

Book Review

The Politics of Migration: A Function of Discursive Rights, Integration, and Justice

Demanding Rights: Europe's Supranational Courts and the Dilemma of Migrant Vulnerability. By Moritz Baumgärtel. Cambridge University Press, 2019. 206pp. ISBN 9781108677837

Justice for People on the Move: Migration in Challenging Times. By Gillian Brock. Cambridge University Press, 2020. 256pp. ISBN 9781108774581

Transitional Justice and Forced Migrations: Critical Perspectives from the Global South. Edited by Nergis Canefe. Cambridge University Press, 2019. 330pp. ISBN 9781108380072

Migration and Integration: The Case for Liberalism Without Borders. By Tom Fraser. Cambridge University Press, 2020. 272pp. ISBN 9781108757997

The Perpetual Immigrant and the Limits of Athenian Democracy. By Demetra Kasimis. Cambridge University Press, 2018. 206pp. ISBN: 9781107280571

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Whether born out of war and violence, natural disasters, or lack of economic opportunities, irregular migration remains at the centre of academic and policy debates. The past decade, for instance, saw a sharp increase in irregular migration from the Global South with migrants from Syria, Venezuela, Afghanistan, South Sudan, and Myanmar alone producing more than 68% of world's refugee population in 2020 (UNHCR, 2020). In the process, host states have been grappling with ways to contain the flow of migrants, while, at the same time, either respecting or infringing humanitarian and international norms on migration and asylum (Betts and Collier, 2017). The experience of Europe, Australasia, and North America exemplifies this challenge. Germany alone welcomed more than one million migrants in 2015 (Estevens, 2018). Meanwhile, countries such as Australia have been criticized for adopting hard-line policies whereby migrants are confined in offshore detention camps (Minns, Bradley, and

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Chagas-Bastos, 2018). In North America, the former US President Donald Trump advocated for draconian border policies and signed executive orders perceived as Muslim bans (Schmidt, 2019). Together, these examples provide a broad picture of how varied the challenge and response to irregular migration have been in recent years.

For clarity purposes, irregular migration is used here to refer to situations “when a person enters or lives in a country of which he or she is not a citizen, in violation of its immigration laws and regulations” (Castles et al., 2012: 117). Although there are competing views on what falls within the purview of irregular migration, the term encompasses undocumented migrants who seek work opportunities abroad, those wishing to join family members through illegal channels, and asylum-seekers who do not meet the criteria of refugee status under the 1951 Refugee Convention (ibid.). Given the broad scope of irregular migration, it is unsurprising that the literature on the topic is largely divided on the causes, patterns, and intervention strategies (Castles, et al., 2012; Stierl, 2019; Squire, 2017). Nonetheless, moral and legal aspects of conditioning entry or terms of stay guide much of the discussion on irregular migration (Betts and Collier, 2017; Esteve, 2018; Eule, Loher and Wyss, 2018), with three lines of inquiry dominating the literature. The first revolves around rights, as found within international norms of governance such as the UN’s Universal Declaration of Human Rights and international humanitarian laws that require states parties to accord migrants “impartial assistance” and protection from “violence and coercion” (Mayblin, 2019). The second, closely related to the first, concerns migration justice, which emphasizes access to fair, impartial, and non-arbitrary instruments of justice in receiving countries (Minns, Bradley, and Chagas-Bastos, 2018). The third centers on the politics of integration, with particular emphasis on the delicate balance between the needs of a bounded polity and those of migrants (Betts and Collier, 2017; Stierl, 2019).

The five books under review engage with these lines of inquiry from a plethora of analytical perspectives. Beneath the shared interest on irregular migration, there is a contrast in the intellectual tradition that characterize the discussions in these volumes – with *Demanding Rights, Justice for People on the Move, and Transitional Justice and Forced Migration* on one side of the spectrum and *The Perpetual Immigrant* and *Migration and Integration* on the other. Specifically, Moritz Baumgärtel’s *Demanding Rights* takes a socio-legal approach to make the case for reforming Europe’s supranational courts (e.g., the European Court of Human Rights and the Court of Justice of the European Union). Because of the vulnerability and increasingly demanding character of migrant rights, especially irregular migrants, Baumgärtel believes that “the European courts do not currently offer a reliably effective venue for promoting migrant rights” (p. 156). Meanwhile, Gillian Brock’s *Justice for People on the Move* weighs in on the interconnection between justice and migration, and how it informs new policies targeting irregular migration. The core argument presented is that people’s life plans should be mutually respected if migration justice is to prevail. According to Brock, one way of achieving this is by evaluating moral agency needs, and how they discursively interact with competing life plans because “our identities as individuals and as nations are heavily connected to migrations” (p. 14). Similar arguments are advanced in the volume edited by Nergis Canefe – *Transitional Justice and Forced Migration* – which highlights the inadequacies of applying conventional instruments of transitional justice to problems of forced migration in the Global South. The authors in the volume argue that contemporary literature on migration and mass displacement overlooks context-specific articulations of justice, which entails a delicate balance between peace efforts and the pursuit of justice (p. 54). The volume reminds us that if mass displacement continues



to be a major challenge today, it is because little has been done to address the circumstances that lead to the crimes of forced migration in the first place.

In contrast to most of the arguments presented in the three books above, Tom Fraser's *Migration and Integration* explores on what grounds states can have the moral and legal authority to condition entry and terms of stay for migrants to safeguard Western liberal values that, according to him, are threatened by migrants' – regular or irregular – diverse socio-political backgrounds (often non-liberal). Calling for frank dialogue between elected officials and electorates on the challenges posed by migrants' integration at the cultural, political, and economic levels, Fraser makes the case for liberal nationalism and a “grand strategy” to preserve liberal values. In complementing Fraser's arguments, though from a historical perspective, Demetra Kasimis' *The Perpetual Immigrant* reminds us that restrictionist policies on migration, especially the use of identity filters, have historically defined Western societies. Focusing on the readings of Plato, Euripides, and Demosthenes, Kasimis walks us through the lives of the “metics”, imbued by the performances of citizenship, while highlighting the centrality of imitation (*mimesis*) as part of the broader politics of integration and assimilation in Plato's Republic. The book provides an erudite historical reconstruction of Athenian politics, bringing to the fore the complex and interwoven politics of belonging, nativism, assimilation, ethics, justice, and participation in the civic life of a bounded national community.

Together, these books offer insightful reflections on the complex and discursive predicaments surrounding the rights, justice, integration of irregular migrants. In this joint review, I narrow the discussion to three broad questions that cut across the five books: a) Should states receiving unprecedented numbers of irregular migrants have sovereign authority over who enters within their borders irrespective of circumstances? b) What metrics should such states adopt when assessing the deservedness of irregular migrants for inclusionary or exclusionary purposes? and c) How should these states guarantee the safety and security of their citizens often subjected to the pressures of irregular migration?

States' Sovereign Authority Over Who Enters Within their Borders

The question of a state's sovereign authority to condition irregular migration often belies the moral and legal principles of selectivity. It also subsumes selective limitation to freedom of movement and association, especially at a time when global systems are increasingly interdependent.

Precisely, under what conditions irregular migrants should be permitted to enter a given territory under moral and humanitarian considerations? Accordingly, the demanding character of migrants (Baumgärtel), as well as the differentiated nature of the rights and justice of vulnerable persons (Brock; Canefe; Baumgärtel) make it virtually impossible to grant individual states the sole authority to condition entry. Besides the fact that non-threatening irregular migrants risk being exploited for material and immaterial benefits (Brock), their human rights are rarely respected or protected (Baumgärtel). What this means is that individual states have a collective responsibility toward border control and a moral obligation toward irregular migrants, especially because of the international laws that require states to provide, at the very least, reasonable protection to endangered populations (Baumgärtel; Brock). After all, the state's legitimacy is also linked to how a given state exercises its powers to treat people (Baumgärtel: 104).

However, if one's vulnerability is a necessary factor for conditioning entry and protection (as broadly argued for by Brock, Baumgärtel, and Canefe), then one may wonder if we all have an "obligation to all people with endangered or stunted life chances" (Fraser: 27). Fraser makes it clear that "the morality of limiting and conditioning entry" should be left to states, as they have a right and an obligation to defend their political order built over centuries of struggles. Arguing for legal principles of selectivity and the broadening of state's sovereign authority to condition admission especially to irregular migrants, Fraser rejects moral and humanitarian considerations of selectivity because they assume that there is a collective sense of common humanity while disregarding the social, political, and economic realities of host states. Worse, conditioning entry under such principles compromises the sovereign capacity of receiving states to provide adequate integration to deserving migrants (p. 158). Conditioning entry based primarily on the principle of legality is associated in this way with the protection of the people and values that define a bounded national community, without which the idea of a people is meaningless (Kasimis).

Within the EU in particular, the dilemmas surrounding selective restriction of movement are associated with fragmented positions on how the responsibility for irregular migration should be distributed among member states. Besides competing policies on the securitization of migration (Baumgärtel; Brock) and globalization that has rendered the nature of sovereignty more diffuse (Canefe), de-nationalization of state sovereignty within regional blocs has made it difficult to find a common ground on the politics of entry (Fraser). Not only do these factors compromise efforts toward a coordinated response to irregular migration; they lead to inconsistencies in the rulings of supranational courts (Baumgärtel) and normative application of justice measures with little regard for context-specific realities (Canefe). The Dublin Regulation, for instance, has allowed for the "externalization of border control...and human rights obligations", thereby leading to pre-emptive detentions and denial of basic rights (Baumgärtel: 81-85).

In short, the question of state's authority to condition entry for irregular migrants is imbued by competing views on migrant rights and collective responsibility that individual states have towards vulnerable populations irrespective of sovereignty arguments.

Metrics for Assessing Deservedness Within a Bounded Community

Concerning the criteria for deservedness, the authors invite important reflections on what kind of rights qualify and which ones do not. The dilemmas posed by such metrics also bring to the fore the question of whether there are rights worth discriminating against.

Arguably, the integration of irregular migrants into a national community involves not so much discussions about illegality, but the interdependence between states (Brock), the protection of vulnerable populations (Baumgärtel), and equal access to the instruments of justice (Canefe). The question that arises, then, is whether it is necessary for irregular migrants and citizens of a bounded community to be more equal in the enjoyment of privileges and less in the sharing of obligations. In addressing these questions, Fraser contends that the deservedness of migrants (regular or not) should be evaluated based on their degree of fit with the political, cultural, and economic structures of host states, as "large fragments of multigenerational migrant communities have failed to adopt in sufficient measure the beliefs, commitments, and practices of the legacy population, in particular its supposed commitment to socially liberal values" (Fraser: 50).



However, evaluating the deservedness of irregular migrants along those lines is considered to be discriminatory since they draw on highly politicized and ill-founded assumptions that scapegoat migrants as the primary source of socio-political disorder in host states (Canefe; Brock). Moreover, such filters sit at odds with the state's relations of recognition or legitimacy (Brock), including global regimes on human rights that require individual states to provide minimum protection to individuals at risk of prosecution, persecution, and indiscriminate violence (Canefe; Baumgärtel). At the core of these discussions is the centrality of human needs and existential factors in the evaluation of deservedness. After all, "... the entitlements of non-citizens in the absence of a social contract is arguably what the idea of human rights is all about" (Baumgärtel: 7).

Even though Fraser acknowledges the reasonableness of such global norms, he insists that purposive criterion for migrant selection has little to do with discrimination and more to do with methodical and adequate integration of migrants more broadly – because a just society is also one that seeks consensus on “the terms on which groups compete for social and economic goods” (p. 56). Arguing against weak border policies, which he attributes to a “liberal recipe for tolerance” and lack of frank dialogue between elected officials and the electorate on the challenges of migration, Fraser proposes a tripartite process for integration: a) provisional settlement, where “each adult member of a migrant family would sign an individualized agreement detailing actions we expect them to take”, b) settled, allowing “access to all of the services of our social support system but would be subject to a tax surcharge to support the system”, and c) citizenship, serving as an elevation path to “join the nation” once other steps have been satisfactorily met (p. 189-194). The deservedness in this sense hinges primarily on the degree of migrant fit, with cultural backgrounds serving as important exclusionary factors.

Whereas “identitarian closure” as an exclusionary mechanism may seem unpopular in contemporary societies (Baumgärtel; Brock), it is not entirely out of the ordinary. We are reminded by Kasimis that Western democracies have historically used identity-based markers for socio-political ordering of noncitizens. In reconstituting the dilemmas of the *metics* (residents without Athenian blood-based parentage) in ancient Greece, Kasimis observes that the integration of migrants into the social, political, and economic lives of Athens was achieved through “performances of citizenship” or assimilation practices (*mimesis*). This enabled the *metics* to enjoy certain rights and privileges reserved to “natural status” citizens: “Pericles’ metic listener will serve to reinvigorate and reaffirm the city’s political culture and transform himself in the process from a potentially divisive force into a vessel of democratic virtue” (Kasimis: 69). Although such measures weighed heavily on Athenian democracy, they facilitated the ordering of noncitizens and conserved Athenian exceptionalism at the time (p. 103). Therefore, it should be no surprise that the deservedness of irregular migrants is increasingly evaluated based on cultural markers in many Western liberal societies.

In short, the authors negotiate the deservedness of irregular migrants as a function of a social contract whose degree of variability hinges not only on legal and moral considerations but also on social deprivation arguments.

Guaranteeing Safety and Security Within a Bounded National Community

With regard to ensuring security within a bounded national community, the core concern remains how states should reconcile security interests with normative requirements of human

rights protection. There are two points to consider. The first relates to the perceived connections between migration and insecurity within a bounded polity (Fraser; Brock; Kasimis), and the second concerns the obligation of states toward common humanity brought about by the forces of globalization and relations of governance (Baumgärtel; Canefe).

While it is impossible to ignore global concerns over the safety and security of populations, popular narratives by political elites on events such as terrorism have given prominence to the perceived links between irregular migration and national security threats (Fraser; Brock). These narratives are then institutionalized and used as justifications to condition entry and terms of stay even when there is no evidence of security threat. For instance, the “alleged terrorism-related security threats were behind several draconian measures introduced in 2017, such as the executive order to ban citizens from seven predominantly Muslim countries entering the USA, the suspension of refugee admissions, and new extreme vetting procedures for all who aim to arrive or transit through the USA” (Brock: 166).

Admittedly, such narratives have reinforced nationalistic sentiments, especially in Europe and North America, giving rise to right-wing politics that threaten the very ideals of liberal Western democracies (Fraser). In the process, foreign linkages, especially Middle Eastern, have sufficiently justified excessive scrutiny of certain individuals for fears of national insecurity (Baumgärtel). Yet, “domestic lone wolves”, including cyberattacks and nuclear threats, pose the greatest danger to national security than irregular migrants (Brock: 168-172). There is a strong sense that certain groups of migrants have been scapegoated as threats to national security without reasonable cause thereby limiting their chances of admission as irregular migrants. A case-by-case approach to evaluating the admissibility of individuals is thus seen as a way of averting the triviality of court rulings (Baumgärtel) and encouraging irregular migrants to engage with the existing instruments of justice so their rights are protected (Canefe).

However, the circumstances that lead to human insecurity should not supersede concerns over the security of host states/populations. Taking a soft stance on border policies can also serve as a “pull factor” for individuals that threaten the security of a national community (Fraser), including the value of pride that defines such societies (Kasimis). As Kasimis acknowledges, “in a polity where assimilated, even native-born “foreigners” may live as free persons, permanently excluded from membership and thus with the potential to pass as citizens, how could employment not excite a particularly charged anxiety?” (p. 158). Given such concerns, Fraser proposes “liberal nationalism”, which advocates for strong border policies and an overhaul of humanitarian solutions to migration, as a promising solution to irregular migration. Arguably, because of migrants’ diverse socio-political backgrounds (often non-liberal), integration has become a major stressor for cultural, political, and economic cohesion in such bounded spaces: “it may be necessary for governments not to suspend but to restrain the humanitarian impulse; to open the door, but not too widely; to be generous, yet not too generous; to appeal to the electorate’s better angels, while acknowledging its attachment to the idea of a community less broad than the world, a bounded space” (Fraser: 7).

The challenge with such propositions is that they undermine the state’s obligation toward common humanity, as states are expected to provide vulnerable populations with the right to seek or enjoy protection (Baumgärtel; Brock). Besides, not all irregular migrants willingly disregard the rule of law, but varying circumstances push individuals to seek safety and security



in other territories (Canefe). In this regard, not paying close attention to the vulnerability and/or security of irregular migrants allow for socio-economic marginalization and radicalization, which is counterproductive to the efforts put forward to safeguard national security interests (Brock).

Overall, conflicting perceptions on what constitutes internal and external security threats, inadequate integration of migrants, and the rise in politically toxic narratives on irregular migration are theorized in these volumes as key aspects of the migration-security nexus.

Concluding Remarks

Read individually, each book contributes to the broader literature on migrants' rights, justice, and integration, ranging from inconsistencies in supranational legal frameworks on the admissibility of irregular migrants (Baumgärtel), to systematic selection and integration of migrants in line with the "West's legacy inhabitants" (Fraser), to situating migration questions within historical contexts (Kasimis), to probing how political-economic realities inform irregular migration policies and cosmopolitan views of morality and humanity (Brock), to the limits of cultural homogeneity when discussing migration justice (Canefe). Read together, the books reveal the difficulty in streamlining the criteria for admitting and integrating irregular migrants, while ensuring that the human rights of vulnerable migrants are protected. The books therefore offer important conceptual and empirical viewpoints on irregular migration. Conceptually, the five books recognize the difficulty in establishing coherent criteria for selecting and admitting irregular migrants, owing to the changing nature of migration policies and the rule of law. Empirically, they highlight the dilemmatic balance between domestic, regional, and international norms of migration and the rise in right-wing nationalism as a response to the perceived insecurities within a bounded space.

The significance of these books to the broader debates on irregular migration can be resumed in three main points. First, they show how the systems of global inequality disproportionately inform the patterns of irregular migration and related policies (Canefe, Brock, Baumgärtel). However, Fraser cautiously questions whether the disparities in socio-economic realities between states should form the basis upon which the deservedness of migrants (regular or not) are evaluated. Second, the books draw from diverse methodological frameworks to conceptualize and operationalize irregular migration in varying contexts. Baumgärtel, for instance, draws on interesting legal documents to make the case for the "demanding character of migrant rights". Meanwhile, Canefe's volume brings to the fore impressive work by interdisciplinary scholars, especially those working on migration questions in the Global South. Kasimis also uses historical accounts to underscore the fact that the metrics for assessing the deservedness of migrants, especially in the West, have largely remained similar to those used in ancient Greece despite the evolution of migration policies across time and space. Third, and owing to the changes in national, regional, and global policies on irregular migration, the books discourage the adoption of standardized approaches when examining the rights, justice, and integration of irregular migrants. In this way, the books passively contribute to scholarship emphasizing the use of migration statistics as a means to inform border policies and/or migration regimes (Tackle, 2017).

That said, there are contemporary debates on irregular migration that are curiously missing in the five books or passively addressed. For instance, the books pay little attention to the role of media in the discursive production, negotiation, and dissemination of particular frames

upon which people evaluate the causes, consequences, and responses to irregular migration (Wallaschek, 2020). The books also do little to examine how social media and other digital technologies inform how states engage with issues surrounding irregular migration, yet recent scholarship point to the increasing use of such platforms by some governments to deter irregular migrants and asylum seekers (Brekke and Thorbjørnsrud, 2020). Future research could therefore probe how varying media platforms intersect with the discursive aspects of migrant rights, integration, and justice, and how such interactions inform policies on irregular migration.

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