

The Museum and the Border: The Merseyside Maritime Museum and the Construction of the Migrant and Refugee

1. Introduction

In 2012, the globally televised opening ceremony for the Olympic Games in London presented an image of the UK to the world that did not rely on clichéd stereotypes about Britishness. In Danny Boyle's spectacle, the NHS and its workers were celebrated, as well as the suffragettes, Campaign for Nuclear Disarmament protestors, and punks.¹ A particularly striking image was that of a massive model of the Empire Windrush ship, its young passengers wide-eyed and anxious as they accompanied it around the stadium. This imagery and performance confirmed the Windrush as emblematic of the arrival of British subjects from the Caribbean. Those arriving to Britain from its former colonies until the implementation of stricter immigration rules became known as the 'Windrush generation'. By making Windrush such a key feature of the opening ceremony, Britain projected an image of itself that challenged the perception of a white monoculture.

There is a lot that we can learn from how a state presents its own image - the ideas and visual cues that it believes communicates its narrative. There are a number of platforms where the state (or something it has sanctioned) uses its public-facing position to perpetuate a particular imaginary and story about its history and its present. Such portrayals exist in the opening ceremonies of international sporting events, or at a more local level, in our museums and exhibition spaces. These portrayals may not always be historically or 'factually accurate'. What they reflect is the state's own sense of itself.²

In this article, I use the site of the museum, and in particular, the Merseyside Maritime Museum (MMM) to demonstrate how a state's perception of itself is deeply connected to the way in which it remembers or forgets its own conduct at various historical junctures. I also show that these processes of remembering or forgetting directly inform who is constructed as 'legal' and 'illegal' in the state. In this way, laws play a powerful role in the mediation of the contradiction between the state's historically informed imaginary and its current legal

¹ Fiona Bawdon, 'Remember When Windrush Was Still Just the Name of a Ship?' [2019] Citizenship in Times of Turmoil? <<http://www.elgaronline.com/view/edcoll/9781788119207/9781788119207.00018.xml>> accessed 21 December 2020.

² In this article, I refer to the Merseyside Maritime Museum, International Slavery Museum, and the Border Force Museum. These are all part of National Museums Liverpool, which is a non-departmental public body sponsored by the Department for Culture, Media and Sport.

and political reality. The effects of this process is most acutely observed in the experience of the Windrush generation and their descendants with the enforcement of the Hostile Environment.

Those who came to be known as the 'Windrush generation' arrived during a period in British history when a former Empire was coming to terms with its own demise. They had been raised in an 'Anglocentric tradition'³, and many had been born as British subjects. From their point of view, they had arrived to Britain as citizens. However, this identity was at odds with the rapidly changing immigration law landscape which sought to restrict the access of those from former colonies to British citizenship. Yet, the perception of 'difference' from other migrant groups meant that despite all these changes, there appeared to be no obligation to apply for a 'settled' status on the part of the Windrush generation.⁴

Indeed, the precarity of their (and their children's) legal status was not fully apparent until the implementation of the Hostile Environment policy. This policy involved a set of administrative and legal measures designed to make it as difficult as possible for people without 'leave to remain' to stay in the UK. The ultimate aim of the policy was to make life in the UK so unbearable that those affected would 'voluntarily' leave. The introduction of the 2014 and 2016 Immigration Acts enshrined this policy in law. These acts (among other things), denied those without leave to remain the 'right to rent', cut off free access to the NHS, and denied access to work and social welfare support. The enforcement of this policy therefore left many without access to basic rights and entitlements, and exposed others to the risk of deportation, including many connected to the Windrush generation.⁵

The Windrush generation were perceived as exceptional, falling somewhere between the categories of migrant or citizen. At the same time, their position within British society was also presumed to be secure. It was this false sense of security that left them particularly vulnerable. While the Windrush generation were *imagined* to be protected from the worst effects of the Hostile Environment, there was nothing in the established laws and policies

³ Ben Gidley, Steve Hanson and Sundas Ali, *Identity, Belonging & Citizenship in Urban Britain* (Centre for Urban and Community Research, Goldsmiths College 2018) 6.

⁴ As the recent Windrush review points out, the public information that was provided at the time indicated that if they did not need to register for this status it would not make any difference. A Home Office leaflet from 1987 went so far as to state that those who did not register would still be able to access to the same rights to eg housing and social welfare, and that, '[y]our position under immigration law will not change in any way.' See Wendy Williams, 'Windrush Lessons Learned Review' <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/877012/6.5577_HO_Windrush_Lessons_Learned_Review_PRINT.pdf> at 59.

⁵ *ibid* 39-39.

that indicated that they would *actually* be treated any different to anyone else. This disjuncture between the imagined and the actual lies at the heart of the Windrush scandal.

The Windrush scandal therefore shows us how representation of the state imaginary impacted not only on the way that the *public* believed immigration laws to behave, but also *the state itself*. The state's perception of the lack of connectedness of newer immigration laws to historical legacies of movement and empire exacerbated the Windrush scandal. In the state's account of the Windrush arrivals, the story begins when the passengers from the Caribbean disembark in Britain to help rebuild after the war.⁶ But starting the story there masks the brutal history of how they and their ancestors came to be in the Caribbean in the first place, and the role that Britain played in this. By shifting the timeline thus, those arriving on the Windrush are reconstructed as the successful product of colonial expansion come home to help the 'mainland' rather than as the living legacy of forced displacement and slavery in the former colonies. Then, as the once permissive rules that allowed the Windrush generation to come to Britain move to tighten and exclude, many find themselves newly constructed as migrants, now considered illegally present under the law.

This interplay between the state's perception of history and its place in it on one hand, and the way in which its laws reconstruct timelines and legal statuses on the other, is a key focus of this article. The issues raised in the Windrush scandal illuminate the way that present immigration law is part of a much longer historical continuum. Under this continuum, law, driven by a particular state imaginary and silo-ing of temporal events, creates a specific fiction and mythos about the nature of the state and its relationship to the movement of people across borders. This article focuses on how these dynamics play out in the particular context of *the museum*, taking the example of the MMM as its focus.

The MMM is located in the Albert Dock area of Liverpool. The museum contains 'a variety of objects associated with the social and commercial history of the port of Liverpool'. The MMM has a number of exhibitions within it, as well as two separate distinct museums: the International Slavery Museum (ISM) and the Border Force Museum (BFM). The ISM acknowledges Liverpool's historical connection to slavery and explores the legacies of slavery in the city and beyond. The ISM is located on the top floor and the floors beneath are dedicated to the general maritime history of the city and its ports. Exhibitions on these levels examine the shipping industry, emigration from Britain, and are also often home to

⁶ Palko Karasz, 'U.K. Tribute to "Windrush" Generation Draws Criticism (Published 2019)' *The New York Times* (22 June 2019) <<https://www.nytimes.com/2019/06/22/world/europe/uk-windrush-theresa-may.html>> accessed 22 December 2020.

temporary exhibits. In the basement of the building, there is a permanent exhibition that examines the work of the UK Border Force (the BFM). The MMM as a whole therefore presents a number of contrasting and sometimes contradictory accounts of Liverpool's identity as a port city, and how it connects to the wider world.

Museums are well-recognised as instruments of the state used to influence the collective imaginary about the value of art, history, politics, and science. As Foucault has noted, museums are spaces that have the power to filter and manipulate information in order to further the core aims of state power. These spaces are viewed as having the power to improve a person's 'inner' life.⁷

In this article, I focus on how the border and the movement of people across borders is presented within the various exhibitions in the MMM. In the MMM, we can see competing accounts of the border and its relationship to the city of Liverpool. These differing accounts exemplify the tension between atonement for a past linked to slavery and colonial exploitation, and a present that has a deep attachment to regaining control over the state's borders. This contradiction within the building echoes the compartmentalisation and sense of disconnect to the past that was so evident in the Windrush scandal. The physical layout of the MMM building itself mirrors the way in which present day laws and policies exist within the same continuum as past actions, but are presented as dissociated from them.

In this article, I first engage with the concept of the 'spectacle', demonstrating how this has had a particularly important influence on the way the migrant is perceived by the public, and how this impacts on law and policy. Drawing on the work of Debord (in particular his conceptualisation of spectacle in *The Society of the Spectacle*) and de Genova (in particular his work on The Border Spectacle), I note the specific relevance of this frame to the representation of the migrant in the museum. I then go on to point out the significance of the MMM and the city of Liverpool as the site of the BFM. I then unpack various features of the BFM, reflecting on the way the border and the migrant are presented and imagined. I establish that the *duality* that exists in the BFM is evident in a variety of ways – the dual sense of protection and vulnerability that comes from being an island nation, the duplicity etched in the presentation of the surrounding landscape, and the inevitable duality that comes from enforcing law at the border.

⁷ Tony Bennett, *The Birth of the Museum: History, Theory, Politics* (Routledge 1995) 18.

I then move on to think about the narrative of the border from the perspective of the border agent, and how this is portrayed in the BFM. The imagery and narrative set out emphasise that the border agent is there to protect the *border*, and not those seeking protection. The choice to present migration to the UK in this way stands in contrast to the portrayal of the British emigrant in North America in a neighbouring exhibit which focuses on the human experience of migration and the disadvantage faced by new immigrants to the United States in the 19th century. The polarisation of these two figures in the exhibition gives us an insight into the importance of empathy and race in our understanding and acceptance of migration narratives. The exhibits also reveal to us how differently accounts of migration can be presented, depending on whether these accounts are filtered through the lens of human endeavour (as in the 19th century exhibit) or as violations of immigration law (as in the BFM). Referencing the use of empathy within museums studies, I argue that the presentations within the MMM complicate assumptions about the nature of empathy and its intersection with race.⁸

Finally, drawing on the preceding insights, I break down how the organisation of space within the MMM specifically mirrors the way in which immigration and asylum law and policy is organised. I demonstrate that these laws and policies are established on the basis of an ongoing process of ‘institutional forgetting’ where key historical and legal events are wiped from memory in order to reinforce a fictional dichotomy of ‘legal’ and ‘illegal’ presence in the state. I conclude that this silo-ing of temporalities, equally evident within the walls of the MMM, has permitted the state to continually re-invent the boundaries of what it means to be legally present in the state. By using law in this way, I argue that the state is able to mediate the obvious contradiction between celebrating migration, and the day-to-day vilification of ‘the migrant’.

Drawing together imagery, the imagined state, and the very real effects of the law, this article exposes the inherent contradictions in how the state presents itself.

2. The Spectacle and the Migrant

There are differing experiences of the border and migration, often dependent on the relative privilege attached to one’s passport. The harder edges of the border and by extension are thus often avoided by many. For them, the more restrictive aspects of the

⁸ On the problematic use of the concept of empathy in the creation of the ‘ideal victim’, see Christine Schwöbel-Patel, ‘The “Ideal” Victim of International Criminal Law’ (2018) 29 *European Journal of International Law* 703.

border and its enforcement are mediated through, for example, political accounts, news reports, and representations on social media. The way in which they construct these ideas is on the basis of what Lippmann referred to as the ‘pictures in our heads.’⁹ These pictures in our heads then become contextualised by an accompanying narrative that impacts on how they are perceived and interpreted.

As Blinder notes, there is a significant divergence between ‘statistical immigration’ which is measured officially by the state and “‘imagined migration” as constructed by citizens interpreting their social and political world.’¹⁰ A 2014 survey has shown that the citizens of a number of EU countries tend to vastly overestimate the number of immigrants coming to their country.¹¹ On the basis of Blinder’s research, this overestimation seems to directly relate to the consumption of media reports that focus on the ‘crisis’ of immigration.

The imagery used by the media to convey the perceived ‘problem’ of migration has a significant effect on the way in which the public absorbs and constructs the scale and impact of migration flows. In some instances, these images are shared in order to encourage a sense of solidarity and shared humanity with those photographed or recorded. However, more often, they confront the public with the absolute precarity of those who are travelling across the borders of their states.¹² The public’s reaction in turn is often to feel threatened and fearful.

The way that migration has been reported in the media can be understood through Guy Debord’s concept of ‘the spectacle’.¹³ For Debord, the spectacle is ‘not a collection of images’, but rather ‘a social relationship between people that is mediated by images.’ This ‘new technique’ of government is predicated on the ‘instantaneous propagation of mass-mediated public discourse and images, which is essentially one-way’.¹⁴ Debord’s spectacle draws upon Marx’s connection between the rise of capitalism and the fetishism of the commodity. In the same way that the commodity is attributed with a special character, the

⁹ Quoted in Scott Blinder, ‘Imagined Immigration: The Impact of Different Meanings of “Immigrants” in Public Opinion and Policy Debates in Britain’ (2015) 63 *Political Studies* 80, 81.

¹⁰ *ibid.*

¹¹ Ipsos Mori, ‘Perceptions are not reality: Things the world gets wrong’, (29 October 2014), <https://www.ipsos.com/ipsos-mori/en-uk/perceptions-are-not-reality-things-world-gets-wrong>, quoted in EU Observer (30 October 2014) <https://euobserver.com/news/126309>.

¹² Anne Neylon, ‘Ensuring Precariousness: The Status of Designated Foreign National under the Protecting Canada’s Immigration System Act 2012’ (2015) 27 *International Journal of Refugee Law* 297, 302.

¹³ Debord, quoted in Nicholas De Genova, ‘Spectacles of Migrant “Illegality”: The Scene of Exclusion, the Obscene of Inclusion’ (2013) 36 *Ethnic and Racial Studies* 1180, 1187.

¹⁴ *ibid.*

spectacle uniquely shapes and frames the public's understanding and perception of public events by abstracting events from their 'concrete life' and transforming them into 'mere images'.¹⁵

The Spectacle of the *Border* has had a crucial influence on how politics is 'done' in states in Europe, North America, and beyond. The hypervisibility¹⁶ of those entering states, dominates not only media reports, but also political discourse. It also influences the public's perception that they are directly impacted by increased migration. De Genova originally established the idea of the Border Spectacle with specific reference to the visibility of border enforcement, particularly at the Mexican border with the US.¹⁷ The border 'provides the exemplary theater for staging the spectacle of "the illegal alien" that the law produces.' This Border Spectacle is also part of a much broader project of the establishment of inclusion and exclusion of migrants within the state.¹⁸

For Debord, the spectacle is everywhere¹⁹ As Clark points out, the 'society of the spectacle' is '...the invasion and restructuring of whole areas of free time, private life, leisure and personal expression...'.²⁰ Similarly, the border spectacle is diffused throughout society. This is something that has become clearer in recent years as we see the gradual creep of the border, beyond clearly delineated frontiers, checkpoints, coastlines, into more mundane everyday practices. An obvious example of this in the UK is the operation of the Hostile Environment, where among others, the classroom, the hospital, the letting agent's office, all became sites of border practices and scrutiny.²¹ The spectacle of the border has therefore colonised both the everyday working lives of many previously unencumbered by such a concept. This article demonstrates that a crucial site of the Border Spectacle is museums, and the MMM in particular.

¹⁵ Guy Debord, 'Society of the Spectacle (K. Knabb, Trans.)' [2006] London: Rebel, 11.

¹⁶ Alison Mountz, 'In/Visibility and the Securitization of Migration: Shaping Publics through Border Enforcement on Islands' (2015) 11 Cultural Politics 184, 186.

¹⁷ Nicholas P De Genova, 'Migrant "Illegality" and Deportability in Everyday Life' (2002) 31 Annual Review of Anthropology 419, 436.

¹⁸ *ibid.*

¹⁹ Debord (n 15) 16.

²⁰ TJ Clark, *The Painting of Modern Life: Paris in the Art of Manet and His Followers* (Knopf Doubleday Publishing Group 2017), cited in Jonathan Crary, 'Spectacle, Attention, Counter-Memory' (1989) 50 October 97 at 99.

²¹ Bridget Anderson and Michael Keith (eds), *Migration: The COMPAS Anthology* (ESRC Centre on Migration, Policy and Society, COMPAS 2014).

As Crary notes, the 'spectacle is also a set of techniques for the management of bodies, the management of attention.'²² Museums contain a multitude of sometimes contradictory information. However, this information is viewed at different stages through different lenses and interpretations, sometimes presenting messages that are almost contradictory. The museum manages the movement of bodies throughout its spaces, mapping out the trajectory that an individual takes through the exhibit so as to assist in communicating a particular narrative. The museum has the power to communicate as little or as much background and context for the exhibits, so as to control the overarching narrative.

Within museums there is a continual sense of dialogue between state practice and the imagery that is conveyed. By thinking of the MMM as a site of this process, we can appreciate the power that imagery and representation has in, not only shaping perceptions, but in managing and reproducing the relationship to the 'other'.²³ In the next sections, I consider how the spectacle of and within the MMM manages the relationship between the image and what it communicates. I also examine how this facilitates a clear overlap between the site of the spectacle and the narrative of the law and the policy that is enforced.

3. The Merseyside Maritime Museum and the importance of a sense of place

As Harvey notes, spaces can be contested, with many people claiming a place as having different political significance.²⁴ This happens quite literally on the site of the MMM, where the space is constructed and interpreted in drastically different ways, all of which are connected to underlying political goals, as well as to sometimes contradictory readings of history. Exploring the MMM as a site of multiple interpretations (housing both the ISM and BFM) gives us an important insight into how dominant hegemonic perspectives mould and shape immigration and refugee law and policy.

The ISM was specifically established to reveal Liverpool as a city that has been built on slavery, highlighting many still-existing parts of the city as part of the ongoing legacy. The BFM on the other hand presents Liverpool as a more generic and abstract site of the border. The physical location of the BFM in the basement of the MMM, as opposed to the ISM on the

²² Crary (n 20) 105.

²³ As Macdonald notes, 'Public museums....were from their beginnings embroiled in the attempt to culture a public and encourage people to imagine and experience themselves as members of an ordered but nevertheless sentimentalized nation-state. They invited people to conceptualise a sense of national or racial difference from others; and to experience their own worlds as relatively and reassuringly governed ones.' Sharon Macdonald, 'Museums, National, Postnational and Transcultural Identities' (2003) 1 *Museum and Society* 1, 5.

²⁴ David Harvey, 'The Political Economy of Public Space' in Setha Low and Neil Smith (eds), *The politics of public space* (Routledge 2005) 19.

top floor is also symbolic of the opposing narratives that they represent. However, it should be borne in mind that these are only two interpretations of what the port in Liverpool represents. The port was also a place of work for many, a place where tourists disembarked for decades, a place where immigrants arrived from around the world, and part of the 'abortion corridor' between Ireland and Britain.²⁵

As one of the interpretations of the Port of Liverpool, the ISM does not shy away from the complicity of the city and its inhabitants in the international slave trade, which was the source of much of the city's prosperity in the 19th century.²⁶ Contemporary locations in the city and on the docks are made visible in the exhibit as sites where the slave trade took place and where slave traders were commemorated. In this way, the city's connection to the buying and selling of people for profit is made more immediate. From a viewing point looking out onto the docks, the museum visitor is informed that outside the window is the location where the slave ships would have docked and have been repaired and loaded with cargo (Figure 1). Locations beyond the immediate surroundings of the museum are also identified as being inherently connected to the historical slave trade. Replicas of streets signs from around Liverpool reveal the extent of the memorialisation of key figures of the slave trade in the city. Examples include Rodney Street, named after the prominent supporter of the slave trade, George Brydges Rodney and Goree Piazzas, named after the slave trading island of the coast of Senegal (Figure 2).

As Massey notes,

[t]he description, definition and identification of a place is thus always inevitably an intervention not only into geography but also, at least implicitly, into the (re)telling of the historical constitution of the present. It is another move in the continuing struggle over the delineation and characterisation of space-time.²⁷

The presentation of locations in this way allows events that occurred long in the past to be felt with much more immediacy. The brutality of slavery is therefore very much etched into the geography of the city. The sensitivity of the ISM to its immediate surroundings as part of its narrative is however contrasted by the BFM in the basement of the MMM.

²⁵ See Deirdre Niamh Duffy, 'From Feminist Anarchy to Decolonisation: Understanding Abortion Health Activism Before and After the Repeal of the 8th Amendment' (2020) 124 *Feminist Review* 69.

²⁶ See David Pope, 'The Wealth and Social Aspirations of Liverpool's Slave Merchants of the Second Half of the Eighteenth Century' in David Richardson, Suzanne Schwarz and Anthony Tibbles (eds), *Liverpool and transatlantic slavery* (Liverpool University Press 2010).

²⁷ Doreen Massey, 'Places and Their Pasts' [1995] *History Workshop Journal* 182, 190.

4. 'SEIZED! The border and customs uncovered. Enter a world where things are not always what they seem'

The above title appears at the entrance to the BFM (Figure 3). It sets the overall tone in this part of the MMM. The narrative that the exhibition develops relates to a number of key ideas. First, we have the idea of duplicity at the border – ‘things are not always what they seem’. While the primary focus of the exhibit is on the smuggling of goods into the state and the associated duplicity, this is located alongside a representation of the irregular entry of people to the UK. In both these examples, the visitor is informed of underlying deception that necessitates a response of close surveillance and security. Secondly, since ‘things are not always what they seem’, the specific vulnerabilities of the UK as an island nation to the unauthorised entry of goods as well as persons is emphasised. A key element of this surveillance is the careful measurement and recording of everything and everyone that crosses the UK’s borders. However, a troubling issue emerges when we see the measurement and evaluation of goods being represented in the same space that explains the manner in which the legitimacy of human movement is evaluated. The implied equivalence between the measurement and ‘valuation’ of humans is particularly unsettling given the BFM’s proximity to the ISM.

The BFM was originally established as HM Customs and Excise Museum. The shift to a broader focus in topics the museum reflects the merging of HM Revenue and Customs with immigration in 2009, eventually leading to the creation of the UK Border Force in 2012.²⁸ The merging of these departments is not only significant from a symbolic perspective, but also provides an interesting insight into how equivalences between human movement and the movement of goods are made at government departmental level.

It is therefore important to emphasise that the SEIZED! Exhibition itself is the entirety of the UK Border Force National Museum. It is also the UK’s *only* Border Force Museum. In other words, the objects, exhibits, and messages in SEIZED! featured in the Border Force’s only official exhibition space in the UK for ‘educating’ the public on its work. The choices that are made in terms of what is included and how information is presented are therefore of great importance. Bennett refers to museums as ‘civic laboratories’, where ‘distinctive forms of cultural objecthood are produced and mobilized in the context of programmes of civic

²⁸ ‘Security in a Global Hub: Establishing the UK’s New Border Arrangements’ <https://web.archive.org/web/20080906170608/http://www.cabinetoffice.gov.uk/~media/assets/www.cabinetoffice.gov.uk/publications/reports/border_review%20pdf.ashx> accessed 20 May 2020.

management which aim to order and regulate social relations in particular ways.’²⁹ In this statement, we also recall Debord’s description of the spectacle as ‘a social relationship between people that is mediated by images’.

In the BFM, this arrangement is amplified as the exhibit not only uses objects and imagery to convey the work of the Border Force, but as discussed below, invites the visitor to assume the role of a Border Force officer. This adds yet another dimension to the underpinning aims of governance and management that are evident from the BFM. As the visitor navigates the museum, they are regularly invited to observe the border from the perspective of the border agent, often being shown through interactive games how to identify and intervene in ‘suspicious’ activity. The museum thus serves as a means by which to explain the border in terms of surveillance, security, and bureaucratic systems. As no alternative view of the border is provided, this representation is therefore understood as a decisive and undisputed account of not only how government views the border, but how the border should be viewed by everyone.

This appearance of consensus around the character of the border is important to consider when reflecting on how the presentation of the border in the museum maps on to the content of laws concerning movement across borders. This particular ordering and presentation of the border in relation to these rules has a direct impact on how the public understands and accepts these rules.

As already noted, the ‘sense of place’ evoked in the ISM plays an important role in telling the story of the city of Liverpool and its role in the international slave trade. This sense of place is also particularly important when it comes to the story that is told in the BFM.

Connecting to that ‘sense of place’ - the theme of duality or duplicity presents itself in a number of ways within the BFM as well as the MMM as a whole. Firstly, it is etched into the landscape and the water. The water surrounding Britain (and Liverpool) creates feelings of protection, but also a sense of vulnerability to external forces. Secondly, the landscape in Liverpool and other port cities is similarly duplicitous, where buildings and warehouses stand as a testament to a long trading history, yet conceal the dependence of this commerce on slavery. Finally, that duality is also a feature of how law operates at the border, where

²⁹ Tony Bennett, ‘CIVIC LABORATORIES: Museums, Cultural Objecthood and the Governance of the Social’ (2005) 19 *Cultural Studies* 521, 521.

the potential to see legality or illegality exists in every determination made by the border agent.

4.1 Island nation, vulnerable nation

In the BFM, the UK is portrayed as an island nation, one that is at high risk from illegal activity. On one wall, there is a reference to the fact that as a nation surrounded by water, the UK has had to deal with 'invaders' for hundreds of years (Figure 4). In a subsequent image, we can see the sea off the British coast looking choppy and threatening. This emphasises the idea that the seas are a source of vulnerability to the state. The depiction of water in this way has also been used as a sort of 'public service announcement' in other jurisdictions. A number of years ago, the Australian government published a similar image in the media and newspapers of refugee-creating countries. In the advert, a dark and foreboding sea is captioned with message in a red font stating 'No Way. You will not make Australia home' (Figure 5).³⁰ The advert specifically references changes to Australian law that mean that refugees who attempt to enter the state by sea will never actually reach that territory.³¹ Instead, these protection applicants are re-routed to third countries which are supposed to assess their asylum claims. While the image in the BFM does not directly refer to the idea of refugee arrivals, it is interesting to note the similarities in how both the UK and Australian governments utilise these images.

In both of the examples, the sea is presented as potentially helping states to enforce the border, supporting their policy of deflection and deterrence. However, the way in which the image of the sea is used by these states raises questions over the 'naturalness' of states' claim over water. As Prescott notes, the process involved in states delineating where their geographical boundaries exist is at best opaque.³² These states' claim of territoriality over the sea in this way speaks to the political nature of the water that surrounds these 'island nations'. As Stack points out, territoriality is not a product of nature, but rather a strategy of control that masks more immediate forms of power.³³ In the case of the states' control over parts of the sea surrounding it, it is implied that the 'natural order of things' is linked to the

³⁰ Introduced as part of the 'Operation Sovereign Borders' advertisement campaign. See, 'The Coalition's Operation Sovereign Borders Policy' (July 2013) <https://web.archive.org/web/20160303211828/http://lpaweb-static.s3.amazonaws.com/Policies/OperationSovereignBorders_Policy.pdf> accessed 20 May 2020.

³¹ See, Claire Higgins, 'The (Un-)Sustainability of Australia's Offshore Processing and Settlement Policy' [2017] 'Boat Refugees' and Migrants at Sea: A Comprehensive Approach 303.

³² JRV Prescott, *Political Frontiers and Boundaries (Routledge Library Editions: Political Geography)* (Routledge 2014) 23.

³³ As referenced in Tim Cresswell, *In Place/Out of Place: Geography, Ideology, and Transgression* (NED-New edition, University of Minnesota Press 1996) 160.

immigration rules that determine the permitted and clandestine routes of entry to the territory of the land.

While it is now accepted under international law that states have a territorial claim to the 12 mile radius of the water surrounding a state, this was not always the case.³⁴ Up until the early 20th century, the only rule that was used to determine the location of states' boundaries at sea was the 'three mile rule'.³⁵ This rule is linked to the idea that the border should extend to the distance that is visible to the human eye looking out to the sea.³⁶ This is in turn is associated with the line of sight needed to protect the state from an attack from another state. While the distance of maritime borders is now influenced by other factors like economic interests, this core idea of protecting the state from attack remains intact.

However, the perception of what an 'attack' consists of and what an 'invasion' looks like has shifted for those in power. Spontaneous movements across borders outside the formal immigration process, like those who stowaway in cargo from Calais, are now often associated with an imagined invasion in the media.³⁷ In this way, images of the sea can be weaponised against those who cross state borders in a manner deemed 'inappropriate'. As Andreas notes, there has been a 'thickening' of borders, where control mechanisms are extended beyond the point of entry.³⁸ In the maritime context, we can see the use of 'buffer zones' in order to deflect responsibility for those travelling by sea to seek asylum. These zones are often justified on security grounds, seen as a way of vetting those who would enter the state by irregular means. For example, in Australia, the twelve mile rule is partially drawn upon to justify the use of islands off its coast as detention sites for those attempting to enter the state by sea, often referred to as 'The Pacific Solution'.³⁹

³⁴ UNCLOS

³⁵ Prescott (n 32) 18.

³⁶ *ibid* 17.

³⁷ 'French Riot Police in Battle with Calais Migrants, in Pictures - Telegraph' <<https://www.telegraph.co.uk/news/worldnews/europe/france/11179302/French-riot-police-in-battle-with-Calais-migrants-in-pictures.html>> accessed 20 May 2020. 'Migrants Leave Calais for Normandy Invasion | News | The Times' (2 April 2020) <<https://www.thetimes.co.uk/article/migrants-leave-calais-for-port-city-of-caen-9vrlr2kwq>> accessed 20 May 2020.

³⁸ Peter Andreas, 'Redrawing the Line: Borders and Security in the Twenty-First Century' (2003) 28 *International Security* 78, 95.

³⁹ Andreas Fischer-Lescano, Tillmann Löhr and Timo Tohidipur, 'Border Controls at Sea: Requirements under International Human Rights and Refugee Law' (2009) 21 *International Journal of Refugee Law* 256, 262.

Again the duality of the sea is evident, as both a source of protection and a potential threat to the security of the state is a clear theme throughout the exhibit. In the BFM this duality conditions how the work of the UK Border force is rationalised and explained.

4.2 Measuring Goods Measuring People

The focus of the BFM is on security, protection, and the management of the entry of goods and people. As a result of the way that these ideas are presented, goods and people are also constructed as having a degree of equivalence. Walking through the BFM, we see images of people trying to smuggle illicit goods and drugs across the border, but these appear alongside parallel exhibits, showing images and video of people attempting to move their own bodies across the border. This shift from the treatment of commodities at the border to the treatment of humans at the border is crude, highlighted in an audio-visual section of the exhibit where Border Force agents narrate various migration routes to the UK, emphasising their capacity to enter the state 'illegally'. On the basis of what is articulated in the exhibit, people who cross the border irregularly have more in common with illegally smuggled objects than they do with citizens and legal residents of the UK.

This echoes the approach of the government we have seen elsewhere over the years, for instance with the many Home Office documents that explicitly link the security of the border to the protection of tax income. One specific example can be seen in a 2002 policy document linked to the regulation of human trafficking:

We will need to be tough on tackling the people traffickers who use the misery of others for their own gain. It requires us to tackle illegal working, ending exploitation in the shadow economy and dealing with gang masters and corrupt businesses, who evade taxes and undercut fairness and decency.⁴⁰

What is striking in this excerpt is the way in which the idea of trafficked people pivots from fear over their exploitation to more general concerns over the impact that this might have on the economy. This logic is also strongly at play within the BFM itself, thus, in the section 'The World in Numbers' we are told that,

⁴⁰ Home Office, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (2002: Stationary Office) at 6, as quoted in Sharron A FitzGerald, 'Vulnerable Geographies: Human Trafficking, Immigration and Border Control in the UK and Beyond' (2016) 23 *Gender, Place & Culture* 181, 186. *ibid* 6.

Traditionally, the port was a world where everything could be measured. Officers were like walking calculators as they worked out weights, volumes and quantities, dealing with a huge variety of goods.

For the officials, everything that enters the state at the point of the border is reducible to a measurable unit. In order to demonstrate the importance of tracking units and measurements, the visitor is invited to take part in an interactive game where they put themselves in the position of an officer in charge of this sort of recording work back in the 18th century (Figure 6). An illustration replicating the layout of the wet docks on the Mersey is used to demonstrate the different elements involved in the importation process. In the background of the illustration is a map of the east coast of the United States, gesturing to the trading links between the two countries throughout the centuries. This link was indeed facilitated and encouraged because Liverpool is home to the first commercial wet dock in Britain, dating back to the early 1700s.⁴¹ The creation of the wet dock was an important step in the development of Liverpool as one of the main hubs for the global slave trade. It is quite obvious that in the era in which the interactive game is set, the goods and commerce flowing through the city from the port would be closely connected to the goods and wealth emanating from the slave trade. As pointed out by Hyde *et al*, '[t]ransactions in negroes cannot be isolated from other activities; the trade was comprehensive, variable and flexible.'⁴²

Whereas the exhibition upstairs in the ISM seeks to make clear and visual connections to docks and surrounding areas with slavery, this is certainly not the case in the BFM. The contradiction between the exhibits then makes us think of the duality, or rather the *duplicity* of landscape.⁴³ Daniels observes that landscapes can evoke strong emotions and memories. For many, they are inscribed with the memories of those now lost or missing. However, landscapes are also often viewed as simply utilitarian – a way of producing commodities, a site of production and commerce. In the MMM, the docks are at once a visual representation of the cruelty and inhumanity of the slave trade, and an example of a busy and efficient area of commerce, trade, and revenue. Those who suffered at the hands of the slave trade are memorialised and inserted into the landscape, but they are also forgotten,

⁴¹ Michael Power, 'Councillors and Commerce in Liverpool, 1650–1750' (1997) 24 *Urban History* 301, 301.

⁴² Francis E Hyde, Bradbury B Parkinson and Sheila Marriner, 'The Nature and Profitability of the Liverpool Slave Trade' (1953) 5 *The Economic History Review* 368, 369.

⁴³ Stephen Daniels, 'Marxism, Culture, and the Duplicity of Landscape' in Richard Peet and Nigel Thrift (eds), *New Models In Geography*, vol 2 (Routledge 1989). (Duplicity coming from the Latin, *duplicare* – meaning double.)

their existence erased in order to tell a story of commerce and prosperity. As Daniels has pointed out, '[l]andscape is an ideology, a sophisticated "visual ideology" which obscures not only the forces and relations of production but also more plebeian, less pastoral, experiences of nature.'⁴⁴

The idea of commodification persists throughout the space of the MMM, moving from the factual presentation of the landscape of the docks as a historical site where goods are measured and valued, to a confrontation of the literal commodification of human life through slavery. There are however less straightforward stories of how measurement and evaluation happens at the border. In the BFM, reference is made to the fact that some migrants are subject to less scrutiny than others, depending on where they are travelling from, and whether they are eligible for more privileged routes of entry. For many migrants however, decisions on their eligibility to come to the UK are often reduced to an evaluation of their projected yearly income, as well as other determinations as to the measurement of their deservedness.⁴⁵ Again, as the BFM views any movement across borders from the perspective of the financial impact on the national coffers, there is little reflection on the contribution of migrants beyond their monetary value to the state, and as a corollary, their potential impact on the welfare state.

Throughout the MMM, the language of money, commerce, and taxation income is deployed. It is in the BFM in particular that allows a specific visual and discursive narrative to emerge about people who cross the border. As I unpack later in the article, this narrative also feeds into a larger story about how an immigration system rooted in Empire and colonialism has shaped the categorisation and precarisation of migration in the UK.

4.3 The duality of the border and the ever-shifting nature of illegality

The BFM creates an environment where the visitor is led to believe that the border is inevitable, a natural element of a country's identity. However a border only exists when and where it is *enforced*.⁴⁶ The existence of the border is therefore intimately connected to the

⁴⁴ *ibid* 206.

⁴⁵ Under current rules, those applying for a Tier 2 visa must earn £30,000 per annum, with some exceptions. 'General Work Visa (Tier 2)' (*GOV.UK*) <<https://www.gov.uk/tier-2-general/eligibility>> accessed 3 June 2020.

⁴⁶ On the continuous shift of the location of the border, see Leanne Weber, 'The Shifting Frontiers of Migration Control' in Sharon Pickering and Leanne Weber (eds), *Borders, mobility and technologies of control* (Springer Netherlands 2006) <https://doi.org/10.1007/1-4020-4899-8_2> accessed 31 July 2019.

work of the border agent. A key way in which the BFM communicates the role played by the border agent is through a number of interactive games.

These games primarily focus on the role of customs at the border. However, given that the regulation of UK customs has now been absorbed into the overarching Border Force, the exhibit itself presents a strange mixture of the regulation of goods and the regulation of people that cross the border. While the games that the visitor is called on to play do not involve decisions about who is permitted to enter the state on the basis of their legal status, those participating in the games are given a taste of the extent of the power of the border agent.

A key theme of the games (whether intentionally or not), is the very fine line that exists between legality and illegality. One game in particular highlights this (Figure 7). In the game, the visitor assumes the role of the Border Force agent. They are presented with a photo line-up of people whose appearance and apparent demeanour must be studied and assessed by the visitor (acting as a proxy for the Border Agent) to see whether they are engaged in an illegal act, or whether they are innocuously crossing the border. The visitor then has 30 seconds to make a decision on whether each person is a 'smuggler' or a 'genuine traveller'. When the visitor makes their decision, they must press either the button marked 'guilty' or 'innocent'.

However, something strange happens after you make the selection: whatever you select, it is always the correct choice. For example, if you decide that the man in the wheelchair looks guilty, text will appear in the black box above his head to support this decision. In that instance, you are told that you were correct to notice the plane ticket to Bogotá in the breast pocket of his jacket and also that he does not actually need a wheelchair - there are drugs hidden within it. If you decide to play this game again and decide that he is innocent, you are then given reasons why you also are correct for making this decision. On this occasion, you are told that he lives in the UK, travels regularly to see his parents in Colombia, and that he likes to travel light. This game implies something notable about the power of the border agent - it does not matter what the agent notices or fails to notice - whatever they determine about what they notice is correct and decisive in any scenario.

Thus, the ultimate power of bureaucratic decisions at the border is revealed. Through the eyes of those managing the border, you are at once both legal and illegal. Your presence and ability to remain in the state is determined on the basis of the narrative that is projected on

to you by those observing you. This idea is not just limited to the interaction between the state and the individual at the border, but also resonates with the manner in which, for example, asylum determinations are made. In those cases, someone's refugee status is determined on the basis of subjective and objective evidence, but mostly hinges on the elusive concept of credibility.⁴⁷ According to the UNHCR Handbook on asylum determinations, the decision maker must consider the specific facts that an asylum seeker has presented about her case in light of general confirmed facts about the area that she has come from. For example, if the asylum seeker states that she has been targeted by the state for holding specific political beliefs, the decision maker will compare these claims with reports about practices in the area from organisations like the US State Department and NGOs. Ultimately, however, such a claim will generally only be accepted if the decision-maker believes that the applicant is 'credible' – that the asylum seeker's story seems to be internally and externally consistent. The coherence and often crucially, the chronology of a narrative is key to the 'believability' of a story, from the perspective of the decision-maker. On many occasions, small details will influence whether an account is believed to be true or false.⁴⁸

The interactive games, existing alongside the images and the portrayal of migrants and activity at the border in the exhibit more generally, clearly resonate with De Genova's depiction of the Border Spectacle. For De Genova, 'legality' or 'illegality' do not really exist in the context of migration – rather, migrants are 'illegalised' through the operation of the law. While the, 'real origins of such illegalisations are found in the deliberations, debates, and decisions of lawmakers', the 'law that illegalises migrants remains largely invisible.' Yet, through 'mass media representations of border-policing', the migrant becomes 'hypervisible'.⁴⁹ As De Genova states, 'the Border Spectacle is a spectacle of enforcement at "the" border whereby migrant "illegality" is rendered spectacularly visible.'⁵⁰

⁴⁷ See for example, James A Sweeney, 'Credibility, Proof and Refugee Law' (2009) 21 *International Journal of Refugee Law* 700.

⁴⁸ Trueman refers to this as the 'manufacture of discrepancy', where the adjudicator will fixate on discrepancies in non-pertinent issues in order to discredit the entire claim. See Trevor Trueman, 'Reasons for Refusal: An Audit of 200 Refusals of Ethiopian Asylum-Seekers in England' (2009) 23 *Journal of Immigration Asylum and Nationality Law* 281, 295.

⁴⁹ 'The Border Spectacle of Migrant "Victimisation"' (*openDemocracy*) <<https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/border-spectacle-of-migrant-victimisation/>> accessed 20 July 2020.

⁵⁰ Genova (n 13) 181.

This Border Spectacle is clearly re-enacted in the BFM in a number of different ways. While the exhibit tends to focus on the unsanctioned movement of goods across borders, these displays now exist alongside a newer exhibit where people's unsanctioned movement of their own bodies across borders is discussed. Again, we are reminded of the scope of the powers of the UK Border Force – both people and goods are equally subject to the scrutiny of the border agent.

5. Narratives of people and borders: the view of the border agent

One of the newer exhibits in the BFM at the time of writing was one in which Border Force agents address their role in the control and administration of human migration at the border to the UK (Figure 8). This section of the exhibition engages with the fact that since 2012, UK Border Force agents have been responsible for both customs and immigration.⁵¹ Obliquely, the exhibit also depicts the response of the UK border to the so-called 'migrant/refugee crisis' since 2015. The themes of surveillance and illegality at the border that are emphasised in goods and customs section of the exhibit are carried through to the section representing the state view on human migration. Therefore, between the representation of goods smuggling, and the portrayal of human migration, the primary lens through which individuals' movement across the border is viewed in the BFM, is as an unauthorised criminal act. A key message is that people are arrested and detained as a corollary effect of the control of the movement of ('good' and 'bad') goods in and out of the state.

The depiction of irregular migration in the exhibit also brings to mind the work of Orford on 'locating' the international. Orford notes that in instances where international organisations intervene in conflicts within states' borders, these conflicts are classified as 'ethnic' or 'nationalist'.⁵² The narrative associated with these interventions therefore fails to acknowledge the way in which the international community has contributed to factors that have led to these conflicts. In the BFM, irregular migration to the UK is presented at various points as a health and safety risk, a security breach, and a moral failure on the part of the migrant to seek out a legal route to the state. The priority of the Border Force is therefore to maintain an orderly immigration system where everyone waits their turn. Orford's take on the location of the international allows us to reframe this, to take a different view on what

⁵¹ Previously the UKBA (UK Border Agency), see above.

⁵² Anne Orford, 'Locating the International: Military and Monetary Interventions after the Cold War' [1997] Harvard International Law Journal 443, 480.

causes a person to enter the state in an unauthorised way, to think beyond a binary classification of 'legal' and 'illegal' entry.

Coming to the UK in an 'orderly fashion' is often simply not possible as many travelling from refugee-creating countries cannot access visas from the UK.⁵³ Similarly, the percentage of refugees who are resettled under formal arrangements, usually between UNHCR and the UK, is relatively negligible.⁵⁴ Finally, the imaginary of an orderly queue of refugees wilfully ignores the often time-sensitive circumstances that force refugees to leave their country of origin and seek refugee protection elsewhere.⁵⁵

Related to this, a narrative of spontaneous arrivals of refugees to the state fails to acknowledge the international agreements and policies that have shaped and influenced both the reasons why people flee, and the trajectory of their movements. As a historic member of the EU, the UK has benefitted from the suite of EU legislation that redirects refugee and migrant arrivals to the periphery of the Union, including the infamous Dublin III Regulation. The state however also benefited from the more sinister deflection techniques in the Mediterranean Sea that have resulted in tens of thousands of deaths since the 1990s.⁵⁶ These techniques include the continued absence of a large-scale search and rescue mission in the sea⁵⁷, increased risks of criminal convictions for non-state actors who offer assistance to migrants at sea⁵⁸, as well as ongoing co-operation between the EU and third party countries to prevent the arrival of migrants travelling via North Africa.⁵⁹

⁵³ Matthew Gibney, 'A thousand little Guantánamos: Western States and measures to prevent the arrival of refugees', in Kate E Tunstall (ed), *Displacement, Asylum, Migration: The Oxford Amnesty Lectures 2004* (OUP Oxford 2006).

⁵⁴ United Nations High Commissioner for Refugees, 'Resettlement Data' (UNHCR) <<https://www.unhcr.org/resettlement-data.html>> accessed 23 August 2019.

⁵⁵ Resettled as opposed to spontaneously arriving refugees often tend to be as 'good' and 'bad' refugees respectively, based on whether they 'wait their turn'. For discussion on this, see Jane McAdam, 'Australia and Asylum Seekers**' (2013) 25 *International Journal of Refugee Law* 435, 437. Jackson Nyamuya Maogoto, 'Queue Jumpers or Refugees: Fudging Domestic Policy with International Obligations in the Reception of Spontaneous Arrivals' (2016) 7 *Journal of the Philosophy of International Law* 45.

⁵⁶ Alex Needham, 'The List: The 34,361 Men, Women and Children Who Perished Trying to Reach Europe' *The Guardian* (20 June 2018) <<https://www.theguardian.com/world/2018/jun/20/the-list-34361-men-women-and-children-who-perished-trying-to-reach-europe-world-refugee-day>> accessed 20 May 2020.

⁵⁷ 'EU to Stop Mediterranean Migrant Rescue Boat Patrols' *The Guardian* (27 March 2019) <<http://www.theguardian.com/world/2019/mar/27/eu-to-stop-mediterranean-migrant-rescue-boat-patrols>> accessed 20 May 2020.

⁵⁸ See Martina Tazzioli and William Walters, 'Migration, Solidarity and the Limits of Europe' (2019) 9 *Global Discourse* 175.

⁵⁹ Martin Baldwin-Edwards and Derek Lutterbeck, 'Coping with the Libyan Migration Crisis' (2019) 45 *Journal of Ethnic and Migration Studies* 2241, 2242.

It is useful to think critically about the language that is used to describe where the border exists and how it is enforced in the context of audio-visual accounts provided by the Border Force agents. In the interactive audio-visual presentation, the visitor is invited to 'choose a film to find out more about the work of Border Force at Passenger Controls.' The titles of the films are, 'The Immigration Officer at the Border', 'Moving People: Rights of Entry to the UK', 'Travel Documents: Use and Misuse', and 'Dangerous Journeys: Protecting People at Risk.'

In 'The Immigration Officer at the Border', the discretion and power of the border officer is discussed, as well as the malleability and expansion of the border. In the video, the border agent is described as the 'filter' – what the immigrant must pass through in order to enter the country. Faced with this filter, the immigrant must convince the border agent that they are entitled to enter the country. This reinforces the idea of performance at the border. In this understanding of the border, it is assumed that the default position is that the person trying to enter the country should not be allowed in and that in the interaction that follows, a burden is placed on the person attempting to enter to demonstrate that they have a dispensation to do so. In this description, we are reminded of the game in the other section of the exhibit where the visitor watches the behaviour, demeanour, and appearance of people crossing the border to judge as to whether they are involved in the smuggling of goods.

In 'The Immigration Officer at the Border', the moveable nature of the border is also discussed. The video describes how the border not only exists at the physical frontiers of the country, but can operate in different locations and even in different jurisdictions. The exportation of the border is also discussed, citing the functioning of the Commonwealth, as well as the way in which UK border officials make passport and immigration checks on French soil, in Calais. This description of the border emphasises its flexibility, and that it is itself moveable. Describing it in this way only reinforces the idea that borders are not, as De Genova states, 'reducible to anything resembling immutable, integral internally consistent or objective boundaries corresponding to any self-evident "natural" fact of physical geography.'⁶⁰ This account of the different forms that the border takes also has an impact on the way in which the border is conceived of and imagined by the visitor to the exhibit. There is a conflict between the perception of the border and its reality – once again reinforcing its *duality*.

⁶⁰ Nicholas P De Genova, 'The "Crisis" of the European Border Regime: Towards a Marxist Theory of Borders' *International Socialism Journal* 31, 45.

'The Immigration Officer at the Border' video also highlights how borders outside those delineated on a map can be constructed by the state in unexpected ways in order to protect its sovereignty. One example referred to in the video is the way that national embassies in another state can create a series of micro-borders within a state. This is because the property in which the embassy exists is viewed as the sovereign territory of the corresponding state.

This proliferation of the border aids in the 'filtering' of those who wish to cross the border. In the other videos, the 'filtering' system referred to in the above video is further described. These videos unpack the manner in which border-crossers are filtered into categories as an extension of the enforcement of the border. This 'filtering' is on the basis of factors such as country of origin, purpose of entry, type of work permit, etc.

Many of those who need to cross a border in order to seek asylum must do so in an irregular manner. There can be a variety of reasons for this. It is often near impossible for those in typically refugee-producing countries to access visas in order to travel to areas like Europe, North America, and Australia. The difficulty in ascertaining genuine documentation will often lead to asylum seekers paying huge sums to gain either a forged visa or passport that will allow them to access their destination.⁶¹ In circumstances where the refugee is unable to access forged documentation, often because it is too expensive, they may adopt extremely risky methods of entry, such as hiding in the undercarriage of vehicles crossing the border. While these sort of entries represent only a tiny fraction of migrants who are considered to be 'irregular' in the UK, the *hypervisibility* of their entry has reinforced a disproportionate sense of anxiety relative to the number of migrants who travel this way.⁶² Illustrating illegal entry to the state also further exceptionalises this movement in the eyes of the public.⁶³ Our focus is drawn to the dangerousness of the movement, rather than the fact that it is the product of a system that normalises the impossibility of certain routes of entry.

⁶¹ L Schuster, 'Flight MH370 and the desperate demand for false passports', March 12, 2014 (The Conversation) <http://theconversation.com/flight-mh370-and-the-desperate-demand-for-false-passports-24244> (accessed 4th April 2018). See also, Thomas Gammeltoft-Hansen and James C Hathaway, 'Non-Refoulement in a World of Cooperative Deterrence' (2015) 53 Columbia Journal of Transnational Law 235, 246.

⁶² Anne Neylon, 'Producing Precariousness: "Safety Elsewhere" and the Removal of International Protection Status under EU Law' (2019) 21 European Journal of Migration and Law 1, 7.

⁶³ Martina Tazzioli, 'The Desultory Politics of Mobility and the Humanitarian-Military Border in the Mediterranean. Mare Nostrum beyond the Sea' (2015) 23 REMHU-Revista Interdisciplinar da Mobilidade Humana 61, 66.

In the video, 'Moving People', the right of individuals to enter the UK is presented. The video divides those seeking entry into three broad categories: those who seek to enter the UK because they are fleeing persecution, those who seek to enter the UK for other reasons, and EU citizens who at the time did not face the same barriers to enter the UK.

What is interesting about this video is that the examples that are used to illustrate the idea of fleeing persecution are many decades old. The persecution of Ugandan Asians under Idi Amin is presented as an early example of mass-expulsion of people from a state that resulted in an influx of refugees to the UK.⁶⁴ Another example that is used is the refugee crisis caused by the war in Kosovo. Therefore, while conflict and unrest are highlighted as historical reasons for flight from persecution, the video is silent on more recent refugee movements to Europe and the UK. Watching the video, one would not necessarily conclude that forced displacement is currently at an all-time global high.⁶⁵ While the video makes some acknowledgement of a right to seek asylum, this idea of providing protection from persecution is articulated more as a feature of past historical events as opposed to an ongoing obligation.

In the 'Dangerous Journeys' video, those who take sometimes life-threatening routes in order to enter the state are referred to as 'clandestine' or 'illegal entrants'. While in the video it is acknowledged that there is a 'pressure to emigrate', what this 'pressure' might be is not explored. No connection is made between 'illegal entry' and a need to flee as a result of war and civil unrest identified in the 'Moving People' video.

The video's portrayal of the methods through which non-regular entrants deploy to enter the country is full of contradictions. In the video, reference is made to attempts to enter in the back of or under lorries, as well as even more dangerous attempts, such as via the underside of the Eurostar. It is fairly clear that such efforts place migrants and refugees at risk of injury or death. Those speaking in the video suggest that enforcement of the border is essential in order to *protect* those attempting to enter in this way

At the same time, the border agents also make it clear that they are obliged to treat those who attempt to enter the state this way with suspicion. Thus those who enter in this way

⁶⁴ For more on this see, Mike Bristow and Bert N Adams, 'Ugandan Asian Expulsion Experiences: Rumour and Reality' (1979) 14 *Journal of Asian and African Studies* 191.

⁶⁵ United Nations High Commissioner for Refugees, 'Forced Displacement Worldwide at Its Highest in Decades' (*UNHCR*) <<https://www.unhcr.org/news/stories/2017/6/5941561f4/forced-displacement-worldwide-its-highest-decades.html>> accessed 27 May 2020.

must be viewed as potentially part of a smuggling or trafficking operation. As previously noted, irregular movements are usually viewed through a lens of criminality, even if those entering irregularly are doing so in order to seek asylum.

This double framing of 'illegal entrants' as both subjects in need of protection, as well as potential criminals, enables the Border Force to justify a number of methods and technologies to detect 'clandestine' movements – such as heartbeat monitors and carbon dioxide detectors.⁶⁶ Crucially, this means that the border agent does not have to distinguish between acts they carry out to protect the migrant and acts that are carried out to protect the border.

In recent years, the general public has become more aware of the technologies and the methods that are used at the border to detect illegal entry of goods and persons. The pervasiveness of reality TV in particular has contributed to this exposure. 'Securitainment' programmes are a dramatization of the power that is enacted at the border.⁶⁷ With these reality TV programmes, the viewer is made a part of the process, another set of eyes, witness to the spectacle of the enactment of the border. In the BFM, the visitor is invited to go a step further than this, and assume the gaze of the border agent themselves, and become the arbiter of 'legality' and 'illegality'.

With many reality TV shows, it can be difficult to identify what is 'reality', and what is the story that the production team wishes to tell. The BFM, with its interactive games and their bright colours and cartoon imagery, portray the policing of the border as an almost surreal exercise. In this exercise the *consequences* of the border almost disappear. For the purposes of the games, protecting the border prevents criminality. The newer audio-visual presentations on human migration do provide a more realistic portrayal of how borders are experienced by those who cross them. However, the simplistic binary of 'legal vs illegal' portrayed in interactive games, focusing on the smuggling of goods, maps directly onto a narrative of 'legal vs illegal' entrants. In these videos, responsibility for the danger and the poor treatment that migrants experience does not lie with those who enforce the border, it lies with those who dare to cross it. Again, we return to reflect on the work of Orford as well as De Genova's Border Spectacle, to consider how this reduction of migratory movements to

⁶⁶ 'Eight Men Found in Lorry at Poole Port after Police Helicopter and Border Force Called to Scene' (*Bournemouth Echo*) <<https://www.bournemouthecho.co.uk/news/18127769.eight-men-found-lorry-poole-port-police-helicopter-border-force-called-scene/>> accessed 27 May 2020.

⁶⁷ Yolande Pottie-Sherman and Rima Wilkes, 'Visual Media and the Construction of the Benign Canadian Border on National Geographic's Border Security' (2016) 17 *Social & Cultural Geography* 81, 83.

a binary associated with legality belies the violence of this dualism, the complex layers of international, regional, and domestic legal systems and political agreements at work that create a migrant who is simply either 'legal' or 'illegal'.

6. The 'emigrant' and the 'immigrant': constructing migratory narratives

On the same floor as the Border Force SEIZED! Exhibit is 'Emigrants to a New World', which takes a look at the lives of 19th century emigrants who travelled from Liverpool to America to begin new lives. The positioning of the exhibitions directly alongside each other is quite jarring (Figure 9). On the one side, we have an exhibit that emphasises the humanity and the struggle at the heart of any movement across a border that has been done so under duress. On the other side, we have the SEIZED! exhibit, where the humanity of the subjects is minimised and the necessity of the border is emphasised. Despite the contrast between how these groups are framed, from the perspective of the visitor it is not immediately apparent whether the curators of the museum are aware of the deep irony of this positioning. What is clear however, is that the visitor is invited to empathise with one group, but not the other.

The idea of empathy in the context of museum is a contested one. As Arnold-de Simone notes, empathy has very different meanings in different contexts.⁶⁸ In one of its earlier incarnations, empathy was linked to aesthetic theory and the effect that art has on human feelings.⁶⁹ In more recent years, it has been linked to capitalist values, where empathy is more about correctly reading what people's feelings are, where they are viewed as potential consumers.⁷⁰ In the context of museums, invoking an emotional connection with the focus of museum exhibits has played an important role in how exhibitions are constructed. Arnold-de Simone describes the emergence of a 'memory boom' alongside a 'museum boom', where there has been a greater focus on explorations of history through subjects' 'lived experience', with the intent of inspiring empathy and emotional connection among visitors.⁷¹

In 'Emigrants to a New World', the visitor is immersed into a simulation of the unsettling voyage across the Atlantic Ocean in a windowless vessel, followed by a journey through the poor living conditions awaiting the emigrants in the 'New World'. Referencing the work of

⁶⁸ Silke Arnold-de Simone, *Mediating Memory in the Museum* (Palgrave Macmillan UK 2013) 44-50.

⁶⁹ *ibid* 46.

⁷⁰ *ibid* 45.

⁷¹ *ibid* 17-18.

LaCapra, Simine refers to this kind of immersive experience as ‘secondary witnessing’.⁷² According to Simine, ‘[s]econdary witnessing implies listening to a testimony, empathetically reliving at least partly the emotions triggered from the initial event.’⁷³

Considering how rooted ‘Emigrants to a New World’ is in sensory-based memorialising, it is striking to note how different this presentation is from the BFM. In the BFM, modern-day immigrants to the UK are presented as problems to be dealt with. Their criminality is emphasised. They are portrayed as a threat to security. This is a clear example of what Bleiker *et al* have dubbed the ‘visual dehumanisation’ of the refugee and migrant.⁷⁴ The concept of visual dehumanisation highlights a correlation between the level of empathy that is felt toward refugees and migrants and whether they are presented in media imagery as an individual or part of a group. The larger the group becomes in an image, the inverse effect that it has on the level of empathy that is felt by the public. This is reflected in the BFM, where, unsurprisingly perhaps, the voice of the migrant is absent from the exhibition. Unlike the ISM and ‘Emigrants to a New World’, the visitor is not invited to put themselves in the position of the modern migrant to the UK. If the visitor is implored to empathise with anyone, it is with the Border Force agent.

Looking at the BFM alongside ‘Emigrants to a New World’, we can see that some of this difference in empathetic treatment is rooted in race. The emigrants from Liverpool are coded as white, while it becomes obvious that those migrants who are presented as crossing border irregularly in the Border Force exhibit are primarily black and brown.⁷⁵ However, in the context of the MMM as a whole, the ISM complicates such a straightforward account of racialisation.

There is a strong similarity between the sensory experience within the 19th century exhibit and the audio-visual element of the ISM, both centralising the personal experience of the subjects they present. In the latter, museum visitors are confronted with the sounds and imagery associated with the journeys forced upon those sold into the slave trade. This section of the ISM is deliberately unsettling and discomfoting, evoking a sense of the visceral, the body being pushed to its limits.

⁷² *ibid* 16.

⁷³ *ibid* 40–41.

⁷⁴ Roland Bleiker and others, ‘The Visual Dehumanisation of Refugees’ (2013) 48 *Australian Journal of Political Science* 398.

⁷⁵ In the images that are shown of migrants, especially those attempting irregularly cross borders, their faces are generally obscured or blurred, but their non-whiteness is quite apparent.

This sense of the personal is further emphasised in other parts of the exhibit where individual accounts of slaves are re-enacted by actors on screen. The scale of the struggle is clearly set out and the exhibit often emphasises the role that those of African descent had in the fight for freedom. This is a departure from other historical and dramatized accounts of the period elsewhere that focus more on the role of white people in the anti-slavery movement.

It is clear that in the ISM, great effort is made to ensure that the visitor has an emotional experience, with a strong sense of empathy, and perhaps solidarity, with those who are the focus of the exhibit. It is important to note that those who were transported across the Atlantic as slaves obviously did not choose to embark on their journey, unlike those who voluntarily left Liverpool in the 19th century. It is however worth noting that in both exhibits, the hardship and corporeal trauma associated with the nature of these journeys is emphasised. On the other hand, human movement in the BFM is presented through the lens of legality and the prevention of criminality. While there are moments in the border agent-narrated videos that suggest a sense of sympathy toward migrants, this is ultimately overtaken by an appeal to the rationality of the law, and its role in protecting the state's borders.

Thinking about these presentations together, there are a number of things that we can learn about the internal logic of the MMM that also has important implications beyond the museum space. Firstly, when movements of persons across borders are understood as historical events which are isolated to a particular period of time, there is a greater sense of the personal story having a significant influence on how that journey is understood. The reconstruction of these events through immersive audio-visual experience bring the suffering of both the 19th century emigrants from Liverpool and enslaved Africans into the present. While it would never be possible to fully understand the experience of either group, the sensory elements in both exhibits provide something beyond a bare account of historical events. In the BFM, on the other hand, modern migration to the UK is presented through the filter of the Border Force agent. While like the other portrayals, there is a sense of immediacy about these movements, this immediacy is viewed through a lens of security, and fear over the loss of control over borders. Thinking of the exhibits together, even though the visitor is invited to connect with the subjects of the ISM and 'Emigrants to a New World', there is also a sense of distance established between the visitor and these subjects, simply because so much time has passed. This is not the case with the BFM.

7. Organising the space of the museum and mirroring law and policy

It is not however just the detachment that comes from observing a representation of a historical experience that underpins the radically different approaches in the MMM. There is a further factor that allows for the co-existence of these exhibits, a factor which has been relied upon to implicitly explain away the apparent contradictory treatment of the subjects in the three exhibits already discussed – the use of the language of law.

In a space that so heavily relies on the idea of empathy in order to communicate particular historical and modern moments, the language and significance of law serves to dilute any sense of solidarity in the context of the latter. Historical migrants – racialised both as black and white – are subjects of empathy because they are not understood as acting illegally.⁷⁶ By contrast, contemporary irregular migrants – despite the concerns and experiences they share with the earlier period – are not subject to the same empathy because of their ‘illegality’. Instead, they must be dealt with through the mechanisms of ‘protection’ and ‘crime control’. This is linked with the unique power of the law to exceptionalise certain events, and treat them as particular moments that are unique and unconnected with the past. By entirely removing irregular migration from its wider social and material context, and simply casting it as ‘illegal’, it becomes possible to distance that migration decisively from previous waves of irregular migration. In this way, the MMM offers us a profound demonstration in how the law is central in manging the seemingly contradictory phenomenon of a state both ‘celebrating’ historical migration whilst simultaneously mobilising migration as a threat to be combatted.

Importantly, what occurs in the context of the MMM is a microcosm of the wider uses to which law is put in the management of migration. The law plays a central mediating role in the classification of migration as ‘good’ or ‘bad’. Those spontaneously seeking asylum at the borders of a state are often presented under ‘bad’ and disorderly forms of migration. We know this because asylum seekers who enter the UK in this way are subject to a parallel system where they are not permitted to engage in paid employment. If they are destitute, they must rely on a lesser welfare system that pays a fraction of the benefits available to the general population.⁷⁷

⁷⁶ In the United States, there was largely an absence of immigration law until 1870. Then, the Chinese Exclusion Act served to establish racial categories, implicitly approving white migration while preventing Chinese immigration.

⁷⁷ ‘Asylum Support’ (GOV.UK) <<https://www.gov.uk/asylum-support/what-youll-get>> accessed 28 May 2020.

On the other hand, we know that other kinds of migrant are thought of as good. If someone invests £2,000,000 or more in the UK, they can work or study without many encumbrances under a Tier 1 (Investor) Visa.⁷⁸ Many requirements that other visas are subject to, such as the need to have a sponsor, simply do not apply to this category of migrant. The more that someone invests under this scheme, the less time they also have to wait to apply for settlement. An investment of £10 million reduces the time to 2 years compared to the standard 5 years under the more common Tier 2 visa that most workers enter the UK under. There is, therefore, a stark distinction between the legal treatment of those with means and those without under the UK's migration rules.

There are other ways in which 'good' and 'bad' migration are communicated to us. Often, the benefits of particular migration flows are developed in hindsight. Resistance to the arrival of the Windrush generation is often glossed over, like in the 2012 Olympics opening ceremony. The way in which the Windrush was invoked in that context gave the impression that this arrival of 'sons of Empire' always inhabited an iconic historical status. However, Lowe points out that it was instead a more recent historical moment that concretised this association with the Windrush generation. While there were some papers that painted the *Empire Windrush* in a positive light, in reality, the media reaction to the arrivals at the time was quite mixed. It was not until the 50th anniversary of the arrival of the *Empire Windrush* in 1998 that it was exalted as a watershed moment in the history of British immigration.⁷⁹

Similarly, in the Emigrants to a New World exhibit in the MMM, this *ad-hoc* migration to North America is portrayed as a part of a nation-building process that was characteristic of the 19th century, but that is now considered to be in the past. The differentiation between past and present creates a schism, it is acknowledged that the mass movement of people *was* necessary, but in the present day there is a need to ensure a greater level of control over the manner of volume of migration to any given state.

The nature of migration, and whether it is considered to be 'good' or 'bad' is thus closely tied to a sense of time and a division between what is 'past' and what is 'present'. I have already noted how this in turn has been presented in a way that maps on to emotions and feelings of solidarity and empathy (relating to the past), as well as an absence of

⁷⁸ UK Visas and Immigration, 'Tier 1 (Investor) of the Points Based System Policy Guidance', Version 10/2010 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834448/Tier_1_Investor_guidance_10_2019_v0.1.pdf. (A new Tier system is set to be introduced in January 2021, but at the time of writing, the final text of the rules is unconfirmed).

⁷⁹ H Lowe, "'Remembering the ship": Narrating the Empire Windrush', (2017) *Journal of Postcolonial Writing* 1-15, 1.

these feelings (relating to the present). With the former, oppositional feelings are inspired – a sense of pride in the ‘pioneering’ spirit of the 19th century emigrants on the one hand – and on the other, a sense of shame associated with the history and the legacy of slavery in Liverpool. In contrast, an absence of moral responsibility towards migrants is fostered through the language of security, criminality, risk, and an overarching existential threat to the state itself.

Yet this distinction between ‘past’ and ‘present’ is artificial. It is impossible to draw a line under the ‘historical’ existence of slavery. The ripples and the echoes of the practice are felt at many different levels, including the laws governing migration legal status. The Windrush generation are the descendants of slaves, forcibly brought from Africa to the Caribbean, a part of the larger British colonial project. The experience of the Windrush generation reminds us that we cannot simply compartmentalise various periods of emigration, immigration, and the forced movement of slaves across international borders. What connects these events is a core ideology that enables judgments to be made about individuals’ value and worth at the point that they cross a border. In this way, we are once again reminded of the prominence of devices in the SEIZED! Exhibition that weigh, measure, and evaluate, all that enters the state.

In the Windrush scandal we can thus observe the close connection between perceptions of time and of migration law. With the arrival of the Windrush passengers, there was a kind of ‘resetting’, where the story that was told was about the arrival of British subjects to help rebuild post-war Britain. In this story, a kind of mutual benefit was presented – the country getting the labour power that it needed at the time, and the new arrivals getting the opportunity to begin a new life. This story was disconnected from the history of slavery that brought the ancestors of the Windrush generation to the Caribbean and reconstructed this event as reaping the benefits of the legacy of empire. However, as time moved on, the effect of constantly revised immigration laws was to expose the Windrush generation and their children to the precarious experience of persons ‘subject to immigration control’.⁸⁰ In this way, time was once again reset. While there was a perception that the Windrush generation would not be subject to this categorisation, the enforcement of the Hostile Environment policies revealed this not to be the case. The Windrush generation – categorised as a historical exception to the more ruthless effects of immigration laws – found themselves at the sharpest edges of

⁸⁰ The 1962 Commonwealth Immigrants Act made a distinction between citizens of the UK and the Commonwealth on the one hand and citizens of independent Commonwealth countries on the other. Further restrictions applied in subsequent legislation.

the enforcement of these rules. Thus, perceiving the Windrush examples as something past and not subject to current law (at least in the same way), emphasises the problem with the silo-ing of historical events and not understanding them as part of a longer continuum.

This connection between time and migration law, however runs deeper than the mere *perception* of migration law. In particular, time and the construction of particular temporalities are used on an everyday basis as a kind of disciplinary influence over the behaviour of migrants and refugees. For example, if an asylum seeker does not lodge their application for protection immediately upon arrival to the UK, this is interpreted by the state in a negative light.⁸¹ From the perspective of the state, a person in genuine need of protection would have lodged their application immediately. A late application, therefore, is viewed as an indication that the need for protection itself is not immediate.⁸² This approach however fails to understand the various reasons that an individual may have to delay lodging an application, including the impact that the trauma of persecution may have had on them.⁸³

With the implementation of the Hostile Environment, and the subsequent Windrush scandal, it became apparent that a person can shift from the category of 'legal' to 'illegal' without any clear indication that anything has changed. This in turn emphasises the passing of time as a key basis for legal punitiveness. More recent immigration laws and policies, including the Hostile Environment, seek to give the impression that the state has established an immigration system that can easily distinguish the 'legal' from the 'illegal'. This bifurcation is then translated into the idea that 'legality' can be easily evidenced by someone subject to the scrutiny of the state, or in the case of the Hostile Environment, even the scrutiny of a private citizen.⁸⁴ This in turn ignores the fact that many have been living in

⁸¹ s.55 Nationality, Immigration and Asylum Act 2002.

⁸² Similarly, late disclosure of information relating to the asylum claim is assumed to be evidence that the asylum seeker has fabricated the claim. See Diana Bögner, Chris Brewin and Jane Herlihy, 'Refugees' Experiences of Home Office Interviews: A Qualitative Study on the Disclosure of Sensitive Personal Information' (2010) 36 *Journal of Ethnic and Migration Studies* 519.

⁸³ As Griffiths also notes, asylum seekers and other migrants often experience time differently, as long stretches of nothingness are swiftly followed with periods of frenzy when they finally receive a decision about their legal status from the authorities. See Melanie BE Griffiths, 'Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees' (2014) 40 *Journal of Ethnic and Migration Studies* 1991, 1993–2001.

⁸⁴ For example, under s.33A of the Immigration Act 2016 creates a criminal offence or fine of up to £3,000 for landlords who rent to those who do not have 'right to rent', as designated in the Act. This has resulted in racial profiling as well as human rights abuses, see 'Right to Rent Scheme Violates Human Rights Laws and Causes Discrimination, High Court Rules' (*The Independent*, 1 March 2019)

a state of presumed legality, without the need for paperwork to evidence the fact. The sudden demand for formal evidence of legality, or even the idea that this could be a possibility for many people, either fundamentally misunderstands historical immigration arrangements, or is wilfully ignorant of them.⁸⁵ The Windrush scandal in particular reminds us that immigration systems can seemingly be wiped clean and ‘reinvented’ when the state wishes.

Here again, we can see opposing perceptions of temporality between the state and migrant/citizen-migrant. For the state, time is effectively reset when new immigration legislation is established. While the legislation may apply to everyone deemed to fall into the category of ‘migrant’, there is also a sense that the state only has ‘current’ and ‘future’ migrants in mind. In a global system that prioritises deterrence of migration, the primary focus is how to speed up the return of migrants to their country of origin, or make the country more difficult or less desirable to enter. Something that becomes more difficult for the state to respond to, or even consider in this context, is the idea that there are migrants that are wanted, or even needed.

Referring to how history has faded with the advance of the immediate, Debord wrote in *Comments on the Society of the Spectacle*:

When social significance is attributed only to what is immediate, and to what will be immediate immediately afterwards, always replacing another, identical, immediacy, it can be seen that the uses of the media guarantee a kind of eternity of noisy insignificance.⁸⁶

This observation resonates strongly with a news cycle that is constantly communicating a ‘crisis’ in inward migration, including the number of refugees arriving. As already noted, refugee arrivals by boat to countries like Australia, Canada, and the UK, are presented in the news as spectacular crises. The numbers of migrants and refugees arriving in this manner are presented as inherently unacceptable, even when, as is the case in most contexts, boat arrivals account for a tiny fraction of overall migration numbers, or even numbers of people

<<https://www.independent.co.uk/news/uk/home-news/right-to-rent-scheme-human-rights-violation-racist-foreign-citizens-court-a8802666.html>> accessed 28 May 2020.

⁸⁵ The House of Commons Home Affairs Committee have noted that the circumstances and legal structures in place which created the Windrush Scandal continue to exist, and in turn, pose a threat to EU citizens living and working in the UK in good faith. Home Affairs Committee, ‘EU Settlement Scheme’ <<https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/1945.pdf>> accessed 21 November 2019.

⁸⁶ Guy Debord, *Comments on the Society of the Spectacle* (Verso Books 1998) 15.

who are travelling to seek refugee protection.⁸⁷ Boat arrivals are not a new phenomenon⁸⁸, but they are constantly communicated as unprecedented, dangerous, and an attack on states' sovereign borders. By prioritising the spectacle of these kinds of arrivals, there is inevitably less attention directed to the causes for these kinds of movements – the ubiquity of non-entrée policies, and in particular the lack of access to regularised routes of entry.

Again, this constant focus on the immediate draws all attention away from historical migration, and the myriad of contexts under which migrants have travelled to Britain. Constant immediacy does not allow room for reflection and consideration of individual circumstances – it requires reaction. In any given moment, the only concern is to respond to the newest migrants. Cycles of immediacy mean that the migrant is constantly being reinvented under law – they embody the newest threat the state perceives. This, in turn, maps on to the ever-increasing number of statutes on immigration, asylum, and citizenship in the UK. The rate at which these laws have been updated has been particularly frenetic since 1996 and the rise of public anxiety about the number of people seeking asylum in Britain, highlighting how cycles of immediacy relating to immigration have a direct impact on the legislative framework.⁸⁹

A lack of responsibility with respect to the exploitation of labour under the conditions of colonialism helps to reinforce a perspective of migrants as a resource to be exploited – occasionally useful, but ultimately disposable. Over time, this has a cumulative effect of dissociating specific historical migration movements from the present context in the collective consciousness. This was evident from the effects of the 2014 and 2016 Immigration Acts, where the Hostile Environment had a particularly punitive effect on the Windrush generation, as well as other non-Caribbean Commonwealth immigrants.⁹⁰ In particular, the Windrush generation were lauded for their contribution as workers helping to rebuild after the Second World War, yet they and their children continued to face the prospect of social death as a result of the Hostile Environment laws and policies.

⁸⁷ Richard Pérez-Peña, 'As Migrants Reach U.K. by Boat, Numbers Are Small but Worry Is Big' *The New York Times* (31 December 2018) <<https://www.nytimes.com/2018/12/31/world/europe/uk-english-channel-migrants.html>> accessed 28 May 2020.

⁸⁸ See for example the case of the SS *St Louis* and its attempts to seek refuge in North America in May 1939, Sarah A Ogilvie and Scott Miller, *Refuge Denied: The St. Louis Passengers and the Holocaust* (Univ of Wisconsin Press 2010).

⁸⁹ From 1996-2016, there have been 9 immigration-related acts, most implementing major changes to rules about migration, asylum, and access to British citizenship. This compares to 7 acts between the previous period of 1962-1990.

⁹⁰ Wright, Robert, 'Windrush Scandal Spreads to Other Commonwealth Countries' *Financial Times* (24 April 2018).

The constant compulsion to reconstruct the law in response to the ‘newest’ migrants reinforces the idea of migrants as a homogenous group, and crucially, a group that is potentially ‘illegally’ present, and therefore removable. It is in this context that the enforcement of the Hostile Environment is particularly pernicious. However, this perniciousness also reveals the effectiveness of this policy. Ties and reflection on past events, legacies of slavery, and even the relevance of the historical development of immigration law would only work to slow down what is an efficient machine, concerned only with its internal rationale of reducing migration. This machine is unconcerned with issues such as the length of time since migrations have occurred, or the particular context and reasons for movements.

In the MMM, the BFM is as physically and conceptually far from the ISM that the confines of the building will allow. This in turn reflects the distance that the state projects between the laws and policies that undergird the Hostile Environment, and the colonial legacies that have shaped them in the longer term. At the same time however, these exhibits operate within the same construct, where the dictates of capitalism determine the way that human movement occurs.

8. Conclusion

In February 2020, it was reported that the ISM may move from the MMM to its own space in the nearby Dock Trade Office, which was used as the ITV Granada studios up until 2008.⁹¹ This move would mark a departure from the dynamics of the original museum, physically removing it from the space within the MMM, where the contradiction between the ISM and the BFM was so keenly felt. By situating the ISM in the space of a former TV studio however, there is a persistent connection to the spectacle and power of the media to create those images in one’s head. This move also links back to where this article began – the globally televised screening of the 2012 London Olympics opening ceremony.

There we saw how various perceptions of time, history, and connection to territory have underpinned the state’s self-imaginary and its self-presentation. The spectacle at the opening ceremony conveyed the kind of selective memory that has attached to that moment in history. That imagery was not burdened with the larger context in which the Windrush arrival to Britain is entrenched. It did not ask the spectator to think of the role that Britain

⁹¹ ‘Former ITV Granada Studios on Albert Dock Set to Be Transformed - Liverpool Echo’ <<https://www.liverpoolecho.co.uk/news/liverpool-news/former-itv-granada-studios-albert-17750232>> accessed 28 May 2020.

played in forcing the ancestors of the Windrush generation from Africa to the Caribbean. By using the MMM as the lens through which to explore the nature of the spectacle, we observed the embodiment of the silo-ing of key moments that have influenced the rules relating to citizenship, belonging, and ultimately, the clearest example of the weaponisation of immigration law against black Britons.

As this article has shown, it is crucial to challenge the dissonance that has been created between the legacy of slavery, empire, colonialism, and the rules that determine who 'belongs' in the state and who does not. It is for this reason that the BFM cannot be thought of in isolation. It's portrayal of the border plays a part in the creation of peoples', 'pictures in their heads' of the border, migration, and its effects. Importantly, the BFM does not dwell on the latter, choosing instead to reinforce the idea of the border as the last (and first) line of defence against an imagined loss of security, sovereignty, and moreover, the elusive concept of 'control'. Crucially, by construing migrants as a threatening force, the BFM legitimates many of the choices that have been made in relation to the operation of the state's immigration laws and policies.

Moreover, the exhibit seeks to present an uncomplicated image of who is treated as a 'migrant' under UK law, portraying the vision of a mass of strangers seeking to illicitly transgress the borders of the state. The reality is far less straightforward, illustrated most clearly by the Windrush generation, whose status suddenly shifted from ostensible British citizen to illegally staying migrant as a result of a complex and ever-changing system of laws and policies. The lack of connection to history and gaps in institutional memory were highlighted in a damning independent inquiry into the handling of the Windrush scandal published in March 2020.⁹² The report stated that within the Home Office, there was an, 'institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation within the department, which are consistent with some elements of the definition of institutional racism.'

The effect of law and legal language in the BFM therefore is to sever connections and associations with the colonial legacies articulated in the ISM. In the BFM, law is used to manage the contradiction that exists between the ISM and the BFM. Yet, as we have seen, many of the concerns raised in the context of the ISM cleave directly on to the framing within the BFM – commodification at the border, the dehumanisation of those that cross it,

⁹² Williams (n 4).

and the way in which economic necessity and practicality is used as a defence for such actions.

The power of the museum therefore, to filter information in order to further the core aims of the state power is evident within the walls of the MMM, and particularly in the BFM. Equally however, it is possible to think of the museum in a different way, making connections to the legacies that have shaped the present. We can take these critiques beyond the space of the museum, challenging how we understand and accept laws and policies targeted at migration. The intersection of the Windrush scandal and the UK's Hostile Environment policy shows that it is not only possible to think of migration as rooted in a variety of historical moments, but imperative to do so.

We have an obligation to connect all critiques of immigration laws to a longer timeline, and to understand the various ways in which 'forced migration' has presented itself throughout time. Whether that is forced movement through the international slave trade, forced movement because of economic and/or environmental factors, or forced movement because of the need to flee persecution – we must think of how circumstances inherently linked to historical disparities in power have shaped today's migratory movements. This in turn calls for a movement away from hegemonic histories, and a critique of whose voices tend to dictate how knowledge of history is produced.⁹³ In other words, thinking also needs to be influenced by a *diversity* of timelines.

In this article, I have drawn on a complex range of evidence in order to develop a set of arguments that support the core idea, that the practice of institutional forgetting is not a design flaw of immigration law and policy sparked by the introduction of the Hostile Environment, but a feature of the system that it inhabits. I have detailed that it is predicated on the requirement to continually and deliberately wipe key historical and legal events from memory in order to reinforce a false dichotomy of 'legal' and 'illegal'. While thinking of immigration law and policy along a different timeline and linking decisions to historical responsibility is not in itself a solution to the injustices created by the immigration system, it is an important starting point. Thinking must move to the broader historical continuum and beyond the logic of security and exclusion, or the future will bring many more tragedies and destruction of lives.

⁹³ See Priyamvada Gopal, *Insurgent Empire: Anticolonial Resistance and British Dissent* (Verso Books 2019). Gopal details how those enslaved and colonised by British Empire were key actors in their own liberation, and key influences for the development of the anti-colonial movement in Europe. This account disrupts the hegemonic account of Britain gifting freedom and decolonisation to passive subjects in the colonies.

Figure 1



Figure 2



Figure 3



Figure 4

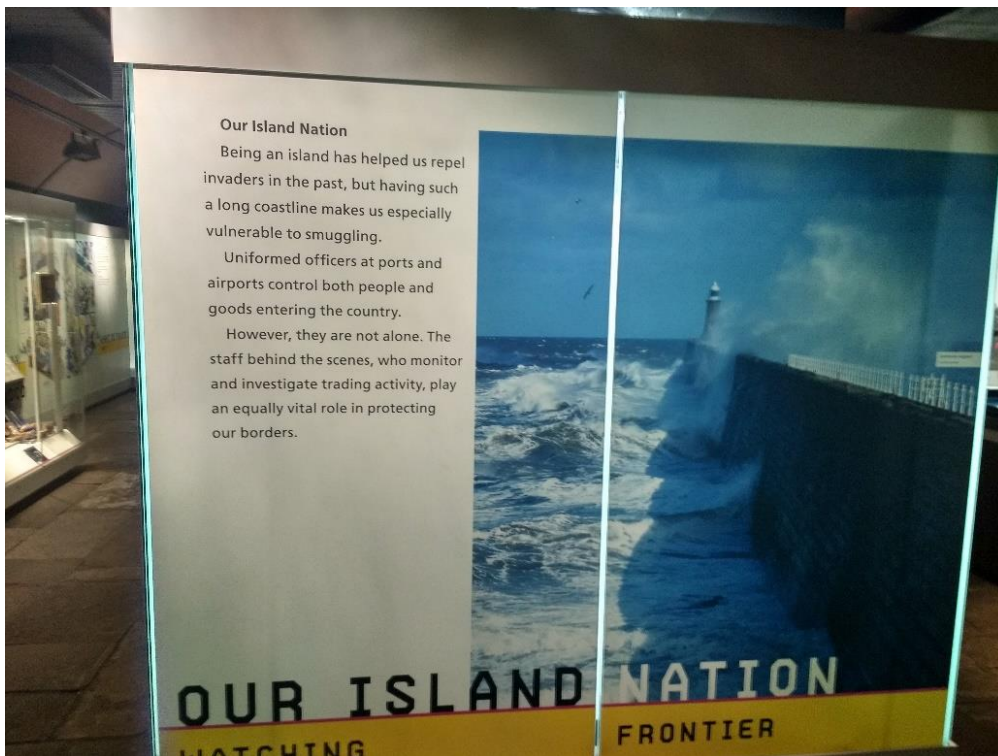


Figure 5

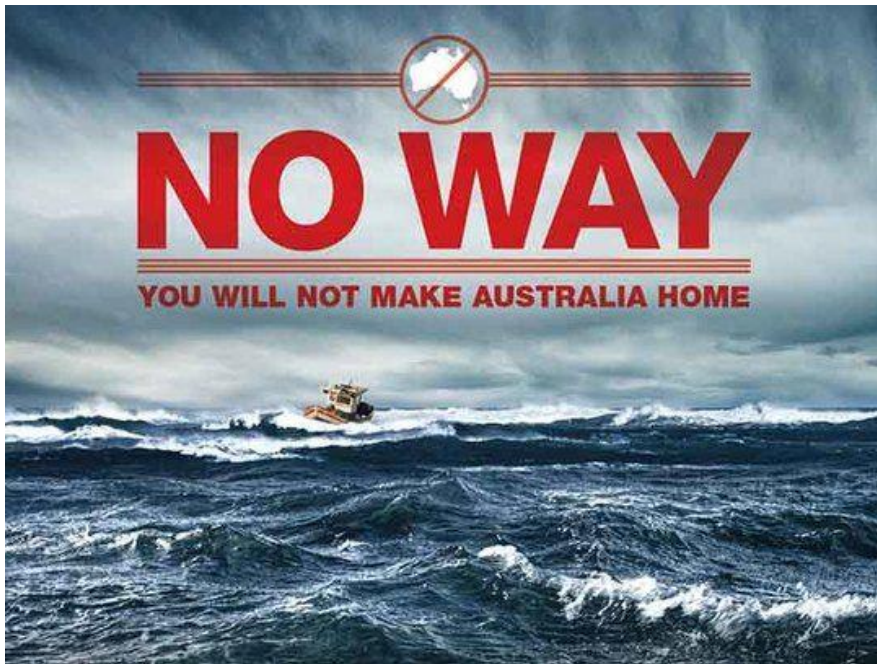


Figure 6

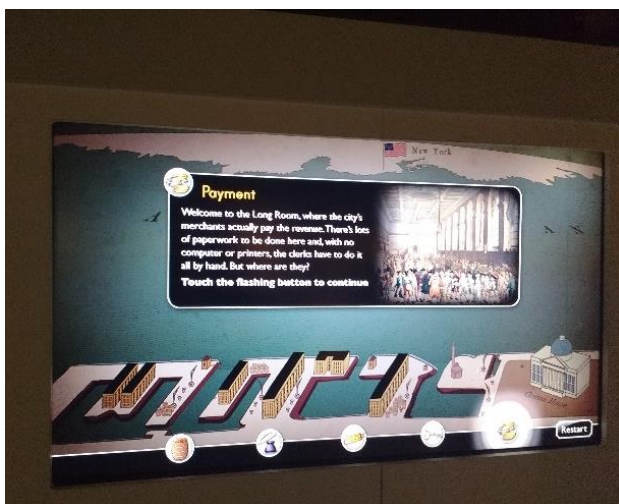


Figure 7

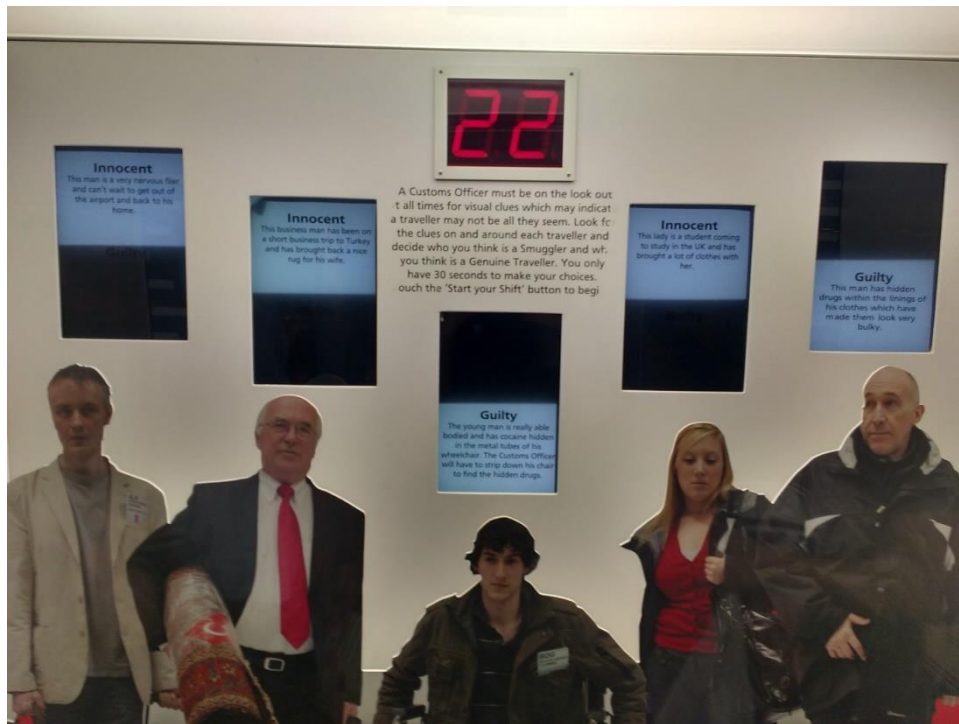


Figure 8

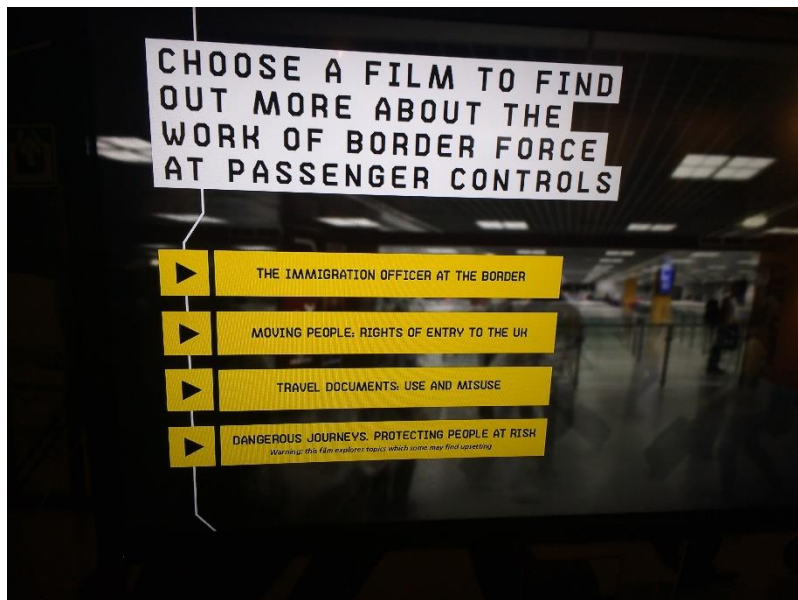


Figure 9

