

'Tropicália' and the Afterlife of Slavery: Toward an Enfleshed Political Theory of Migration

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Abstract: This article argues that the killing of Moïse Mugenyi Kabagambe at the 'Tropicália' kiosk in Rio de Janeiro exposes a constitutive limit in dominant normative theories of migration. Rather than treating the case as an episode of private violence or labor conflict, it reads 'Tropicália' as a scene in which border regimes operate beyond territorial admission, through racialized labor, documentation, policing, and everyday vulnerability. In doing so, the article challenges idealized and presentist approaches that evaluate migration primarily through questions of admission, state discretion, distributive duties, or the existence of a right to migrate. Such approaches misidentify the wrong at stake when they detach borders from the afterlife of slavery, colonialism, and Brazil's nineteenth-century projects of whitening and immigrant selection. The analysis unfolds in three steps. First, it reconstructs the limits of ideal theory in migration ethics and defends a non-ideal, reparative, and enfleshed mode of theorizing. Second, it traces how Brazilian nation-building produced a racialized grammar of desirable and undesirable mobility. Third, it reads the judicial archive of Kabagambe's murder against the grain, showing how legal and social narratives reproduce the very regimes of disposability they purport to document. The article concludes that an adequate political theory of migration must shift from admission-centered debates toward historically indexed duties of acknowledgement, repair, and institutional transformation.

Keywords: Migration; border regime; immobilities; afterlife; political theory of migration.



Introduction

By placing Brazil, and particularly ‘Tropicália’, at the center of a normative political theorization of migration, this article presents itself as a critical experiment that seeks to comprehend and name current border ‘regimes of immobilities’ and the marking of immigrants as undesirable as constitutive aspects of the ‘afterlife of slavery’ and its enduring ‘pacts’¹. This purpose forms part of a broader theoretical argument about normative political theories of migration in the following sense². By engaging with the specific event of January 24, 2022, when Moïse Mugenyi Kabagambe was tragically killed at ‘Tropicália’, this article seeks to question the limits of theoretical approaches that transform the normative significance of undesirable migration into presentist and idealized accounts centered on distributive justice and grounded in post-Rawlsian theories of global justice. This critique challenges the reduction of border violence, oppression, and injustice to questions such as whether democratic states can justifiably close their borders to individuals deemed undesirable (BLAKE, 2013; CARENS, 2013; MILLER, 2016; WELLMAN and COLE, 2011); whether states may set criteria for determining the desirability of prospective entrants (BLAKE, 2014; MACEDO, 2011; MILLER, 2016); whether borders are inherently coercive (ABIZADEH, 2008; MILLER, 2010); or whether states have special distributive duties to their co-citizens (ABIZADEH and GILABERT, 2008; HIDALGO, 2013; MACEDO, 2007; MILLER, 2005).

To frame this theoretical intervention, the article draws on Saidiya Hartman’s conceptualization of the ‘afterlife of slavery’, which denotes “the skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment” that continue to endanger Black bodies and Black lives across temporal and geographic contexts (HARTMAN, 2007, p. 06). As Christina Sharpe emphasizes, these conditions “are not, and never have been, evenly distributed” (SHARPE, 2016, p. 55). In tracing the contours of the afterlife of slavery, this article situates the impossibilities and immobilities that shaped Kabagambe’s fate at ‘Tropicália’ within the broader context of contemporary border regimes.

¹Several people have engaged generously with this article at different stages of its development. I am grateful to the colleagues who discussed an earlier version of the paper at ABCP, and particularly to Luciana Ballestrin and Flávia Biroli for their reception of the paper, and to Álvaro Bianchi for his questions and comments. I also thank Ina Kerner for her thoughtful observations during the Kolloquium Politische Theorie (2023), as well as all the participants in that event. My deepest thanks go to Lucas Petroni, whose careful and generous engagement with the successive drafts of this article has been invaluable.

²Here, I propose to employ the terms ‘normative political theory of migration’ and ‘ethics of migration’ interchangeably (CARENS, 2013; SONG, 2018). Political theories of migration, in their diversity, seek to explore some of the ethical, moral, and normative questions raised by immigration and emigration.

At the center of this analysis is ‘Tropicália’³, a kiosk in the neighborhood of Barra da Tijuca, Rio de Janeiro, where Moïse worked and ultimately lost his life. Years earlier, after his grandmother was killed during a period of political violence in the Democratic Republic of Congo, Moïse and his family fled Bunia and sought refuge in Brazil. According to his relatives, he was killed in a brutal dispute over unpaid wages at ‘Tropicália’, where he had worked informally as a waiter. As a person in diaspora, Moïse lived and died in a world bordered by nation-states that claim the right to control the movement of people, navigating multiple borders throughout his life. At the border of citizenship, he was a Black man but also a ‘no-body’ (SILVA, 2014), occupying the ‘no-space’ (SHARPE, 2016): no rights as a worker, no full citizenship, no humanity, no access to the terms that framed his body, existence, identity, and destiny.

While this analytical vocabulary resonates with a well-established Brazilian tradition that explores the intersections of human mobility, race, and slavery⁴, the aim here is to relocate the debate within political theories of migration. Developed in dialogue with migration theorists who have criticized approaches that “considered only the justice of hypothetical people crossing hypothetical borders” (REED-SANDOVAL, 2016, p. 374), the article’s central claim is that ‘Tropicália’ cannot be rendered intelligible, much less normatively evaluated, within the dominant presentist, ideal-theoretical and distributivist grammar of political theories of migration. The article develops this claim through three interconnected sections.

The opening section, ‘To begin: returning to the ethics and politics of migration’, reads the killing of Moïse Kabagambe at the ‘Tropicália’ kiosk as a normative stress test for the field’s dominant grammar. It argues that mainstream Rawlsian and post-Rawlsian ideal theory – inasmuch as it treats border regimes primarily as schemes of legitimacy and distribution under conditions of full compliance – fails to register what such a scene discloses in contexts shaped by the afterlives of slavery. Ideal theory, with its ‘view from nowhere’, misidentifies both the relevant wrong and the appropriate burden of justification because it asks whether exclusion could be permissible under full compliance while screening out the sociohistorical mechanisms through which (social) ‘illegality’, vulnerability, and disposability are produced and stabilized. This is why the reconstruction of what happened at ‘Tropicália’ is not merely contextual. It provides the basis for re-specifying what justice must track and for motivating a reparative and enfolded approach attuned to demands for recognition and to the

³‘Tropicália’, or ‘Tropicalism’, is also an unruly and beautiful artistic movement inspired by the fusion of Brazilian popular music and British rock. Here, I use the term as a critical tool to address the juxtaposition of ‘sorrow and mirth’ and the ‘festive and the obscene’ (HARTMAN, 2022), a juxtaposition that enables a place like ‘Tropicália’ – defined as part of the afterlife of slavery and its pacts – to be the very place where Moïse ‘could not have lived a beautiful life’ (HARTMAN, 2019).

⁴The analytical and terminological efforts in this text align with a tradition in migration studies in Brazil, particularly, though not exhaustively, in works such as those by Jensen (2023), Joseph (2017), Martuscelli (2019), Fernandes and Pachi (2021), Fernandes (2022), Tavares (2022), Silva (2020), Marinucci (2018), Martínez and Dutra (2018), and Miranda (2021).

forms of oppression to which people marked as disposable, like Moïse, are routinely subjected.

The second section, 'Border Regimes and nós, os brasileiros, son una herida abierta', turns to the nineteenth-century political struggles between reformist and immigrantist projects that forged Brazil's racialized border regime. By revealing what idealized political theories of migration miss when they abstract from the historical and racial conditions under which border regimes operate, 'Tropicália' thus appears not as an isolated episode but rather the contemporary expression of a long-standing pact that marks certain bodies and lives as both a 'problem' and a disposable, 'undesirable life'.

The final section, 'The pastness in the contemporary regimes of immobilities', interrogates the judicial archive⁵ surrounding the murder of Moïse Kabagambe. The analysis proceeds in two stages: first, through a review of the electronic case files; and second, through an 'against-the-grain' reading of those documents within a critical-hermeneutic framework inspired by Hartman (1997)⁶. Rather than treating the archive as a neutral repository of facts, I approach it as a racialized text whose omissions and emphases reenact the very border regime under examination.

To conclude, revisiting Joseph Carens's (2013; 1987) claim that citizenship operates as a feudal privilege through the afterlives of slavery reveals that this privilege is not reducible to the distributive, but rather racially produced and historically sedimented. Any adequate political theory of migration must therefore be both enfolded and reparative: one that, while advancing an open and collective agenda, specifies historically indexed duties of acknowledgement, repair, and institutional transformation commensurate with the particular scenes of injustice sustained under the border regime at 'Tropicália'.

To begin: returning to the ethics and politics of migration

Moïse Kabagambe's death at 'Tropicália' underscores the need to confront the normative questions raised by the construction of border regimes in Global South contexts, where the colonial past remains present and continues to structure political life. It is precisely the normative demands and dimensions of this continuity that elude

⁵The evidentiary corpus is confined to public, traceable records generated by the Rio de Janeiro courts in Criminal Case N° 0022825-61.2022.8.19.0001 (BRAZIL, 2023). It comprises the following materials: the full digitized proceedings and annexes (pp. 01-1770); and closed-circuit video footage from the 'Tropicália' kiosk, appended to the file and later broadcast nationally. All quotations reproduce the archive's original orthography; page citations follow the internal pagination of the electronic case file. The English translation of this passage, as well as of all others throughout the manuscript, is my sole responsibility.

⁶For a more detailed examination of Hartman's methodological contributions, see Ventura (2025; 2024).

traditional frameworks within political theories of migration, thereby exposing a central limitation in the field's dominant idiom.

In the standard model, a border regime is defined as a set of norms, rules, and procedures that apply to those on the move and to those attempting to enter a state's territory. On this understanding, the theory's core questions include who has the authority to grant legal permission to enter, which principles justify the legal rules governing admission and naturalization, and what should happen to individuals present in the territory without legal rights of residence (MILLER, 2016). Idealization has served as the methodological response 'par excellence' to these questions within mainstream migration theory⁷. Rooted in Rawlsian and post-Rawlsian debates about global justice, this ideal-theoretic orientation continues to supply the field's default questions and justificatory repertoire – state legitimacy, citizens' duties, and migrants as rights-bearers – and remains the primary site in which methodological exclusions become systematically entrenched (FINE and YPI, 2016; MILLER, 2016).

Idealization has long structured political theory by enabling normative inquiry to abstract from empirical conditions in order to test principles of justice. Rawlsian and post-Rawlsian approaches are, in this sense, idealizing inquiries formulated from what is often presented as a "view from nowhere" (NAGEL, 1989): they posit full compliance and shared awareness of that compliance, and they set aside feasibility constraints so that proposed principles can be tested for mutual justifiability under counterfactual circumstances. The resulting image of a perfectly just basic structure functions as a regulative ideal that orients and delimits subsequent non-ideal institutional design and policy judgment (SANGIOVANNI, 2009). Many political theorists, as Jonathan Maynard (2024) notes, continue to treat the theorization of 'ideal' or 'perfect' justice as a central task of the discipline⁸. Yet the same methodological power also narrows the field of normative visibility, tending to render historically saturated forms of

⁷Joseph H. Carens is often regarded as the migration theorist who has most consistently foregrounded the methodological stakes of ideal and non-ideal theorizing. In his 1996 article, he casts the field's central disagreements not as disputes over substantive conclusions alone, such as whether justice requires expansive freedom of movement, but as disagreements about what it means to theorize migration under conditions of partial compliance, background injustice, and institutional coercion (CARENS, 1996). On this reading, several canonical contributions can plausibly be understood as exemplifying an ideal-theoretic orientation in migration ethics. Bruce Ackerman's discussion of citizenship in 'Social Justice in a Liberal State' (1980), for instance, sketches a fully just liberal order whose internal commitments press toward a markedly permissive admissions stance. Phillip Cole's 'Philosophies of Exclusion' (2000) likewise develops a case for open borders by deriving it from foundational liberal principles, treating exclusion as difficult to reconcile with the equal moral standing of persons. Arash Abizadeh (2008), drawing on democratic theory, shifts the focus from distributive and liberal premises to the structure of political justification itself, arguing that unilateral border control fails to satisfy the justificatory standards that democratic legitimacy imposes on coercive political power. Alex Sager's (2025) chapter 'Migration and Non-Ideal Theory' provides a useful point of entry for mapping these methodological lines of argument and situating them within the broader turn to non-ideal theory in contemporary political philosophy of migration (see also SAGER, 2024).

⁸Key references for this position include Estlund (2020), Valentini (2012), and Vita (2023).

oppression, such as those structuring contemporary border regimes, unintelligible within its dominant justificatory frame.

Critics of this theoretical project have therefore challenged its reliance on idealized assumptions, its inattention to non-ideal conditions, and even the coherence of the distinction between ideal and non-ideal theory itself⁹. Drawing on these interventions, this article specifies the limits of ideal theory in the political theories of migration and frames the ensuing analysis of the ‘immobilization apparatus’ as an explicitly non-ideal mode of theorizing.

Within a social-constructivist frame, ideal theory posits full compliance with the demands of justice, abstracts from feasibility constraints, and delineates an end-state vision of perfect justice (VALENTINI, 2012). In such a polity, racial categories would either never arise or, if they did, would exert no structurally significant influence. It is precisely this assumption that Charles W. Mills places in critical focus: Rawlsian ideal theory, which underwrites much migration scholarship, bears a distinctive whiteness insofar as it presupposes a world in which colonial and slave-holding pasts have been normatively and institutionally overcome. Epistemologically, it brackets those histories; metaphysically, it models the well-ordered society as raceless (MILLS, 2019). Even when racial abolition is embraced as a normative aim, a polity that first instituted racial hierarchy and only later moved to dismantle it cannot be treated as morally equivalent to one in which race never structured social life. The former bears path-dependent residues of unredressed harms and unearned advantages that abolition, by itself, cannot eliminate. This asymmetry is decisive.

Historical racialization rooted in slavery and its afterlives entrenches two mutually reinforcing asymmetries. A material asymmetry arises from centuries of extraction, violence, coerced labor, and exclusion, yielding skewed distributions of wealth, capital, and opportunity – the cumulative dividends of white supremacy. A moral-epistemic asymmetry follows from the ways racial oppression shapes belief systems, institutional norms, and cognitive frames, producing durable epistemic distortions and hierarchized knowledge. Accordingly, victims hold claims to acknowledgement, apology, and compensation, while beneficiaries incur duties of restitution and structural reform, obligations that would not arise in a world in which race had never existed.

Because principles of justice are historically indexed, eliminating racial categories cannot expunge the moral residue of their prior operation. This conclusion identifies a core limit of idealization in contexts shaped by the afterlives of slavery, but it also raises a further question: what, then, follows for an inquiry into what justice demands under such conditions?

⁹Key references in this regard include Mills (2019, 2005), Rosenberg (2016), and Wiens (2023). For specific critiques of the use of ideal theory in migration ethics, see Reed-Sandoval (2020, 2016), Mendoza (2017, 2015), Wolf (2025, 2020), and Ventura (2021, 2018).

A first implication concerns the object of evaluation. If the injustices that structure immobility are best understood as forms of oppression¹⁰, sedimented into institutions, then what is normatively salient cannot be captured by distribution alone. Allison Wolf's feminist reconstruction is instructive here. Drawing on Iris Young's account of social justice, Wolf argues that migration justice is "neither synonymous with, nor reducible to, distributive justice". And it is "fundamentally concerned with achieving social justice," understood as whether a society sustains the institutional conditions required for persons to realize the values necessary for a good life (WOLF, 2025, p. 90; YOUNG, 1990, p. 34). On this view, what matters is not only how goods are allocated, but whether the institutional environment protects migrants from violence, secures their agency, and enables effective access to rights and social participation (WOLF, 2025, p. 90). The shift from distributive metrics to institutional conditions therefore supports the broader non-ideal claim pursued here: border regimes must be assessed in terms of the ways they produce and normalize oppression in everyday life (WOLF, 2025, p. 84).

However, the reparative demand advanced throughout the 'Tropicália' scene is not exhausted by a social-justice reorientation. In contexts shaped by slavery, as will be detailed in the following sections, the relevant injustices are not only contemporaneous patterns of oppression; they are also the ongoing effects of wrongful expropriation and oppression that generate historically specific claims and responsibilities. Present disadvantages and vulnerabilities are sustained by political and social institutions that continue to rely on the fruits of those wrongs. In such cases, the relevant normative relation cannot be reduced to an impersonal duty to equalize holdings and opportunities. It also includes duties to make amends for injuries borne by identifiable victims, and duties of repair incumbent on identifiable beneficiaries and on political institutions whose authority and policy choices remain entangled with those pasts.

In the migration domain, this becomes clearest once borders are treated as coercive institutions rather than distributive filters. As José Mendoza stresses, border enforcement is "the entire coercive mechanism" by which a state prevents unauthorized entry, and its human costs are not incidental: "people also die as a result of border enforcement" (MENDOZA, 2015, p. 82). A distributive approach can, in

¹⁰Here, I employ 'oppression' in Iris Young's sense, namely as an institutional constraint on self-development that operates through systematic social processes and not through discrete, intentional wrongdoing as such. Oppression, on this view, consists in institutional arrangements that prevent some people from developing and exercising their capacities in socially recognized settings and that inhibit their ability to communicate their perspectives, needs, and affects in contexts where they can be heard. Applied to Moïse Kabagambe's case, 'oppression', more specifically, racial oppression, names the racialized immobilization regime that rendered him systematically vulnerable across labor, documentation, policing, and public visibility, culminating in routinized exposure to coercion and lethal violence, rather than an isolated failure of distribution or an episodic breach of individual rights (YOUNG, 1990). In parallel, Amy Reed-Sandoval's (2016) analysis of undocumented migrant oppression and Wolf's (2025) structural account of social disadvantage both draw on Young's framework to conceptualize oppression.

principle, recommend fairer allocations while leaving intact the coercive practices that predictably produce injury and death. A social-justice approach can condemn those harms as forms of oppression and demand institutional protection against them. A reparative approach presses one step further: it asks whether the imposition of coercion is justifiable given the sociohistorical circumstances that generate movement and structure vulnerability, and it treats those circumstances as normatively constitutive rather than as background facts. This is why Mendoza (2015) can plausibly argue that attention to enforcement supplies “an underappreciated rationale” for why admissions and exclusions “ought not to be discretionary,” but constrained by “economic realities, family relationships, and sociohistorical circumstances” (MENDOZA, 2015, p. 82). Those circumstances are precisely what reparative reasoning is designed to track and to answer for, including when the immobilization apparatus is erected and reproduced in places like ‘Tropicália’.

The same logic extends to the harms and epistemic distortions through which racialized mobility is governed. As Reed-Sandoval (2020) puts it, even if one grants for the sake of argument that states may restrict immigration, it remains unjust that some people “are presumed to be undocumented on the mere basis of their appearance” and are subjected, on that basis, to degrading constraints (REED-SANDOVAL, 2020, p. 04). Such illegalizing presumptions are not, in the first instance, distributive failures. They are practices that degrade standing, authorize suspicion, and normalize exposure to coercion and violence along racial lines. In a society marked by the afterlives of slavery, the upshot is that Black migrant life can be incorporated through precarious work while remaining available to oppression in everyday sites of labor and civic interaction. This is why the Moïse Kabagambe case is not adequately addressed by redistributive proposals alone, and why the appeal to ‘social justice’ must be rendered reparative: the violence that killed Kabagambe is intelligible as part of an institutional ecology in which the vulnerability experienced by racialized migrants is socially produced and politically tolerated. As will be demonstrated, this kind of violence is rooted in the historical construction of Brazil’s border regime of immobility.

These implications also reframe what is at stake for traditional political theories of migration. The point is not simply that their prescriptions are incomplete, but that their methodological habits systematically misrecognize what the Kabagambe case is and what it discloses about contemporary border regimes. As Mendoza (2017) notes, mainstream migration ethics rarely squares its normative frameworks with the historical fact that many of the liberal democracies it takes as exemplars long enforced racialized entry bars. Alison M. Jaggar (2020) argues that the field’s conceptual architecture is itself a colonial artifact, one that treats white mobility as unremarkable while casting movement from the formerly colonized world as a problem in need of regulation. Lorna Finlayson (2020) similarly shows that the ostensibly technical ‘open-versus-closed-borders’ dispute often carries a tacit racial grammar inherited from empire. Building on these insights, I argue that today’s immobilization apparatus – including that erected in the Global South, with particular

attention to Brazil – actively reinscribes earlier exclusions rather than simply echoing them, even where the lexicon of race is meticulously avoided. Andrew S. Rosenberg's (2022) historical reconstruction makes the point vivid: from the lethal beating of Moïse Kabagambe at the 'Tropicália' kiosk to the periodic fortification of northern frontiers whenever a 'new wave' from the Global South is announced, racialization persists as the unspoken syntax of exclusion.

My engagement with the classic open-versus-closed-borders literature is therefore strategic. The aim is to read a still-dominant idiom in migration ethics against contemporary non-ideal scholarship that foregrounds race, colonialism, and the production of 'illegality' as a technology of rule. Allison B. Wolf (2025; 2020) and Amy Reed-Sandoval (2020) insist that immigration ethics cannot proceed as if border regimes were normatively neutral devices for allocating admission; it must begin instead from histories and scenes of injustice that structure enforcement, vulnerability, and the social meaning of 'undesirability'. In a complementary register, Mendoza's (2017) call to decenter Anglo-European vantage points converges with a Gloria Anzaldúa (1987)-inspired critique of how immigration law disciplines and regulates racialized bodies. Grant Silva (2015) and Carlos Alberto Sánchez (2011) further show how ostensibly race-neutral legal categories and public discourse reproduce a renewed 'color line', rendering migrants socially legible as 'illegal' and thus as morally discountable others. Aligning with and extending these interventions, my argument emphasizes a specific novelty: it situates Brazil's immobilization apparatus within a transnational legacy of racial exclusion and shows how, even when explicit racial language is absent, contemporary border regimes continue to reinscribe a colonial grammar of control and death.

Ideal-theoretic migration theory effaces this syntax through three characteristic maneuvers. First, it imagines fully legitimate, materially self-sufficient democracies interacting under conditions of full compliance. Whether the resulting prescriptions defend open borders (ABIZADEH, 2008; ACKERMAN, 1980; COLE, 2000) or argue for qualified closure (MILLER, 2016; WELLMAN, 2011), the analysis typically screens out the structural asymmetries – colonial extraction, racial capitalism, geopolitical coercion – that shape actual patterns of movement. Second, it treats the state as a unitary moral agent and migrants as interchangeable rights-bearers, allowing questions of admission, membership, and integration to be posed as disputes between formally equal parties (FINE and YPI, 2016). Third, it brackets the temporality of injustice: conquest, slavery, and uneven development are relegated to the background rather than recognized as ongoing determinants of border regimes (BLAKE, 2013; MOORE, 2015; WELLMAN, 2015). By portraying frontiers as ahistorical and normatively neutral jurisdictions, ideal theory misrepresents both the causal origins and the moral stakes of contemporary regimes of immobilities¹¹.

¹¹The interpretive framework adopted here owes an important debt to the arguments advanced by Alison Jaggar (2020) and Lorna Finlayson (2020).

The immediate implication is that both the object of evaluation and the standards of justification must shift. A non-ideal, reparative, and enfleshed approach treats Kabagambe's killing neither as an accidental departure from an otherwise legitimate regime of border control nor as a harm that can be rendered morally compensable and then offset through distributive adjustments. It takes the event to foreground the fact that border regimes operate as coercive, historically saturated institutions that organize vulnerability, visibility, and exposure to violence in racially patterned ways. On this reframing, the normative question is no longer exhausted by whether states may restrict entry under conditions of full compliance. It becomes whether the coercive practices that surround mobility, legal-status production, enforcement, labor segmentation, and everyday policing are justifiable given the afterlives of slavery that continue to shape who can move, who must wait, and whose lives become socially disposable. Accordingly, the relevant duties cannot be captured by impartial equalization alone: they include historically indexed responsibilities of acknowledgement, repair, and institutional transformation, borne by agents and institutions whose authority and social order remain entangled with those pasts.

The next sections therefore move from methodological critique to a concrete reconstruction of the Brazilian immobilization apparatus, understood as an architecture of practices that circumscribed Moïse's life and rendered his death intelligible. Analytically, what follows traces how racialized vulnerability is produced and normalized and, normatively, specifies the reparative principles and institutional obligations that follow once those regimes of immobility are brought into view.

Border regimes, and 'Nós os Brasileiros, Son una Herida Abierta'¹² - 'Tropicália' in the Making

To grasp how 'Tropicália' embodies the enduring legacies of racial exclusion and the afterlife of slavery, one must reconstruct the 'terms' that underpinned the historical evolution of Brazil's migration policies. Borders do not emerge from nowhere; they are historically made, politically contested, and socially sedimented. A fruitful point of departure, for our purposes, is the corpus of nineteenth-century Brazilian intellectual production, whose concepts and vocabularies forged racialized border regimes that still structure mobility today. These writings illuminate, on the one hand, how the labeling of certain populations as 'undesirable' was central to nation-building and continues to inform contemporary episodes such as the violence at 'Tropicália' (the 'Immigrantist' solution). On the other hand, they show how Black people and other

¹²Border es una herida abierta is a definition deployed by Gloria Anzaldúa, for whom the US-Mexico border "es una herida abierta where the Third World grates against the First and bleeds". It is also where "[l]os atravesados live," "the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulatto, the half-breed, the half dead; in short, those who cross over, pass over, or go through the confines of the 'normal'" (ANZALDÚA, 1987, p. 03). There is a connection between the subject living at the border as 'una herida abierta' and Hartman's (2019) description of the wayward life.

racialized groups were cast as 'a problem to be solved' in a society that, after abolition, required 'free' labor (the 'Reformist' solution).

Since the mid-18th century, the question 'What to do with Black people?' has framed a central dilemma (social, political, demographic, and moral) for Brazil's white political and economic elites during the formation of the state and nation (EISENBERG, 1987). By the nineteenth century, this question had acquired new dimensions with the transition from slave labor to free labor under the pressures of the free-market system. As detailed by Célia Marinho de Azevedo in 'Onda Negra, Medo Branco' (1987), public and academic debates emphasized the perceived inadequacy of Black and poor people to meet the demands of a modernizing free labor society. The logic was stark. Because the formerly enslaved population was portrayed as mentally incapable and professionally unprepared, the arrival of foreign labor came to be deemed inevitable, on the grounds of its supposed suitability to capitalist relations of production. The transition from the irrationality of a pre-capitalist slave system to the rationality of a capitalist one was thus imagined as requiring an agent already shaped by that order, namely European men and their families (AZEVEDO, 1987).

Migration policies devised by white political and intellectual elites, whether 'reformist' or 'immigrantist', were animated by an imagination saturated with fear and tension. As Azevedo (1987) notes, fear sprang from the anticipated loss of status: white landowners dreaded relinquishing their privileges and control over a polity increasingly populated by Black Brazilians, mixed-race ('mestiço') groups, the poor, and newly emancipated men and women. Tension, meanwhile, intensified alongside the uprisings and revolutions that were reshaping political and social landscapes across Brazil and the wider Americas.

We may now examine more closely the terms that crystallized each of these positions.

'The Reformist Solution'. Guided by principles of 'assimilation, incorporation, and homogenization', reformists aimed to address a society perceived as dangerously heterogeneous, in which the majority of people of African origin was cast as 'barbaric', "without morals, without laws, in continuous warfare" (COSTA, p. 12 apud AZEVEDO, 1987, p. 40).

For José Bonifácio de Andrada e Silva, the 'Patriarch of Independence', addressing this challenge required managing the population's physical and civil heterogeneity. This meant regulating borders and intervening in the slave trade, imposing taxes on newly arrived enslaved people as part of a gradual move toward the abolition of slavery. Similarly, José Eloy Pessoa da Silva advocated gradual abolition to address what he saw as the dangers of social heterogeneity. Alarmed by the insurrections of the Nagôs and Haussás in Salvador and by the revolts in the Recôncavo Baiano, Silva described the Black population as a volatile threat: "This slave population, far from being considered as an asset, is certainly a great evil. Extraneous to public interests, (...) and

not infrequently presenting in morality the physical picture of volcanoes erupting against the masses that suppress their natural tendency." (SILVA, 1826, p. 15 apud AZEVEDO, 1987, p. 42).

He asserted that the solution was the gradual abolition of the Atlantic slave trade and the immigration of European and African workers, but only those from the West Coast. The rationale for this exception followed the same logic: Africans from the West Coast were already 'civilized' by the English Empire (AZEVEDO, 1987).

Frederico Leopoldo Cezar Burlamaque, another prominent reformist, was deeply invested in what he termed the 'security of the white race'. He advocated the forcible relocation of freed Black people to Africa and the establishment of colonies funded by the Brazilian government to resettle them.

Reformists, by promoting gradual transitions to free labor and the formation of a Brazilian nation, continued to mark Black bodies as problems to be managed – either through expulsion or by imposing education, control, surveillance, and discipline to mold the newly freed into productive contributors to their vision of nationhood (AZEVEDO, 1987, p. 49). Meanwhile, beginning in the 1850s and gaining momentum in the 1870s, the 'immigrantists' presented an alternative solution: the importation of idealized immigrants to shape the nation's future.

'The Immigrantist Solution'. By defining the ideal migrant and proposing to open borders and encourage the immigration of certain Europeans, the goal was to continue the nation-building process aimed at forming an ethically and ethnically homogeneous national community. Believing in a solution from abroad, the immigrantists advocated the creation of an 'ideal people' to shape the future Brazilian nation based on a political project of 'branqueamento'¹³ (whitening) (HOFBAUER, 2010). This, in turn, depended on the arrival and settlement of the 'ideal immigrant'. Consequently, debates over the definition of "the most adequate racial type to purify the 'Brazilian race' and to engender a national identity" (AZEVEDO, 1987, p. 37) became part of the political agenda¹⁴.

As Azevedo (1987) notes, these immigrantists played a decisive role in constructing the vocabularies and ideologies of 'branqueamento' that continue to underpin systemic racism in Brazil. The notion of whitening – that Black people should become white – was grounded in racist conceptions of humanity and in a particularistic worldview masquerading as universal and ideal (SEYFERTH, 1996). In its various

¹³As Hofbauer (2010) argues, 'branqueamento' is a historically constructed notion – viewed alternately as ideology or myth – that links whiteness with high status and projects an illusory transformation of race, with the superiority of whiteness as its ultimate horizon.

¹⁴On the history of immigration debates in Brazil, see Koifman (2017, 2015), Movschowitz (2004), Carneiro (2018), and Moraes (2016).

iterations, this ideology posited that racial mixing would enable the supposedly superior white element to assert itself socially and biologically.

The writings of immigrantists from the late nineteenth and early twentieth centuries reflect an understanding of racial differences grounded in the epistemic authority of European science, which was widely disseminated at the time. Among those who formulated this vocabulary was Aureliano Tavares Bastos, a law graduate who was elected to serve as a legislator for his province in 1862. He dedicated himself to opening Brazilian borders and vigorously promoting European immigration. As part of his efforts, in 1866, he founded the 'International Society of Immigration', the country's first society dedicated to this matter.

For Tavares Bastos, there was no room for doubt. Comparing the differences in development between the province of Bahia, where the Black population constituted a majority, and the province of Rio Grande do Sul, with its territories occupied by European settlers, led him to a single conclusion: the backwardness of the former was due to the supposed inferiority, vulgarity, and ignorance of the Black population. In contrast, the settlers in the South represented 'work', 'progress', and 'civilization'. Tavares Bastos went further, arguing that Brazil's overall economic and social backwardness was largely due to the fact that enslaved Black people were, in his view, terrible workers whose presence hindered the country's advancement. Their presence resulted only in monoculture, large estates, and the prolongation of enslaved labor, making it imperative to find a solution from abroad (AZEVEDO, 1987, p. 65).

"For me," Tavares Bastos declared, "the European immigrant should and must be the target of our ambitions, and the African the object of our antipathies" (BASTOS, p. 91 apud AZEVEDO, 1987, p. 65). Yet, Bastos did not refer to all European immigrants indiscriminately. He attributed Brazil's misfortunes to Portuguese colonization, which he believed fostered a lack of 'public spirit' and 'entrepreneurial activity'. In contrast, he praised "the strong spirit and indomitable will of the people of the Germanic race," whom he considered ethnically superior (BASTOS, p. 30-31 apud AZEVEDO, 1987).

The French physician Louis Couty (1881), who helped propagate the myth of Brazil as a multiracial paradise, echoed this rhetoric of differentiation and justification. Couty, drawing on the pseudoscience of his era, described Black people as inherently disaggregated, socially detached, and prone to 'the cruelest violence'. Far from being a paradise or motherland that embraces all, these constructs are starkly exposed by what occurred at 'Tropicália' in January 2022.

Taken together, the reformist and immigrantist programs enabled Brazilian elites to inscribe a racial logic into both civic and territorial borders. By portraying the formerly enslaved, now nominally 'free' labor, as intrinsically unsuited to capitalist modernity, and by elevating selected Europeans as the nation's 'ideal' demographic, nineteenth-century intellectuals converted Blackness itself into a boundary-making device. This

discursive operation produced a durable social geography of immobility: a space in which those marked as threats to progress were fixed in positions of subalternity (SPIVAK, 2010). Over successive waves of policy, that same space was extended to other racialized outsiders – Chinese and Japanese migrants, Jewish refugees, and, today, African migrants such as Kabagambe – each cast as the latest incarnation of an enduring ‘problem’. Contemporary border regimes do not inherit the past; they metabolize it, functioning through the historical residue of whitening and exclusion, naturalizing unequal access to mobility and membership while disavowing their colonial provenance¹⁵.

The pastness in the contemporary regimes of immobilities

At the beginning of the twenty-first century, significant changes reshaped both the international and the national political landscape, as well as immigration to Brazil. Scholars such as Baeninger (2003) and Martinez and Dutra (2018) identify a ‘new migratory trend’ marked by the diversification of immigration into the country, with arrivals now predominantly from the Global South (CAVALCANTI et al., 2017). It was within this shifting landscape that Moïse and his family arrived in Brazil in 2014, seeking asylum as refugees.

Among Congolese refugees, Brazil has often been imagined as a secure place, distant from ethnic and political conflicts, where religious freedom is guaranteed and living as a minority does not entail significant risk. “We fled Africa to be welcomed in Brazil”, said Moïse’s cousin, Chadrac Kembilu Nkusu (UOL, 2022). Yet everyday life quickly disrupts this expectation. “Brazil receives, but does not welcome,” stated Lina, a Congolese refugee living in Brazil, in an interview with the Brazilian press after the events at ‘Tropicália’ (O GLOBO, 2022). As Jean, a Congolese refugee who has lived in Brazil since 2015, observed, the country offers a “white refuge” and a “Black refuge” (PEREIRA, 2021).

In 2022, the Congolese embassy in Brazil reported that Moïse was the fifth Congolese national killed in the country over a six-year period. These figures sharpen what ‘The Color of Asylum’ documents as a broader pattern: the lives of Congolese refugees, including Moïse, are shaped by historically constituted standards of desirability and

¹⁵Regarding the absence of engagement with literature on refugee laws and the legal status of refugees in Brazil, two reasons guide this choice. First, the category of the ‘undesirable immigrant’ highlights the fluidity of legal and political labels assigned to individuals in transit. In a short span, a person may be classified as a refugee applicant, refugee, economic migrant, clandestine, or illegal, among other designations. Using ‘undesirable immigrant’ allows me to address this instability without delving into specific legal or political debates surrounding these classifications (VENTURA, 2021, 2018). Second, by tracing the terms that underlie the historical foundations of Brazil’s border regimes, I align with the argument that the refugee regime functions within a framework shaped by the same terms and logics I have analyzed. For further perspectives supporting this claim, see Jensen (2023), Machado (2020), and Tavares (2022).

processes of racialization that remain active in structuring vulnerability in Brazil (JENSEN, 2023). The judicial archive records this vulnerability in a language that is both forensic and consequential:

The Necropapiloscopia report [postmortem fingerprint analysis] confirmed the identity of the cadaver as Moïse Mugenyi Kabagambe, a foreigner, born on 04/04/1997, of Congolese nationality. (...) "On January 24, 2022, around 21:30, at the kiosk 'Tropicália', located at Avenida Lucio Costa 6500, in the district of Barra da Tijuca, (...) the accused, with the free and conscious intent to kill, in a communion of will and action, assaulted the physical integrity of Moïse Mugenyi Kabagambe, causing him bodily injuries. The injuries inflicted upon the victim, by their nature and location, were the direct cause of Moïse Mugenyi Kabagambe's death (...)" (BRAZIL, 2023, p. 551).

The archive does not simply register Moïse's exposure to violence; it also discloses the everyday scripts through which that exposure becomes intelligible. The manager of 'Tropicália', in his statement to the police, framed Moïse in the same familiar 'What to do with the Black people?' question addressed earlier: "Sometimes he showed up for work, and sometimes he did not"; "he was fired for being drunk on duty." He further reported having been warned by phone "that some people had beaten up Angolano, Moïse's nickname in the region" (BRAZIL, 2023, p. 553). The insinuation is not incidental. It reprises an older racial common sense – codified within the nineteenth-century border regime reconstructed in the previous section – according to which Black people are figured as unfit for non-coercive work, unreliable in labor, and therefore available to discipline.

In what reads as an effort to justify what should never happen to anyone, one of the kiosk employees described Moïse as someone who, after spending days on the beach getting drunk, broke into 'Tropicália' in search of more alcohol (BRAZIL, 2023, p. 553). Once again, Moïse is rendered as someone who shirks hard work, disregards social norms, and represents a potential threat. Each element contributes to a narrative in which 'stopping' him appears as the rational outcome and the kiosk's drinks as objects in need of protection. It is within this logic that three men come to feel entitled to tie him up and to do what they did.

Security cameras captured the event, and the footage circulated as evidence embedded within a "racially saturated field of visibility," a frame constructed by white and racist systems of power (BUTLER, 1993, p. 15). Television stations ensured the spectacle's continual replication. In this scene, what is 'seen' is governed by a racist epistemology that produces Blackness as disposable; the devaluation of life is reiterated as ritual and as ordinary sense. The exercise of oppression is inseparable from its display (HARTMAN, 2022). The case file adds a detail that makes the moral structure of this visibility difficult to evade: "only after some customers said the victim was already dead" was Moïse untied (BRAZIL, 2023, p. 555). There was no attempt to conceal the act as it unfolded, either from witnesses on the beach or from the security

cameras that recorded every moment. The violence inflicted upon Moïse's body appeared implicitly authorized, requiring neither intervention nor secrecy.

The moral imperative to confront this fractured present cannot be dismissed as mere fixation on the horrors of slavery. These histories remain integral to the political fabric of the world they helped to make. As Hartman observes, "black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago" (HARTMAN, 2007, p. 06). The afterlife of slavery thus names a present that repeatedly re-presents an obscene past in persistent and varied forms. Within this frame, "exclusion" and "abjection" are not secondary concepts but key analytic operators: they capture how antiblackness endures as a conflation of "blackness as the ontological negation of being" with Black subjects and communities (SHARPE, 2016, p. 14). This negation manifests through exclusion from not only spheres of belonging, but also from the very terms of humanity, the human, and the political construction of a national 'us'.

The same temporal logic illuminates how the pact of whiteness persists as a "today as yesterday" (DU BOIS, 1953). Borrowing from Cida Bento (2022, p. 32), "whiteness" is defined here as a social, political, and epistemological position that confers structural advantages and racial privileges upon those racialized as white. It is, in other words, a situated perspective that often perceives itself as neutral, normative, and universal and is therefore prone to personal investment and backlash when threatened (BENTO, 2022, p. 09)¹⁶. As part of this pact, certain people enjoy the privilege of ignoring that state borders (civic and territorial) rank among the most dangerous places on Earth (CARENS, 1987). These are the bodies that move with relative ease, unburdened by fears of criminalization or by labels such as illegal immigrant, 'clandestino', or illegal; they inhabit airports as securitized spaces without the weight of existential scrutiny. In Brazil, the same pact positioned Moïse as the target of a specific form of violence: "the kind of violence that is done but to which no one is assigned blame or responsibility because it is always already authorized – the violence perpetrated or allowed by the State" against Black bodies (SILVA, 2022, p. 25). The violence inflicted upon Moïse was not incidental, nor was it characteristic of conflict-related violence (WILDERSON, 2010). It emerged from a systemic logic that first constructs and then requires Blackness as a constitutive outside for those who secure themselves as human and as citizens.

To name how these legacies endure in shaping contemporary regimes of immobility, I introduce the term 'pastness'. Pastness designates the political persistence of historical injustice as an active operator of the present. It is the durable imprint through which the afterlives of slavery continue to organize vulnerability, recognition,

¹⁶It is important to note that nothing in this definition inherently connects the agents who perpetrate the pact of whiteness with an essentialist notion of white people or the white body. Potentially, anyone could act to enforce, create, and defend white privileges in the context of the afterlife of slavery.

and exposure to violence. Through it the normative demands arising in scenes like 'Tropicália' acquire their specificity.

According to the case file, Moïse was an 'estrangeiro', "a stranger in our midst," in David Miller's (2016) sense. Within this semantic framework, he was an outsider – an alien – in at least two dimensions. First, as a Congolese refugee, he stood outside the bounds of belonging to the Brazilian political community. Second, as a Black man, he was excluded from the category of those whose lives are shielded from a particular kind of violence: violence inflicted without blame or accountability, always already authorized. Moïse was immobilized at these borders – one defining membership as a national citizen, the other defining membership as a human being.

This reconceptualization of borders should be read as an illustration of the theoretical payoff established in the opening sections. As the case of Moïse Kabagambe makes plain, it yields three connected gains: it foregrounds the normatively historied character of border regimes, whose operation is inseparable from the afterlives of slavery and colonial rule. It brings into view the productive dimension of bordering, understood as the active fabrication of statuses, hierarchies, and differential mobility rather than as mere exclusion; and it opens analytical space for examining the practices of recognition and reparation through which subjects are rendered legible, discounted, or denied standing within these regimes.

Once idealized and presentist accounts are set aside, and borders are treated not as neutral admission devices but as historically saturated institutions inhabited by real persons with real demands, what becomes visible is their role as mechanisms of governance that regulate access to rights, recognition, mobility, and belonging across and within state territories. Borders thus appear as dynamic social institutions that actively constitute political membership while producing and stabilizing racialized hierarchies of exclusion and differential inclusion¹⁷.

Moreover, borders function as historically situated and racially inflected regimes of production. They do not simply block movement; they generate and stabilize social categories – citizens, migrants, refugees, humans, and so-called 'undesirables' – through selective filtering and classificatory practices shaped by global labor markets and security rationalities. Once borders are understood in these terms, their diffusion beyond territorial boundaries becomes intelligible, since they extend into workplaces, policing practices, documentation regimes, and everyday social interactions, where mobility, recognition, and vulnerability are continuously produced rather than only constrained (CELIKATES, 2022).

¹⁷The approach developed here converges with the critical perspectives advanced by Robin Celikates (2022), and Lucy Mayblin and Joe Turner (2020). Celikates (2022) highlights the normative significance of borders as coercive and socially embedded institutions, whereas Mayblin and Turner (2020) show how colonial histories and racial hierarchies remain constitutive of migration governance, challenging idealized accounts of border legitimacy.

From this vantage point, recognition practices emerge as a constitutive dimension of border governance. Border regimes also organize the conditions under which persons become intelligible as subjects of concern, or are relegated instead to abjection. Marked as undesirable, migrants are excluded by law, but more fundamentally, they are positioned through social and institutional practices that deny them standing, voice, and moral address, fixing their identities within overdetermined categories of danger, vulnerability, deviance, or disposability. Moïse's treatment as a 'no-body' thus exemplifies how misrecognition operates as a routine effect of bordering, rendering 'Tropicália' not an aberration but a paradigmatic site where historically sedimented, productive, and recognition-structuring border regimes converge.

A pause on this point is warranted. "Let's face it," Hortense Spillers writes, "I am a marked woman, but not everybody knows my name" (SPILLERS, 1987, p. 65). Opening 'Mama's Baby, Papa's Maybe' with this statement, Spillers (1987) theorizes the reproduction of racial difference through the Atlantic trafficking of humans and the violent 'theft of the body', which positioned the captive body in the space of 'cultural and political maneuver', a brutal making that persists. One space where this persistence becomes overwhelming is the border, where some people are marked as illegal, as outsiders, as no-bodies, as undesirables. Moïse, known as Angolano (BRAZIL, 2023, p. 553) – even though he did not come from Angola – was placed in the space of undesirability long before he arrived in Brazil seeking refuge. His name was not his own, and his epidermized body carried the mark of those who can be positioned, in an Afro-Atlantic country like Brazil, as available to suspicion, disposability, and violence.

The murder of Moïse Kabagambe at the 'Tropicália' kiosk in Rio de Janeiro in January 2022 makes plain that the limits imposed on Black bodies in Brazil are not located solely at the territorial border. They are embedded in infrastructural arrangements, legal instruments, and social imaginaries that, since the nineteenth century, have been fashioned to manage the 'troublesome legacy' of a state founded on slavery. By absorbing and re-articulating logics of racial undesirability, these mechanisms transpose Hartman's (2007) 'afterlife of slavery' onto both domestic and transnational mobility, transforming migration into a regime of selective immobility. 'Tropicália' thus constitutes a historical hinge connecting whitening immigration statutes and Atlantic policing practices to contemporary technologies of surveillance, death, and exclusion.

Interpreting 'Tropicália' as a nodal point in a racial diagram of immobility and vulnerability allows the two conclusions introduced in Section One to be defended not as methodological preferences, but as requirements of adequate diagnosis and action-guidance in a normative political theory of migration. First, what changes when migration theory is 'enfleshed' in this way is the identification of the relevant agents, voices, institutions and harms. The case no longer appears as a contingent breakdown of otherwise acceptable border control, but as a predictable manifestation of a broader regime in which bordering is dispersed across workplaces, policing,

documentation practices, and public visibility, producing status degradation and exposure to coercion and oppression in racially patterned ways. Second, and normatively more consequential, the justificatory test shifts. The question becomes whether coercive practices of immobilization – including enforcement, labor segmentation, and everyday internal bordering – can be justified given the afterlives of slavery that structure who is rendered suspect, who is denied wages and rights, and who can be killed with impunity.

To conclude

Revisiting Joseph Carens's (2013, 1987) claim that citizenship functions as a privilege through the afterlives of slavery, this article has shown that the privilege in question is not only unequally allocated. It is sedimented in a border regime that race itself produces and history continues to underwrite. This is also why the reconstruction undertaken here was not ancillary to the normative argument promised in the Introduction. It shows that what calls for justification is not an abstract prerogative to exclude at a territorial threshold – posited from a ‘view from nowhere’ – but a historically saturated border regime that produces ‘illegality’, deportability, and disposability through enforcement, labor segmentation, documentation practices, and internal bordering.

Placing ‘Tropicália’ at the center, then, does not ‘add race’ to an established debate; it recalibrates what a border regime is and what the demands for justification must answer to. Once the regime is followed through its ordinary sites, documentation, labor informality, policing, and racialized public visibility, the institution under evaluation no longer appears as a territorially bounded admissions gate. It comes into view as an enforcement apparatus that manufactures status hierarchies and renders certain lives structurally available to oppression. On this reframing, the salient injustice lies less in the abstract permissibility of exclusion than in the routine production of vulnerability and deference, and in what Reed-Sandoval (2020) identifies as the social manufacture of illegalized identities through presumptive suspicion and degrading constraints.

This is also why enforcement cannot be treated as a downstream policy question. As Mendoza (2017) argues, migration ethics too often brackets a basic point: the ethical limits of enforcement are constitutive of what legitimate control can mean and of where the burden of justification properly falls. Read together, Reed-Sandoval’s account of illegalization and Mendoza’s insistence on enforcement reorient migration theory toward the coercive mechanisms through which ‘undesirability’, deportability, and exposure to violence are produced and stabilized. That is the practical upshot of an enfleshed approach. It makes visible the historically and racially patterned processes that idealized, distributivist framings routinely screen out, and it thereby clarifies both the appropriate object of evaluation and the relevant forms of harm. From this perspective, the priority sites for normative scrutiny and institutional reform

are enforcement practices and their internal extensions, including status-making documentation regimes, workplace discipline and wage theft, and everyday policing that reproduces deportability and racially patterned exposure to coercion.

If political theory of migration is to illuminate rather than fail to register the injustice disclosed by 'Tropicália', it must therefore be both enfleshed and reparative. It must begin from real histories and from the lived sites where border regimes operate, so that it can name the wrong as racialized institutional oppression, trace the mechanisms that reproduce it, and allocate responsibilities accordingly. The resulting obligations take the form of historically grounded duties of acknowledgement, repair, and institutional transformation, aimed at the practices that normalize what happened to Moïse Kabagambe. Treating Brazil and the broader Global South as constitutive sites of theoretical insight, rather than peripheral cases for the application of Northern frameworks, is not an optional methodological stance; it is a condition of an action-guiding normative account of migration justice.

Revised by Paulo Scarpa

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