

**Precarious Hope, Migrant Legalization,  
and the Limits of Affect Theory**

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The Occasional Papers of the School of Social Science are versions of talks given at the School's weekly Seminar. At these seminars, Members present work-in-progress and then take questions. There is often lively conversation and debate, some of which will be included with the papers. We have chosen papers we thought would be of interest to a broad audience. Our aim is to capture some part of the cross-disciplinary conversations that are the mark of the School's programs. While Members are drawn from specific disciplines of the social sciences—anthropology, economics, sociology and political science—as well as history, philosophy, literature and law, the School encourages new approaches that arise from exposure to different forms of interpretation. The papers in this series differ widely in their topics, methods, and disciplines. Yet they concur in a broadly humanistic attempt to understand how, and under what conditions, the concepts that order experience in different cultures and societies are produced, and how they change.

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## Precarious Hope, Migrant Legalization, and the Limits of Affect Theory

Two migrants move on different days, at different paces, and with different expectations through the same legal space: a police station in Istanbul. In 2007, the compulsory entry of a Nigerian undocumented migrant into the police station resulted in his death: Festus Okey was taken into custody after arousing suspicion for walking on the street in his neighborhood after midnight. He was killed by a bullet fired from the gun of the officer interrogating him. I had access to what transpired in that encounter only through the court records. (And became familiar with the case as one of the 200 hundred activists who followed the hearings to widen the public visibility of the case.)

In 2011, the voluntary entry during daytime of an undocumented migrant at another central police station in Istanbul resulted in a paternalistic warning. Nurcan, an undocumented Turkish woman from Bulgaria, insisted on meeting with a police officer in the hope of legalizing her status. She was simply scolded for her breach of the law and advised to leave the country after paying her accrued fines. I had access to the details of this case as an ethnographer, part of my four-year-long fieldwork on the legalization processes of ethnically Turkish migrants from Bulgaria.

My talk today explores the hope cultivated by the ethnically Turkish migrant, who is given the benefit of the doubt despite her illegal status and walks unscathed out of the police station, against the backdrop of a black migrant arrested for arousing suspicion by walking. This latter scene, to which there was no ethnographic access, haunts the former scene, in which I was a participant observer—or perhaps observing participant. I zoom out from these two scenes, in order to capture the distinctively precarious quality of hope held by the Turkish migrants from Bulgaria, who are in a relatively privileged position vis-à-vis other undocumented migrants in Turkey.

To briefly sketch the organization of the talk and foreshadow my main concerns: first, I locate my take on hope in the existing literature: Following Ghassan Hage, I am interested in the differential distribution of hope—and not only in terms of “amounts of hope” available to different groups of migrants, but also in terms of “intensities of hope.” By the phrase “intensities of hope,” I refer to a set of practices and emotional states that are ambivalent and not immediately articulated in language, but which relate to a certain kind of collective rather than just personal orientation. Second, I try to give empirical substance to what I mean by this through thick ethnographic description that grounds in everyday acts how hope is reaffirmed in migrants’ encounters with the law at the same time that it is also produced by Turkey’s ethnicist migration and citizenship regime. Third and finally, in developing my argument about the differential distribution and intensities of hope for this particular migrant group with relative privilege, I refrain from endorsing affect theory, which has, by and large, monopolized the analysis of all things ambivalent, uncertain, and non-discursive. Instead, I reach back to the critical scholarship on the anthropology of emotions

to show the latter's continuing analytic purchase in retaining a meaningful analysis of the relationship between the symbolic structuring of emotion and the distribution of power in society (Abu-Lughod 1986; Lutz 1988; Myers 1979). Following Raymond Williams's classic formulation, I define precarious hope as a "collective structure of feeling" to capture, on the one hand, the interpersonal, ambivalent, emergent quality of hope as lived experience and to reveal, on the other hand, its more fixed, governed qualities that are shaped in relation to existing legal structures and regulations.

### **A Brief Background on Contemporary Migratory Flows in Turkey**

My exploration of precarious hope occurs at a politically volatile and historically significant juncture. One need only recall the very recent and controversial multi-billion euro deal between Turkey and the European Union for sending back Syrian refugees in Europe. But we need to push the timeline back a bit for a fuller picture of the migration landscape.

Since the 1990s, Turkey has fast transformed into a country of immigration. Nearly two million migrants have arrived there, escaping war-torn, poverty-stricken Middle Eastern, sub-Saharan African, and the post-Soviet countries. Whether they struggle to reach Europe or to survive in Turkey, these asylum-seekers and labor migrants have no hope of citizenship.<sup>1</sup>

By contrast, the labor migrants from Bulgaria, who are estimated to be around 700,000, belong to a more privileged legal category. They also arrive without residence or work permits, and become part of the precarious informal labor force. But they are part of a historically more privileged category of migrants who are legally designated in Turkey as *soydaş*.

*Soydaş* is a peculiar term that has an awkward feel even locally and cannot be rendered in English in a way that fully captures the original. The term "soy" includes the whole range from race and lineage to ancestry and pedigree. The best approximation I have had to contend with is the rather literal translation, "racial kin." Legally, *soydaş* designates those who, even if they are citizens of other countries and have never resided in Turkey, are nonetheless considered to "be of Turkish origin and/or have affinities to Turkish culture." This definition is to be found in the most recent Settlement Law of 2006, which, since the original Settlement Law of 1934, has continued to determine the criteria for the acceptance and settlement of migrants to Turkey and which has overwhelmingly privileged Sunni-Muslim and ethnically Turkish migrants from the Balkans. For those who can claim *soydaş* status, such as the Bulgarian Turkish migrants, legalization is a real possibility, bolstered by the legacy of favoritism toward Sunni Muslim migrants and written into contemporary law. Through the category of *soydaş*, therefore, the law systematically produces hope for the ethnically Turkish migrants from Bulgaria. This legally produced hope is kindled further by more ad hoc regulations such as periodic amnesties and exceptional favors granted only to this group of migrants. However—and this is key for my overall argument—the structure of privilege itself is ambivalent. It is premised precisely on the ambiguity that, on the one hand, feeds the migrants' hope by promising legalization through their "racial kinship," and, on

the other hand, never quite guarantees that privilege because of the temporary and exceptional nature of the amnesties given and the arbitrary reviews of citizenship applications that give discretionary powers to the Council of Ministers who may or may not approve. Even as they hope to eventually acquire legal status, therefore, migrants of Turkish origin from Bulgaria often continue to live as vulnerable undocumented laborers in Turkey, trading precarious labor for precarious hope.

### **A Note about the Research Methodology**

I conducted forty-eight months of ethnographic fieldwork between 2007 and 2011, primarily in Istanbul, and an additional twelve months there in 2013. I followed virtually each step of the Bulgarian migrants' legalization attempts.<sup>2</sup> I helped fill out applications, gathered required documents, participated in negotiations with police officers, state bureaucrats, and migrant association staff. Hope as a category of analysis was not present in my initial framing of the research, but it emerged inductively as a key category during the course of fieldwork, in not always fully or immediately articulated ways by my interlocutors. For some, it was hope for an amnesty to waive fees for overstaying one's visa. For others, it was hope for a renewable residence permit that might perhaps lead to a citizenship application. For yet others, it was hope for a temporary window for citizenship applications that would secure the ultimate: a citizenship card. But regardless of its object and regardless of how each legalization quest played out, hope was not simply an individual matter. Rather it was collectively produced and reaffirmed during long hours of waiting in queues in government offices, in visits to migrant associations and among conversations with other undocumented migrants as well as the ethnographer.

### **Navigating the Contemporary Literature on Hope**

Since Vincent Crapanzano's call (2003) to engage with hope systematically as a category of analysis, two main strands can be identified in the flourishing work on hope in the last decade. The first strand I would describe as being "hopeful" of hope. This strand seeks to retrieve remaining spaces of hope in the bleak landscape of late capitalism. The key reference for this orientation is Ernst Bloch's classic *The Principle of Hope* (1986), where Bloch posits hoping "as the essence of mankind" in keeping with the Marxist tradition that starts from the premise of certain essentials about what it means to be human. For Bloch, because the act of living is about striving, and because striving is necessarily oriented to the future, humans possess an ontologically prospective orientation that automatically produces "hoping." Bloch's take on hope is thus also an argument about temporality. For Bloch, a genuine present is never quite there; we all in fact live in the future to an extent that we are (rendered by ideology) unaware of. Bloch is adamant to save that prospective orientation from any theological underpinning, with which it was first and most forcefully associated. However, even as hoping is in the essence of mankind, something goes fundamentally wrong

with the way we hope, according to Bloch. Once again, true to Marxist tradition that locates the alienation of species being from its own labor in class society, Bloch believes that it is the bourgeois class that has contaminated hope by emptying it out of its prospective (and revolutionary) potential and has reduced it to what he calls “petty daydreams.” However, for Bloch, this is still no cause for pessimism or despair. To the contrary, precisely because hoping is such an essential part of being and striving, even in those petty daydreams, there remains extractable that “other part” which is “provocative, [which] is not content just to accept the bad which exists, does not accept renunciation. It can be extricated from the unregulated daydream and from its sly misuse, can be activated undimmed” (Bloch 1986 [1947], 4).

The Blochian project of saving the daydream from pettiness and actualizing hope’s revolutionary potential is being reclaimed by scholars from diverse disciplines (some of the most notable and influential examples being José Esteban Muñoz in Performance Studies and Queer Theory; Jonathan Lear in Philosophy; Graham-Gibson in Economic Geography), who discover possibilities for hope in a variety of sites: in the perspectives of the researcher’s interlocutors; in the future of the social sciences and humanities as increasingly endangered disciplines; and in the larger world threatened with political crises and environmental catastrophes. Kleist and Jansen (2016) sum up this revival as a conscious stance “against pessimistic diagnoses of the present political moment as preventing any meaningful emancipatory intervention.” But for me, the most original, nuanced, and philosophically sustained interpretation of Bloch is to be found in anthropologist Hiro Miyazaki’s take on hope as a method of knowledge among the Souvavo: as the descendants of the original landowners of the Suva Peninsula in Fiji, the Souvavou have an ongoing legal claim against the dispossession of their forebears. Just as they keep hoping that their legal struggle for compensation will eventually succeed, that struggle itself is also a way of sustaining “an enduring hope to confirm their self-knowledge, the truth about who they really are” (Miyazaki 2004: 3).

The second strand is suspicious of the inherently transformative potential of hope. While Miyazaki sees self-confirmation in the repetitive quality of the hope that the Souvavu people entertain despite repeated failure, Ghassan Hage, in a Spinozian gloss, views hope as the “deferral of joy” in the context of neoliberal capitalism (Hage 2002). In Hage’s Bourdieusian take, hope is above all an indicator of structural violence in terms of its unequal distribution across society—some can hope more than others—and in terms of the overall shrinkage of the hope available to the public today. In a parallel vein, Laurent Berlant (2011) identifies late capitalism as a breeder of optimism that is more intensely cruel. And Crapanzano (2003) describes hope among white South Africans in the last years of apartheid as paralysis: “One hopes—one waits—passively for hope’s object to occur, knowing realistically that its occurrence is unlikely, even more so because one does nothing to bring it about” (Crapanzano 2003: 18).

Whether they attribute to it critical productivity and radical action, or conversely, the maintenance of the status quo and suspended agencies, I argue here that the flourishing

scholarship on the anthropology of hope has yet to give adequate attention to the differentiated nature of hope for groups situated hierarchically in relation to governmental power and legal access. Hope, as it stands, has become an inadequately differentiated category of analysis. Miyazaki's otherwise brilliant take on hope as method falters precisely on this point: all the Souvavou, from the propertied to the higher-ranking male church members to the women—and indeed, the anthropologist—seem to hope in the same way in his account. I want to be more attentive to how hope is experienced in distinctive ways by groups situated hierarchically in relation to governmental power and legal access. Situating myself closer to Hage's stress on the importance of the unequal distribution of hope, I argue that hope needs more differentiation as it is experienced by groups with varying degrees of privilege. But I also want to make central the ambivalent structure of hope. And I propose that we can only render hope analytically more specific through first recognizing its ambivalence. Such a focus on the ambivalent rather than the unequivocal is, in fact, what we need to develop for all emotions, according to the literary critic Sinai Ngai. In her *Ugly Feelings*, Ngai argues that if the earlier stages of capitalism could adequately be described by relatively unambiguous emotions like anger or fear, as theorized by Aristotle or Hobbes, the transnational stage of capitalism requires its own, novel set of feelings: "ones less powerful than the classical political passions, though perhaps more suited, in their ambient, Bartlebyan, but still diagnostic nature, for models of subjectivity, collectivity, and agency not entirely foreseen by past theorists of the commonwealth" (Ngai 2007: 5). I believe we need to enact the same Bartlebyan fine-tuning with the category of hope.

### **Precarious Hope at At the Police Station**

I met Nurcan, a Turkish migrant from Bulgaria, and two of her friends in front of the Beşiktaş police station in Istanbul in December 2011. Nurcan had been a domestic worker in Istanbul for four years, and her visa had expired. But her hope for an amnesty that would regularize her status had not faltered. Indeed, such temporary amnesties have been periodically given to Bulgarian Turkish migrants every other year since 2005, and she had already taken advantage of the amnesty that was given in 2009 that annulled her previous overstay and had provided a temporary three-month residence permit.

Nurcan was particularly excited that day. She had heard that an amnesty for Bulgarian Turks was once again in the works. I, on the other hand, was incredulous; no such news had travelled through the migrant grapevine. To add to my misgivings, Nurcan's source was the employer of one of the other friends present, Nesrin. My understanding of Nesrin's account was that her employer had come across the notification on the Foreigner's Department website regarding a general *procedural* change: from that date on, one would be able to apply to the local police station for a residence permit instead of having to make the trip to the central Foreigner's Department. But Nurcan and her two friends believed that the announcement was the harbinger of another amnesty, specifically for *them*.

When I could not convince them of my interpretation, I began to plead that the police station was a dangerous place for an undocumented migrant. I repeated that my presence would be no help if something went wrong. But Nurcan was adamant. And Nesrin simply said, “Oh, come on, just relax!” Only the third friend was cautious: she said there was no way she was going in and risking it today. Police had come by a week ago. Discovering her current status of overstay, they had told her to leave the country, but she had not been taken into custody. And today, as reluctant as she was to go in herself, she kept encouraging the other two with elbow nudges that prodded them toward the entrance of the police station.

And so, the three of us, Nurcan, Nesrin and I walked through the security and into the office of the head officer. Nurcan demurely showed him the appointment slip. I was nervous as I introduced myself as a friend of Nurcan’s and a professor who is researching the legalization difficulties faced by ethnically Turkish migrants from Bulgaria. Nesrin, meanwhile, appeared as carefree as if attending a tea party. When asked for her appointment slip, she executed a flirtatiously indifferent shrug. “Oh, I don’t have one myself. Me, I am simply taking advantage of the appointment slot of this one here.” “And what is your situation?” the officer asked. “Exactly the same as hers,” Nesrin replied. “But first I’m pushing her onto you (*“kakaliyorum”*—slang that may roughly correspond to “I am fobbing her off on to you”), just to check and see what will happen to her. And then, if all seems to be going well, I will tell you the details of my own case.”

The officer retorted with a joke veiled as a threat (or perhaps the other way around—with that well-mastered ambiguity that police officers, as I have come to observe again and again, are so skilled at manipulating): “So, then, who knows, perhaps we will arrest you in the end.” As Nesrin replied with a giggle and went on to make herself comfortable, crossing one leg over the other, Nurcan handed over her paper with what I could see was a shaky hand. “Wrong appointment slip,” the officer said. “This states you are working in household services.” But in fact, on the online interview form, there was not a single category that Nurcan could have ticked, given her currently “illegal” status. The officer did not dwell on this impasse. He proceeded to review on his computer each circular issued over the past decade that might pertain to Nurcan’s situation. After ten drawn-out minutes, he sighed and reached the conclusion that we all knew too well: Nurcan had been “illegal” in Turkey for nearly a year now.

“But isn’t there anything, anything we can do, officer?” asked Nurcan, her voice tremulous but insistent. The officer reached for the phone. “Chief, I have a Bulgarian national here, her most recent entry is 29/12/2009, she is in overstay for twelve months, what can we do?... Hmm, yes. Yes, of course, of course. Transient stay conditional on exit, right. . . And is she going to pay her overdue fines at the airport?” Nesrin pounced on his ignorance: “What airport are you talking about, officer? We use the bus!”

The officer hung up and addressed Nurcan firmly: “Get your exit card instantly, pay your fines, so you won’t have a headache. Otherwise you will get an indefinite ban on entry. But if you do what I say, entry will only be forbidden for a temporary time. Now, you have

come today accompanied by—and nodding to me he uses the customary word for teacher, *hocam*, and I will not arrest you in front of her.” His voice softened: “And I know, you are victims yourself. . . so for this once, I’ll set aside my identity as a police officer.” His tone became firm again. “But, if you do not carry out the required procedures, the next time I see you on the street, I’ll take you into custody, understand?” Nesrin let out an exaggerated, playful “Aaaaggh.” The officer turned to her, “Hey, listen to me, the same holds true for you, so watch it.” Nurcan, who had not yet uttered a word, shakily approached his desk: “I just had an operation. I have no one here. I am a *soydaş* (racial kin). I have a daughter in Bulgaria.” The police officer was gentle again: “I know, I know. It is not to you personally that I say this. But this is my job. Go to your village, go to your daughter. Otherwise, you will be sitting on a thorn. Make your exit, then come back. And then apply for citizenship here.” He seemed not to be aware that at that time there was no path for a citizenship application. And yet, within months, a new circular would make it possible for Bulgarian migrants to apply for Turkish citizenship under a temporary amnesty.

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“Cruel optimism,” Lauren Berlant famously writes, “names a relation of attachment to compromised conditions of possibility.” A brilliant treatment of cruel optimism as capitalist *zeitgeist*, it is important to recall that Berlant defines optimism itself as the very stuff of life, irrespective of any particular epoch. Optimism is what makes it possible to live on; to hang on to a sense of continuity in the world. But it always harbors a potential for cruelty: the structural relation that optimism makes possible between the subject and a whole series of substitutive objects that promise wholeness is a relation that is bound to fall short: the promise for wholeness is an impossible one (a compromised condition of possibility in the first instance) because the promise is trying to compensate for the loss of something that never existed in the first place but gave rise to the desire through its lack. This so far is Lacan. At this point comes Berlant’s twist: not all optimisms are *equally* prone to cruelty. And the difference has to do with the realm of the political. Berlant thus pushes the psychoanalytic paradigm toward a new paradigm of subjectivity that takes seriously political economy, and more generally, the political: late capitalism is a particular breeder of optimism that is more intensely cruel.

Although my notion of precarious hope converges with Berlant’s cruel optimism, I depart from her groundbreaking analysis in her expansive, all-inclusive depiction of cruel optimism as a general feature of late capitalism. Berlant includes in cruel optimism all sorts of states necessary to survival in what she calls “zones of compromised ordinariness” (Berlant 2011:2). These include “the poor who work themselves to death” or those who defer life because they do not have the skills to live any other way” to the rich suburbanites whose attachment to particular objects of desire falls short of the expected satisfaction (Berlant 2011: 18). I want to work against this generalizing move that subsumes the poor and the rich under the same rubric of cruel optimism. Parallel to my objection to Miyakazi’s

characterization of hope as a method of knowledge available to Souvavu regardless of gender and wealth differences, the twist I want to bring to cruel optimism refers back to the comparative frame implicit in my conceptualization of hope. Festus Okey, a black migrant from Nigeria, is detained because he draws attention by his mere presence on the street, is forced to the police station, and is carried out of it fatally wounded. Nurcan, an undocumented migrant from Bulgaria voluntarily walks into the police station, all but declares illegal status, pleads for regularization, and is simultaneously threatened with deportation and encouraged to apply for citizenship later.

The underpinnings of this contrast are structural and historical. The distinction that the Bulgarian Turks have vis-à-vis other migrants begins in the naming. The legal and official definition of the word migrant, *göçmen* is limited to “those who are of Turkish descent and/or with affinity Turkish culture” (Settlement Law, 2006). Only immigrants who can prove Turkish descent or affinity to Turkish culture are legally designated as *göçmen*; other migrants are called foreigners. To make this point clear: special terminology exists for those considered ethnic kin in many national contexts, for example, “repatriates” (*palinnotouendes*) in Greece, or (*Aussiedler*), individuals of German descent, in Germany. But Turkey is unusual in not only having a special word for those deemed ethnically closer—*soydaş*—but also in the non-neutrality of the very term for migrant itself, which legally marks as privileged those deemed to have affinities to Turkishness.

This linguistic uniqueness is a manifestation of the strong ethnic nationalism that has historically shaped citizenship in Turkey. From the transition to the Turkish Republic through its foundational years, Sunni Turkishness was bolstered through eliminating—via dispossession, displacement, and a still officially denied genocide—those who fell outside of Turkishness and Muslimness (Akcam 2008, Keyder 2004). A concomitant tool for population engineering was to reincorporate Turkic populations outside of Turkish/Ottoman territory into the fold of the new nation-state through population exchanges and the settlement of ethnically and religiously desirable groups on the confiscated land of displaced minorities (Dundar 2001; Baer 2004). If we look at raw numbers, we see that the foremost recipients of citizenship during the founding years of the Republic were migrants from the Balkans. The Cold War period only reinforced the privileged treatment of Turkish migrants from Bulgaria. There were two major waves of migration, the first in 1950–51, and then in 1989. During both, migrants from Bulgaria were settled with land and in 1989, they were accepted with much political fanfare as kindred fleeing the oppression of a communist regime (Parla 2009).

But the story of the privileged treatment becomes more checkered after 1989. Migrants arriving after the collapse of the communist regime no longer had the same access to citizenship or settlement. Even tourist visas to Turkey became hard to obtain in the nineties, and people began to seek illegal routes to reach Turkey, including smuggling children across the border, resulting in a sudden increase in the number of undocumented children in schools. Perhaps because of this, a 2003 regulation enabled children—but again only those who qualified as *soydaş*—(so not, for example, Nigerian or Afghan children) to

obtain residence permits to register in schools, through which their parents then acquired a special type of residence permit for accompanying a minor who is enrolled as a student in Turkey. But the promised path to citizenship did not materialize through these permits, because residence was interrupted during the summer months when school was out. Still, relative privilege manifested itself through periodic amnesties—in the form of temporary, non-renewable six-month residence permits—granted only to Bulgarian Turkish migrants in 2007, 2009, and in 2011. Two of them were followed by a brief window when applications for citizenship were also possible. Through temporary regularizations, the state thus consistently hinted at the promise of legalization without guaranteeing its delivery.

### **On Hope and the Limits of Affect Theory**

Now I return to the suggestion I made at the outset. We need to differentiate not just between the amount of hope that is available to different groups, but also the quality, or, the “intensities” of hope nurtured by differently positioned groups. But how can we approach the question of intensities? With the recent popularity of affect theory, “affect” has become a blanket term to describe anything related to intensities, especially as it refers to the ambivalent, the uncertain, or the contingent. Not everyone claiming to be working under the rubric of affect theory shows adequate care in defining exactly what is meant by affect, and that is a huge part of the problem. But here I only engage with those who are scrupulous in defining their terms. For theorists like Thrift and Massumi, the turn to affect is justified primarily because affect theory is able to capture the pre-discursive, to what is not yet put into language, or even, what is beyond language and defies narration altogether.

In a classic passage, Sylvain Tomkins tries to articulate affect’s unspoken nature: “Affect is what hits us when we walk into a room and inexplicably sense an atmosphere, an ineffable aura, tone or spirit that elicits particular sensations. It is what is evoked by bodily experiences as they pass from person to person, contagious but remains unspoken.” (Tomkins 1963, 26).

If I were to try to make sense of the ethnographic encounter I described above under the rubric of affect theory, I would say that when I walked into the courtyard of the police station, there was an intensity among the three women that enveloped me as well. Moreover, there was something entitled and panicked in Nurcan’s gaze, with her spoken words corresponding only to the former (the confidence) and banishing the latter (the panic). The nervous energy being bounced back and forth between all three of them was palpable. The third friend reiterated “there was no way” she was risking it today but her sideways wistful glances did not match the certainty in her words. The anxious hope that “this time ‘it’ might happen,” was produced within what Brennan describes as “a co-subjective circuit of feeling and sensation,” (Brennan 2004, 14) and one in which gestures did not exactly map onto utterances.

But while there may be resonances between, on the one hand, my depiction of the hope that circulates among Bulgarian Turkish migrants and, on the other hand, the focus of

affect theory on circulating bodily energies that go against the grain of what gets put in language, my reservations abound. Scholarship on the anthropology of emotions has for a long time been demonstrating how emotions are not merely personal and sealed-off, but are about interdependencies and are co-produced. (In fact, we can trace the intersubjective emphasis all the way back to Adam Smith's (1759) less famous classic, *The Theory of Moral Sentiments*). So do we really need a new theoretical paradigm to talk about a co-subjective circuit of feeling?

Those who insist on a strict terminological distinction between emotion and affect, however, will respond that affect cannot be subsumed within an analysis of emotion. As one of the clearest formulations of the distinction between emotion and affect has it: "Unlike emotions, affective states are neither structured narratively nor organized in response to our interpretations of situations" (Grossberg 1992: 81). Affect is what takes place "when bodies encounter each other, and before the resulting intensities have been categorized and named as emotions" (Massumi 1996).

Now one might concede, "the body has a grammar of its own that cannot be fully captured in language" (Shouse 2005). But how warranted is the subsequent leap from the recognition of the relatively distinct grammar of the body to the much more absolute position that "emotion and affect pertain to different orders" (Massumi 2004: 27)? In positing a radical break between cognition and corporeality (Leys, 2001), this move brings back the old wine of the mind/body dualism in a new bottle, as Leys and Martin show in two separate scathing critiques. On this account, not only are felt intensities viewed to be autonomous from meaning and intentionality, but the converse is true as well: "intentionality and meaning are viewed to be purely cognitive" (Martin 2013, 157). Thus an account of meaning that includes the mind and body is eschewed.

A final consideration concerns the question of the normative. Affect theory's insistence on the non-discursive, if we look carefully, is not a purely descriptive concern but harbors its own hope: namely, the desire to retrieve a potential in that very gap between the moment of affect and the moment it "falls into language." In the preoccupation with that gap not yet contaminated by language, it seems to be, there is, not unlike the Blochian appropriation of hope, a desire to uncover a kind of knowledge that may bring about a different order of things. This is the stake involved in the insistence that affect lies outside of the realm of the ideological it seems to me. Take Massumi: "affects must be viewed as prior to ideology—that is prior to intentions, meanings, reasons and beliefs—because they are non-signifying, autonomic processes that take place below the threshold of conscious awareness and meaning" (Massumi, 437). Now both Leys and Martin have already raised the objection to this preference for the bodily subject with unstructured dispositions over the rational subject with articulated intentions: even if one were to admit a certain potential to such unarticulated, unconscious responses, what is there to guarantee they will lead to a desirable form of action? My own concern in this essay is even more rudimentary. A wholesale embrace of affect theory ultimately traps us in the moment. **By insisting on the "pre" of the discursive, it ends up neglecting the "pre" of affect,** the existing structural

violence and structural privilege that precedes, or in Pierre Bourdieu's phrasing, the systems of durable, transposable dispositions; the structured structures that act as structuring structures." (Bourdieu 1977, 72). But let me try to make that famous grand abstraction ethnographically palatable.

The "pre" in my ethnographic instance, or the durable disposition, is Nurcan's and Nesrin's knowledge that the Turkish state has been paternalistically benevolent toward them. Recall the amnesties that were given in 2007, 2009, 2011. So it is indeed rational to ask of a police officer, even if the passport shows overstay, whether the vague announcement on the web site might indeed be a promise of legalization. In the ethnographic moment, I had interpreted Nurcan's hope as a sign of naiveté. In retrospect, it was in fact I who was being naive. That particular interpretation of the hearsay news as confirming her hope of legalization stems from her sense that she has a certain bargaining power with the police. While not necessarily articulated as such, it is sustained by existing networks of knowledge: a distant relative finally getting her identity card after being undocumented for years, or a friend applying for citizenship after an amnesty, or the third friend in the courtyard that day avoiding deportation after the police discovered her place of residence. Similarly, while Nesrin's nonchalance appeared in the ethnographic moment as pure risky behavior, it was also a way of negotiating a situation in which one has a reasonable bet for hoping (or what Bourdieu (1963) would call "objective probability"). Finally, what I assumed in the moment of the encounter as the officer's lack of command over the regulations when he said come back and apply for citizenship was wrong; the officer could not have foreseen this development exactly, it was not necessarily his ignorance but that sense of reasonable possibility. It was again that sense of possibility which propelled Nurcan and Nesrin to walk into that police station despite my pleas to the contrary. As different as their bodily comportments were—Nurcan cautiously timid, and Nesrin hyperbolically outgoing—both walked into that police station with a sense of precarious entitlement, feeding off each other's hope that there was something new in the air with regard to the possibility of their legalization. And if they walked out without the hoped for gain, it was also without any damage done.

### Damage

One month after my visit to the police station with Nurcan, I am in court, attending the ninth hearing of the trial of the police officer charged with the murder of Festus Okey. We are by now all too familiar with the transgressions in the conduct of the trial. The officer charged with the murder remains on duty. Key missing evidence is not pursued. The cameras in the interrogation room were reported to have broken down at the time of the incident. The blood-stained shirt, critical to determining the distance and direction of the bullet shot, got "lost" at the hospital. The hearing concludes with yet another postponement: the jury will wait for documents from Nigeria to ascertain the identity of the victim. The only novelty is that two hundred activists, lawyers, academics, including myself, are now charged by the

high criminal court on two counts: libel and attempting to influence the due course of justice, based on legal petitions we submitted to become a party to the case.

I ask for a copy of the court records and come across the following statement from the indicted officer:

I was the team captain and we were conducting an investigation on drug trafficking. Black persons and citizens who come from the East attract more attention when it comes to drugs. So with this aim, as we are heading towards Tarlabası<sup>3</sup>, we spotted two black persons ahead of us as we approached the (*Sakızagacı*) traffic lights. I stared into the face of the two black persons as we were cruising; the one walking in front, the one who died, put his hand in his pocket, acting in an uneasy manner. I said, “Pals, let us stop and investigate.”

“The one walking in front, the one who died.” Walking one minute, dead the next. The speed of this discursive transition in the officer’s testimony mimics the experiential speed with which the walking body became the dead body. Unlike any of my Bulgarian Turkish interlocutors, Festus Okey could not have hoped for any immunities or preferential treatment. “He acted in an uneasy manner,” says the officer in his testimony. What bodily gesture transmitted that affect of unease? Was it an evasive backward glance Festus might have shot at the police car as he increased his walking pace? Was it a sudden hunching of the shoulders to defend himself at the prospect of an unwanted encounter with the law? Whatever the bodily gesture was, it transmitted an affect strong enough that it attracted unwanted attention. Regardless of its obviousness to him, would the officer have been so attentive to what he coded as unease in the first place if he did not “know” beforehand who is always, already suspect? There it is, further on in his testimony: “migrants and black persons attract more attention when it comes to drugs.”

Here I think is where we see most clearly the limits of the claim that affect transmission proceeds spontaneously. Fassin, pursuing the less prominent thread even in Merleau-Ponty’s predominantly presentist phenomenology, writes, “perception is also always remembrance” (Fassin 2011: 428). For the police officer, it is the always already suspect status of migrants and black persons. For Festus, it was probably having witnessed more than once what police can do to a black man for simply walking on the street. For Nurcan and Nesrin, it is their knowledge that they are not likely to be hurt in that police station despite sharing the same “illegal” status as Festus Okey. Affect theory’s allure lies in its terminology that captures certain occurrences before they emerge fully into consciousness, rationality, and language, and in its promise for more contingency in the conditions of possibility. I find the temptation welcome to the extent that it helps spell out and fortify one of ethnography’s key virtues—the thick description of experiential ambiguities—but problematic when it begins to mask the dependence of sensory reactions and perception on prior bodies of knowledge,

or, if you will, durable dispositions, that are entrenched and affirmed, in this particular instance, in formal and informal legal codes.

### Conclusion

Let us go back to the police station. It would have been unlikely for me to be present at the police station where Festus Okay was murdered. I became involved in the case through signing a petition demanding to be party to the case, a symbolic act designed to command public attention. The court tried to deter our presence in juridical space even in the aftermath of the murder by charging us with libel on account of this act. Nurcan, on the other hand, I already knew for two years by the time we walked into the police station together. Nurcan anticipated my capacity to help; the police officer referred to my presence as a factor in tolerating Nurcan's illegal status, even if I do not believe it influenced the outcome as he suggested. There was certainly room for a variety of possibilities in encounter: Nesrin's flirtatious giggle might ease or irritate; the title of professor might dissuade or provoke. But how those energies will flow is not pregnant with endless potential. I have tried to demonstrate that the horizons of hope are opened up *and* delimited by history and law, and the conditions of possibility are manifest even in to what extent the anthropologist can or cannot become a witness to the scene of encounter.

Finally, the ambivalence of the second encounter in the police station is not independent of the ambivalence of the law, and in particular, of migration policy—an ambivalence that is also structured: the law promises privilege at the same time that it often withholds the promise. On the one hand, the cycles of hope, disappointment, and renewed hope—the very repetitive quality of which, for some is reason to celebrate its prospective potential—serves as a mechanism of migration policy that lures migrants to then use them as vulnerable labor. On the other hand, even as Nurcan shudders as she walks into the police station, her hope for the possibility of legalization is sustained by the legal regulations and the short-term memory of amnesties as well as the longer-term historical legacy of ethnic privilege. Precarious hope is that quality of ambiguity, the oscillation between anxiety and hope, that relies on some deeper and collectively structured sensibility about the contemporary legal system that occasionally delivers relative privilege. Spinoza 2000[1677] defines hope as an “inconsistent pleasure” in opposition to fear which is an “inconsistent pain” (215) arising from the idea of something in the past or future yet always accompanied by certain doubt. If the element of doubt were to be removed, hope would turn into confidence and fear into despair. The historical legacy of racial kinship and the contemporary migration regime in Turkey operate in such a way as to ensure that doubt remains.

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## ENDNOTES

1. In July 2016, and as this paper was being completed, the president of Turkey declared in abstract terms that Syrians who qualified would get citizenship, without any specification as to what the criteria were and without any follow-up to the declaration, which on its own sufficed to unleash yet further anti-immigrant sentiment. It remains to be seen whether the Syrians, until now among the most vulnerable among migrant groups in Turkey, will emerge as yet another group with relative privilege?
2. Fieldwork for this piece was made possible by a three year Career Grant from TUBITAK (Turkish National Scientific and Technological Association) and a three year TUBA-GEBIP (Turkish Scientific Academy Exceptional Young Scholar Award) grant. The writing was carried out during my membership (2016-2017) at the Institute for Advanced Study, Princeton.
3. Tarlabasi, which until very recently was ghetto populated by African migrants and Kurdish citizens, is now undergoing one of the most major gentrification projects in Istanbul.