organization of western colonial powers in the twentieth century:

Security? Culture? The rule of law? In the meantime, I look around and wherever there are colonizers and colonized face to face, I see force, brutality, cruelty, sadism, conflict and, in a parody of education, the hasty manufacture of a few thousand subordinate functionaries, “boys”, artisans, office clerks, and interpreters necessary for the smooth operation of business.

Césaire is unequivocal in relating the operations of the racist colonial administrative apparatus to the “operation of business.” Recognizing continuity between economic exploitation engineered by racial capitalism under colonialism and the current formation of what David Harvey (2010) has called the “state-finance nexus,” Jodi Melamed (2015: 78) advances the notion of the “state-finance-racial violence nexus” as:

the inseparable confluence of political/economic governance with racial violence, which enables ongoing accumulation through dispossession by calling forth the specter of race (as threat) to legitimate state counterviolence in the interest of financial asset owning classes that would otherwise appear to violate social rationality, from the police-killing of immigrants [...] to the letting die of the racialized poor.

While fully concurring with Melamed, I believe we must also account for cases in which racial cruelty is at stake, that is, for instances in which extreme and

irrational violence is inflicted on racialized and illegalized migrants to an extent that exceeds and defeats the logic of instrumental racism. To put it bluntly, it cannot be claimed that anyone has directly or indirectly benefited from the death of Mame Mbaye. It is thereby that we must understand that the goal behind the exercise of racial cruelty in the immigration field cannot simply be found only or even mostly in managing migration for the benefits of racial capitalism. To an important extent, we should recognize that applying extreme and irrational violence to racialized and illegalized bodies is meant to keep alive racialism as a governing ideology, at a moment in western so-called liberal states that this ideology is coming under pressure in most other fields.

Sudden or Social Death?

This section reconstructs the scene that led to the death of Mame Mbaye from the two sides involved in what became a fatal encounter. We start with Mbaye's life trajectory and then move to look at the incident from the perspective of the state authorities and the police in particular. Our goal is to illustrate how the death of Mbaye, rather than being considered sudden and singular, should instead be studied as a systematic and protracted form of "social death" (Cacho 2012). It was the status of Mbaye as an illegalized migrant that condemned him to lead the life he had in Spain and to be at once brutally excluded from the state and violently subjected to its coercive powers.

Mame Mbaye

In 2006, at the age of 23, Mame Mbaye arrived in Spain on a small boat, together with several other migrants from Senegal. Young men coming from Senegal have little chance to obtain a visa to travel to Spain or to receive refugee status if they apply for asylum. They are seen categorically as economic migrants and are thus instantly illegalized according to Spain's immigration law. There is no possibility for illegalized migrants to regularize their status in their first three years in Spain. This means that illegalized migrants have no legal access to the labour market and all civic services in the country. To survive they must immediately begin to work illegally in any job they can find. If caught working illegally, they risk being detained and deported. Fear is endemic to the existence of illegalized migrants. They are at the mercy of their employers, who can exploit them with impunity or even report them to the police.

Formally, illegalized migrants in Spain can regularize their status after three years, if they can comply with the following three requirements: demonstrating that they have been living in the country for the past three years; having no criminal record; and holding a signed work contract for at least one year with a local

employer. This regularization scheme is nearly impossible to achieve for most illegalized migrants and often works adversely to compound their exploitation. For starters, to demonstrate that one has been living in Spain, one has to inscribe as a resident in the municipal administrative registration (*padrón*). This can only be done if property owners allow for such inscription at the properties they rent to illegalized migrants. In practice, property owners often overcharge illegalized migrants, who are threatened that any objection will see them removed from the apartment and the municipal registration. It has been revealed that some property owners rent a single property to tens of illegalized migrants only for the right to be registered at an apartment, but not to actually live in it. These illegalized migrants then often live in other rundown apartments for the cheapest rent they can find and where no right for inscription is allowed.³

As for keeping a clean police record, this is extremely challenging for those who are forced to work illegally for the first three years of their stay in Spain. Any encounter with the police can expose their status as illegalized migrants and can lead to the opening of a police record on various grounds, or even to detention and deportation (Kalir forthcoming). The chances of getting checked by the police are high, particularly with endemic racial profiling (Open Society Foundations 2019; Palidda et al. 2010). According to data from the Spanish Ombudsman, in 2018 illegalized migrants detained for deportation by the police were all Black and Brown people. Moroccans and Algerians topped the list with 35.5 per cent and 31.7 per cent respectively. They were followed by Guineans (5.32%), Senegalese (4.07%) and Gambians (3.21%). The first non-African country on the list is Colombia (1.62%) (Defensor del Pueblo 2019: 69–70).

Depending on ebbs and flows in the labour market, finding a job as an illegalized migrant in Spain can be very difficult. Most illegalized migrants end up working in manual jobs in the informal sector without a contract, or resort to working as domestic cleaners or *manteros*. Obtaining a formal job with an employer who is willing to provide a one-year contract is very rare. In practice, illegalized migrants often agree to work for little or no salary for a certain period, in return for a promise from an employer to eventually sign them on a one-year contract. There are cases in which illegalized migrants pay employers to provide them with a fictive contract for one year. Many of these deals with employers are done via shabby mediators and are never kept, leaving illegalized migrants exploited and cheated, with little they can do about it.⁴

During his years in Spain, Mame Mbaye was sent by the police to a detention centre in an effort to deport him. Although he eventually could not be deported and was released, his record was tainted as an illegalized migrant who might at any point be detained again for another deportation attempt. Mbaye could not travel to visit his family in Senegal, knowing that even if he was not fined and arrested at

the border when exiting Spain (for an illegal stay), he could probably never return. He had to learn by phone from his relatives in Senegal about his father passing away and then his mother too.

Mbaye had tried to regularize his status a few times but, like most illegalized migrants in Spain, his efforts were to no avail. Being unable to attain a legal status meant, among other things, that his access to the Spanish healthcare system was blocked. In April 2012, the Spanish government introduced a legal reform, which left around 870,000 illegalized migrants with no medical attention. There have been numerous tragic cases where even minors and pregnant women suffered severely from this medical abandonment.⁵ In the case of Mbaye, it meant that getting treatment for his heart condition was not an option. He could probably not afford to pay a private clinic and was most likely too afraid to even try to access a public hospital, fearing, like many illegalized migrants, that formal registration at a public institution would become known to the police, which could then reach him more easily for apprehension and deportation (Schweitzer 2019).

At the age of 35, after more than 12 years in Spain, Mbaye was still living as an illegalized migrant with no prospects of a regularization of his status. He attended church regularly and on weekends played football with friends.⁶ Forced to neglect his heart condition, he had resorted to work as a *mantero*, a risky job which eventually cost him his life on the afternoon of 15 March 2018.

Riots broke out in Lavapiés the night following Mbaye's death. Hundreds of people took to the streets carrying photos of Mbaye, holding banners that denounced the police and condemned institutional racism in Spain. Protesters barricaded streets and threw stones at the heavily armed police officers, who marched into the area using teargas and stun grenades. Several cars and trash cans were set on fire and scores of protesters were beaten up by the police and a few were arrested.⁷

The media broadcast the events as they unfolded, conducting interviews with different people and airing formal statements. A police press release lamented deeply the death of Mame Mbaye but insisted that all the police actions had been in line with police protocol and duty. One TV channel broadcast a live interview with Cheikh Sy, a close friend of Mbaye who had also come to Spain from Senegal many years earlier. While telling the journalist about Mbaye and how he was loved by many in the neighbourhood, Sy became infuriated, and looking straight at the camera he said:

They murdered Mame Mbaye. Like it happens many times in Europe. And nobody does anything about it. We are not sheep, we are human beings, like everyone else in the world. We are fed up. We want justice. The police murdered Mame Mbaye. He was a religious person, never did a bad thing in his life. He was always smiling and helping others. The police lie, the police murder.⁸

The following day, in another televised interview, Malick Gueye, a friend of Mbaye and the president of the syndicate of *manteros* in Madrid—a grass-roots initiative to formalize and legalize those who work this trade in Spain—told a reporter that it was the immigration law (*Ley de Extranjería*) that had killed Mbaye. The immigration law, Gueye explained, blocks migrants from having rights in Spain; it illegalizes them and sentences them to a clandestine life; it condemns them to work as *manteros* on the street, and then sends the police to hunt them down. Gueye then showed the camera documentation of the many complaints he and other *manteros* had filed with the authorities and expounded:

The death of Mame Mbaye yesterday is not an isolated event. For the past three years we have been denouncing police aggressions, harassments and persecutions. And the municipality did nothing. We went to the court, to the ombudsman. And they did nothing. The only thing we want is that there will be justice. Mame Mbaye has been killed and we want that those who killed him will be sentenced. The municipality of Madrid is also responsible for this death. They knew what was happening with all these aggressions and they did nothing. Nothing.⁹

The protests continued over the following days before gradually subsiding. Peace was restored to Lavapies, though the tension could be felt in the air for weeks. The case, denouncing police violence as a circumstantial cause of Mbaye's death, was brought before a court in Madrid. On 11 April 2018, a judge ruled that the police had no responsibility for the death of Mame Mbaye. An appeal was lodged and a few months later it was rejected by the court. Refusing to accept the verdict, an NGO called "SOS Racism Madrid" took the case to the High Court, which after one year finally ruled to archive the case for lack of evidence that the police had persecuted Mbaye or used any form of violence that could be associated with his death.

The news shocked Mbaye's friends and was met with anger by many residents in Lavapies and activists in Madrid and throughout Spain. Nonetheless, hardly anyone was surprised by the impunity with which the police were adjudicated. Many recalled the infamous and tragic events at the beach in Tarajal, where in the morning hours of 6 February 2014, the Spanish Civil Guard (*Guardia Civil*), which is the police agency in charge of guarding territorial borders, tear gassed and shot rubber bullets at a group of unarmed people swimming to Ceuta from Morocco who were suspected of being unauthorized migrants. At least 15 people were killed. Even though the shootings were recorded on video, a ministerial investigation found no one guilty, and the Spanish magistrate dismissed the court case against the officers involved.¹⁰

The State Authorities

The interior ministry in Spain is in charge of “the battle against irregular immigration” (*la lucha contra la inmigración irregular*). This terminology has been used by the ministry for years in its annual reports, in which statistics are provided on the number of detentions and deportations of illegalized migrants. In many respects, this is an accurate description of the Spanish authorities’ approach to migration management. Unauthorized migrants are being illegalized and the authorities have declared war on them. The battle is being waged on three major fronts. First, the Civil Guard is deployed to prevent at all costs the entry of those suspected of being or becoming illegalized migrants, while inside Spanish territory the National Police traces, arrests and deports illegalized migrants who manage to reside in the country. Second, there is ongoing political pressure to enact severe legal sanctions against illegalized migrants in order to force them out of the country, either by making their lives intolerable or by facilitating their arrest and deportation. Third, public opinion is stoked to galvanize support for ever more draconian measures to restrict undesired migrants, who are portrayed as dangerous, morally corrupt and criminal.

Several scholars, social movements and NGOs working in and on the Spanish immigration field have documented and analysed how developments on all these three fronts have increasingly dehumanized and excluded illegalized migrants in violent ways in recent decades (Barbero and Fernández-Bessa 2013; Brandariz-García and Fernández-Bessa 2017; Calavita and Suarez-Navaz 2003; Campaña Estatal por el Cierre de los CIEs 2014; Moffette 2018).¹¹ The use of extreme and racist violence by the authorities, at times resulting in the death of migrants, has also been documented in numerous incidents taking place during so-called pushback operations at the borders, in detention centres and during forced deportations.¹² For our purposes it suffices to illustrate the endorsement of extreme violence against illegalized migrants by the Spanish authorities in the case of Tarajal mentioned above. As the case concerning the killing of the 15 unarmed people swimming from Morocco into Spanish territory was brought before a Spanish court in Ceuta, the then acting interior minister, Fernández Díaz, announced before the local and international press: “Obviously, the government and I as interior minister are convinced, unless proven differently, that agents of the Civil Guard are innocent with respect to what they are accused of. They acted correctly.” The minister then directed himself straight to the judge overseeing the case and stated: “We ask for swiftness [in dealing with the case] for the good of the Civil Guard and their families so that this judicial procedure ends quickly.”¹³ The court indeed acted swiftly to exonerate all the agents involved of any responsibility for the deaths.

With respect to police raids targeting *manteros*, there had been a huge surge in the number of such operations in the years prior to Mame Mbaye’s death. In 2017, the number of police interventions against street vending in Madrid increased by

43 per cent and stood at 11,840. This amounted to around 32 police interventions per day. In the month of January 2018, only a few weeks before the raid in which Mbaye died, the police made 996 interventions.¹⁴ It is important to note that the formal purpose of police raids targeting *manteros* is to protect consumers and users of public spaces. Shop owners have been vocal in pressing the authorities to act against *manteros*, who often deal in counterfeit goods, which allegedly harms the sales of the original brands in stores. While there is little evidence for this claim, it appears sufficient for the police to set the issue high on its priority list and act with massive force.

In conversations with police agents who have been part of raids against illegalized migrants in general and *manteros* in particular, it became clear that racial profiling played an essential role in these interventions (cf. Arenas García and García España 2016). Insulting references to skin colour were not uncommon when agents boasted about successful arrests. Discussing police operations of detecting illegalized migrants in public spaces, one agent explained to me that: “At a metro exit, for example, we don’t stop those who are clearly going or returning from work.” I often (over)heard police agents referring to illegalized migrants in derogatory terms and with vile prejudice. On numerous occasions in recent years, WhatsApp groups of police agents working in the immigration field have been infiltrated and exposed by journalists. Some of the exchanges among agents contained racist neo-Nazi slurs against illegalized migrants and incitement to use extreme violence in dealing with them on the streets.¹⁵

Importantly, during my fieldwork with the police I encountered some agents who did not act in racist or violent manners against illegalized migrants. Some agents clearly expressed understanding and even empathy for the harsh realities of illegalized migrants. These more accommodating stands, however, never stopped agents from actively contributing to the overall goals of their unit and to the spirit of comradeship among the deportation police in executing their mission. In interviews, when asked about sensitive issues and injustices in the treatment of illegalized migrants, agents regularly insisted that the police must always be committed to the enforcement of the law, as it has been drafted democratically by the legislator. In the words of one agent:

Do you ask me if I agree with the law? Not always. But that will never stop me from enforcing it. It’s my duty as a policeperson. This is what I say to all these NGOs criticizing us, I tell them to go to the politicians and to change the law, not to come to me. I’m only doing what the law tells me to do. That’s my job.

Factually, the claim that police operations are tightly dictated by the letter of the law is only partially true. It might be more accurate to see immigration law as designing the contours of a very wide field of action within which police agents

can operate in vastly different ways according to their own discretion. This is precisely why some police agents could apply extreme violence and take pride in arresting and deporting illegalized migrants, while others showed empathy and worked with compassion. Notwithstanding variations in police approaches, the important point here is that the vast discretionary power invested in the police has mostly been employed to compound the racializing and racist treatment of illegalized migrants. Acts to mitigate this pronounced tendency—which also allowed some agents to feel better about themselves and the job they performed—were few and far between, and had little or any impact on the overall behaviour of the police.

Bringing these observations to bear on the case of Mame Mbaye’s death, we must acknowledge that the law allows the police to conduct raids targeting *manteros* in the guise of protecting consumers and restoring public order. Yet, it is not the law that prescribes how (often) a raid is carried out, how many agents take part in it, if and how far they will chase down a *mantero* who runs away, and so forth. All of these operational decisions are at the hands of police officers in headquarters and agents on the streets. It is therefore crucial that we analyse how structural, institutional and individual racisms become entangled in the operations of the state authorities. It is to this that we now turn, with the aim of clarifying the excessive and irrational violence deployed against illegalized migrants, not only to achieve a singular operative goal but also—consciously or not—to animate racialism as an effective ideology.

Managing Migration, Advancing Racialism

The recurrent police claim that the letter of the law serves as a decisive moral and operational compass in guiding their interventions against illegalized migrants helps us unpack how different levels of racisms become normalized and invisibilized, and can thus be disassociated from their promotion of racialism. To be sure, the law prescribes a certain normative order, but this does not mean that every law is ethical and that the normative order it stipulates should be seen as self-evidently legitimate. This is precisely why Hannah Arendt (1978) insisted fiercely on the obligation of all human beings, but especially state bureaucrats—including “bureaucrats with weapons” (Graeber 2015)—to consider the ethical validity of any law or order they (are asked to) obey. The biggest crime for which Arendt charged murderous bureaucrats like Adolf Eichmann was their “thoughtlessness” when enforcing laws that legally stripped all Jews, Blacks and Roma of their citizenship and then regulated their deportation to concentration and extermination camps.

In the case of police agents justifying the enforcement of draconian immigration schemes and murderous border regimes, as noted by Kalir (2019b: 26), “the equation of legality with legitimacy should thus always be seen as an achievement

of a hegemonic ideology.” In his writings on the “racial state,” Goldberg (2002: 139–140) powerfully demonstrates how

[i]n authoring the law, the state seeks its own legitimation [. . . and] if the subjects falling within law’s scope are disciplined to act or be alike, to be the objects of law’s authority, those outside are marked by the force of criminalization or varieties of other racio-national and ethnoracial exclusion. This logic of legally mediated racio-national alienation has served . . . postcolonizing states in managing what they consider the challenges (and threats) of postcolonial migrations .

Menjívar and Abrego (2012) have coined the term “legal violence” to refer to the state sanctioning of illegitimate violence against unprotected and disenfranchised migrants by means of drafting and forcefully implementing certain laws (cf. Coutin Bibler 2005). As such, the law can act both as a reflection and as a constitutive element of the power structure that legitimizes racism and perpetuates white supremacy (Singh 2014).

Immigration laws are often crucial elements in cementing structural racism and endorsing institutional racism. Consider here the laws that prevent people like Mame Mbaye from arriving legally in Spain from Senegal, or the laws that illegalized his status and thus sentenced him to live as an unprotected, exploitable, disenfranchised and excluded member of society, even after 12 years of residency in Spain. These laws directly affected Mbaye’s economic marginalization, medical abandonment, and civic and political exclusion. The law forced Mbaye to neglect his heart condition and work as a *mantero* for survival. It is here that structural racism moulds and merges with institutional racism, as immigration laws are being turned into an administrative matter, ignoring their wider illegitimacy and the racial/izing bias they contain and help sustain.

In her important work on the structuring and functioning of racial capitalism, Jodi Melamed (2017) highlights the role of what she calls “administrative violence,” which is “the use of commensurability, abstraction, quantification, and other banal routines of nominally democratic governance to secure impunity for the violence that capital accumulation requires.” Elaborating, for example, on how the law excludes millions of citizens and noncitizens in the US from being medically insured, Melamed calls our attention to the quick shift in turning this act of racial violence—for the majority of those excluded are racialized and poor members of society—into an administrative issue to be unassumingly implemented by civil servants, private companies and clerical staff. Those who then administrate the law hardly ever consider themselves being directly involved in the application of racial discrimination or violence.

Introducing an important distinction between “rule by law” and “rule by rule,” Melamed further insists that state actors, like the police working in deportation units,

largely execute their job according to rules, directives and regulations which are drafted internally. It is therefore not only that the law itself is always already invested with racism and discrimination according to a heteronormative white neoliberal hegemony, but that its implementation is regularly performed via a plethora of rules and regulations that are made up and enforced according to the interpretation and discretion of politicians, state officials and frontline bureaucrats.

In achieving an effective degree of synchronization between “rule by law” and “rule by rule” in the immigration field, it is not sufficient to train the police and order them to always uphold the law. It is also crucial to saturate society at large with over-determining ideas about the (dehumanized) place that illegalized migrants occupy *in* the nation-state. Herein, racialism is decisive in manufacturing a societal echo chamber in which racial cruelty, widely exercised by the executive power and the police in particular, resonates with restrictive policymaking and is condoned by the judiciary and praised by governments. This creates a vicious cycle. On the one hand, racialism promotes racialized thinking along categories of “us and them” (Anderson 2013) and lends legitimacy to racial cruelty. On the other hand, the exercise of racial cruelty not only reconfirms and *de facto* solidifies the dehumanized place of illegalized migrants in the nation-state. It also (re-)animates racialism as hegemonic ideology in society at large.

Indicative of the hegemony of racialism in the contemporary immigration field and society more broadly is the rise in most western so-called liberal states of neo-Nazi and other anti-immigration extreme right social movements. Correspondingly, neo-Fascist political parties make significant electoral gains by scapegoating migrants and refugees. In Spain, the far-right party Vox (translatable as Voice) was established in 2013 and entered the Spanish parliament for the first time in 2019 as the third largest political party. Vox has adopted a ferocious anti-immigration stance, sounding nationalist and nativist sentiments and calling for aggressive action against illegalized migrants. Vox openly makes favourable references to the “strong” dictatorial Franco regime in its call to deal with migrants in uncompromising ways and to restore the values of the Spanish nation-state. Over the past two years, members of the Vox party have been implicated in numerous violent and racist incidents targeting migrants, and in their campaigns they tread a thin line in terms of violating the law against incitement to violence. It suffices here to mention that in 2021, the president of Spain condemned Vox for spreading hatred against migrants, while the state prosecutor in Madrid considered accusing Vox of committing a hate crime against unaccompanied minors.¹⁶

In Lieu of a Conclusion

In trying to answer the question that should have never been posed—why did Mame Mbaye die?—the article has explored various aspects of the macro and

micro factors leading to his death. Essentially, when studying the immigration field academically, we must insist on being able to fully make sense of a death like Mbaye's. The attempt has thus been to map Mbaye's death onto a "topography of cruelty" (Balibar 2001), where the use of excessive violence on the racialized bodies of illegalized migrants defeats any apparent purpose.

Recognizing that the violence applied to racialized and illegalized migrants amounts to racial cruelty helps us understand how people like Mame Mbaye are turned into an imminent threat to the nation-and-state. On this constructed fallacy, and as an alleged form of counter-violence to the one embodied in the racialized bodies of migrants, state authorities feel justified not only to draft laws that enshrine forms of structural racism, but also to exercise discretion down the chain of command in executing a "battle on irregular immigration" in extremely violent and racist ways. While state agents enjoy broad impunity in their efforts to allegedly protect the nation-state from illegalized migrants, the latter are left unprotected and exposed to the frenzied violence of the state.

The critical perspective of Jodi Melamed helps us to understand how administrative power, enforced by the police and frontline bureaucrats, is mobilized to masquerade the violent accumulation of capital by exclusion and dispossession as mere clerical procedures in running the business of the state, to paraphrase Aimé Césaire (1950). Melamed, like many other critical scholars in the Marxist tradition, is right to insist on a link between the unleashing of racial violence by the state and the economic and financial interests of power elites. Melamed insightfully instructs us to see a diachronic continuity in the application of racial violence on the mobility of the poor and the capitalist extraction of their labour, from the Vagabondage Law in England to the Fugitive Law in the US, all the way to the current inhumane treatment of racialized and illegalized migrants.

Drawing heavily on Cedric Robinson's work on racial capitalism, Melamed (2015: 76) explains how the term was advanced "to correct the developmentalism and racism that led Marx and Engels to believe mistakenly that European bourgeois society would rationalize social relations." She then quotes Robinson, who explains why this, in fact, never happened because: "[a]s a material force . . . racialism would inevitably permeate the social structures emergent from capitalism" (2000: 77).

It is here, I believe, that we must acknowledge, as Robinson prompts us, the crucial importance of racialism as a governing ideology that decisively shapes and reshapes political developments and economic structures, from feudalism to capitalism, from slavery to the "war on immigration." From this follows that we must equally identify and recognize how the exercise of racism always has a double goal. In the immediate here and now, racism serves the power elites to achieve clear economic and political gains through the imposition of racialized hierarchies. Yet, on another level, every "successful" application of racism contributes

to reinforcing the hegemony of the overarching ideology of racialism, which continues to mould our society as “historical agency” (Robinson 2000: 2).

How does this conclusion bear on the death of Mame Mbaye? On the level of the immediate here and now, we can argue that racialized and illegalized migrants are necessary for a global capitalist labour market. We can understand why the state would exclude people like Mbaye from a costly national healthcare system, and why it would send the police to obstruct their livelihoods when they engage in work that (supposedly) interferes with the profits of local shop owners. Yet, if we remain on this practical level, we should ask ourselves whether sending entire police units to chase *manteros* is indeed reflective of utilitarian thinking. The decisive answer is: no. Certainly not if we consider that the economic damage caused by *manteros* to shop owners is minimal, that demand for the goods they sell is high and thus important for the tourist industry, and that costly police raids have proven ineffective in eradicating this trade. This links up with a broader recognition that in spite of unrelenting investment in the “war on irregular immigration,” there is ample evidence demonstrating a colossal failure to achieve its declared goals: to stop unauthorized immigration, to deport illegalized migrants, to deter so-called bogus asylum seekers, and so forth. This must leave any critical observer perplexed about the line of action determinedly chosen by western states in managing mobility in the twenty-first century.

We must therefore conclude that an analysis of Mame Mbaye’s death should include the other goal that is ingrained in the massive exercise of racism and racial cruelty in the immigration field. This is the interest of power elites in keeping racialism as an operative ideology that—consciously or not—informs and directs those who staff the state apparatus to believe in and act upon racialized categories of people. In so doing, they create a ripple effect that reverberates throughout society and allows shrewd and cynical politicians to divide people according to racializing and racist ideologies. The ultimate goal of this vicious cycle is to keep animated the racist notion that the lives of some people matter less than others.

Notes

1. I use the term “illegalized migrants” to stress the process by which some migrants and asylum seekers are attributed an illegal status by the state authorities and are thereby rendered deportable. The term thus includes all types of migrants (undocumented, irregular, unauthorized) and so-called failed or bogus asylum seekers.
2. On getting access to study ethnographically the police in Spain and doing fieldwork on deportation more broadly, see Kalir 2019a.
3. See, for example, this report on a recent case: https://sevilla.abc.es/andalucia/huelva/sevi-surtia-falsos-empadronamientos-inmigrantes-sin-papeles-huelva-202106041156_noticia.html (accessed 12 August 2021).

4. See, for example: <https://www.parainmigrantes.info/el-mercado-negro-de-contratos-de-trabajo-para-inmigrantes/> (accessed 12 August 2021).
5. See, for example: https://www.infolibre.es/noticias/politica/2016/04/21/un_informe_registra_541_casos_sin_papeles_excluidos_sanidad_publica_menos_ano_48376_1012.html (accessed 3 June 2021).
6. For more on the life of Mame Mbaye in Spain, as narrated by one of his good friends, see: <https://www.elsaltodiario.com/migracion/manteros-mame-mbaye-vivir-la-manta-corriendo> (accessed 3 June 2021).
7. See coverage of the riot on the BBC News: <https://www.bbc.com/news/world-europe-43426962> (accessed 12 August 2021).
8. See: https://www.lasexta.com/programas/mas-vale-tarde/entrevistas/cheikh-sy-amigo-del-trabajador-mantero-mame-mbaye-le-asesinaron-porque-le-persiguieron_201803165aac03250cf2aca4f1d15f7c.html (accessed 3 June 2021).
9. See: https://www.lasexta.com/programas/al-rojo-vivo/entrevistas/malick-portavoz-del-colectivo-de-manteros-no-es-un-caso-aislado-han-matado-a-mame-mbaye-y-queremos-que-los-responsables-paguen_201803165aab9faa0cf2fea6fd908682.html (accessed 3 June 2021).
10. The entire unfolding of the shooting and the subsequent investigation that led to the dismissal of the court case is closely followed in a documentary film that is available online at: <https://www.youtube.com/watch?v=81MQN-6IaFM> (accessed 3 June 2021).
11. See also the years-long work of SOS Racismo: <https://sosracismo.eu/informe-sos/> (accessed 12 August 2021)
12. Similar tragic cases of illegalized migrants' death happen in many other European states. Writing on the death of two illegalized migrants in Italy, Smythe (2018) insists that "death occurred in the context of increasingly aggressive security raids and identity checks targeting racialized masculine bodies in ostensibly public spaces."
13. See: https://www.vozpopuli.com/espana/el_tarajal-jorge_fernandez_diaz-guardia_civil-xx-fernandez_diaz-ceuta-tarajal-guardias_civiles-imputados-inocentes_0_779622071.html (accessed 3 June 2021).
14. See: <https://www.elsaltodiario.com/migracion/manteros-mame-mbaye-vivir-la-manta-corriendo> (accessed 3 June 2021).
15. See, for example: https://www.eldiario.es/politica/loas-hitler-amenazas-inmigrantes-municipal_1_3060288.html (accessed 12 April 2020).
16. See: <https://www.elperiodico.com/es/politica/20210421/gobierno-vox-cartel-electoral-menas-11670901> (accessed 3 June 2021).

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