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## Migrancy Experience and Human Rights Imaginaries: Globalized Narratives of Migration and the Legal Formation of Subjects 'on the Move'

Since the early modern period, the law has been crucial in defining the legitimacy of movement across and settlement within territorial borders thus creating various legal figurations of 'subjects on the move', e.g., the vagrant, the refugee, the nomad, the guest worker, the asylum seeker. (Fitzpatrick 2001). As Thomas Nail has argued, these examples may be looked at as specific historical and cultural variants of the central signature figure of human mobility: 'the figure of the migrant' (Nail 2015).

The continuing legal formation of legitimate and illegitimate migration not only informs dominant political narratives and cultural metaphors about the figure of the migrant, it also shapes the ideological imaginaries of migrancy in the age of globalization. Migration as a global phenomenon is thus not just a result of international statistics of mobility and the transnational transfer and counter-transfer of conceptual debates about migration policies and border control. It is also constructed by globalized narratives of migration which are produced by, and circulated in, global media and communication networks, as well as globally distributed cultural and artistic forms of representation, including literature, film, and television series. Indeed, migrancy has become a global story space. As Néstor García Canclini (2014) has emphasized, the fundamentally ambivalent nature of globalization in regard to migration is most of all reflected in the conflict between official and dominant imaginaries on the one hand, and the counter-imaginaries informed by the voices and experiences of migrants themselves – stretching across a broad range of sources and forms, including (auto-) biographical documentaries, but also literary fictions, visual representations and art works.

In regard to the role of law in the formation of legal 'subjects on the move,' this conflict between different imaginaries and figurations has become most prominent and resonant in the field of human rights. Provocatively speaking, over the last two decades the 'figure of the migrant' has become the central imaginary figuration of the subject of human rights, precisely because the universal acknowledgement of migrancy as a human rights issue, as the UN stated in 2001, has "remain[ed] scattered, fragmented and relatively limited in impact" (Appleyard 2001).

From this perspective, a global literature of migration – especially in its Anglo-American forms, genres and distribution – has established itself as an important medium and voice within the larger context of human rights and literature, fostering strong arguments for the necessity of alternative and more extensive formations of legal subjectivity and the migrating subject(s) of human rights.

Our joint presentation will focus on the alternative ways in which 'subjects on the move' are imagined and proposed by legal and literary narratives of migration. More specifically, we are interested in exploring how literary fictions negotiate and reflect the contradictions and conflicts inherent in the formation of migrant subjectivities by the law, and how literary texts, especially in the context of activist networks and transnational writing and reading, present and suggest alternative forms of migrant subjectivity and agency.

Consequently, we would like to base our comparative discussion on various literary fictions from rather different backgrounds and contexts because they obviously share a fundamental interest in human rights and migration, as well as a strong commitment to Jacques Rancière's challenging question "who is the subject of the rights of man?" (Rancière 2004). In comparing writings from the U.S.-Mexican border space with European and African texts concerned with migrancy experiences, we attempt to argue for and critically acknowledge the commonalities of an emergent corpus of human rights literature in the field of global migration.

### *Literature*

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García Canclini, Néstor. *Imagined Globalization*. Durham: Duke UP, 2014.

Nail, Thomas. *The Figure of the Migrant*. New York: Columbia UP, 2015.

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## Short Bio / Contact

### **Peter Schneck**

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Peter Schneck is Professor and Chair of American Literature and Culture at Osnabrück University, and currently the director of the Institute for English and American Studies. After studying American Studies, Media and Communication Studies at the Free University Berlin and Yale University, he received his Ph.D. at the FU Berlin. Between 1997 and 2006 he taught at the Amerika-Institute at LMU Munich where he concluded his postdoctoral thesis (Habilitation) and worked as an assistant professor. Publications include *The U.S. and the Questions of Rights* (Heidelberg 2020; co-ed); *Rhetoric and Evidence: Legal Conflict and Literary Representation in American Culture* (Berlin, 2011); as well as articles on cognitive poetics, literature and visual arts, media history, cultural studies, and law and literature. In 2009, he founded the Osnabrück Summer Institute for the Cultural Study of the Law (OSI). Since 2019, he has been leading a research group at Osnabrück University on the formation and function of literature as property within the context of the Collaborative Research Centre (SFB 1385) "Law and Literature," hosted by the WWU Münster and funded by the German Research Foundation (DFG).

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Laura A. Zander is a Postdoctoral Research Fellow at the Collaborative Research Centre (SFB 1385) "Law and Literature" at the University of Münster, funded by the German Research Foundation (DFG). She holds an M.A. in English Literature and Linguistics and both state examinations in Law after completing her postgraduate judicial service traineeship. After receiving her PhD by the faculty of language and literatures at the University of Munich (LMU) she worked as a lecturer in the English Department. She also worked as a research assistant and taught at the Faculty of Law at the Universities of Munich, Frankfurt and Saarbrücken, for a master's program in Digital Forensics. Publications include *Writing Back / Reading Forward: Reconsidering the Postcolonial Approach* (Berlin 2019), as well as articles on law and literature, postcolonial studies, as well as South African and Caribbean literature.

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