Book Review: The Ethics and Politics of Immigration: Core Issues and Emerging Trends edited by Alex Sager

With the edited collection **The Ethics and Politics of Immigration: Core Issues and Emerging Trends** *,* **Alex Sager** *brings together contributors to examine debates within political philosophy and theory regarding the laws, policies and practices governing immigration.* **Guy Aitchison** *welcomes this volume as a valuable map of the current philosophical and political terrain that brings into normative focus key issues concerning immigration today.*
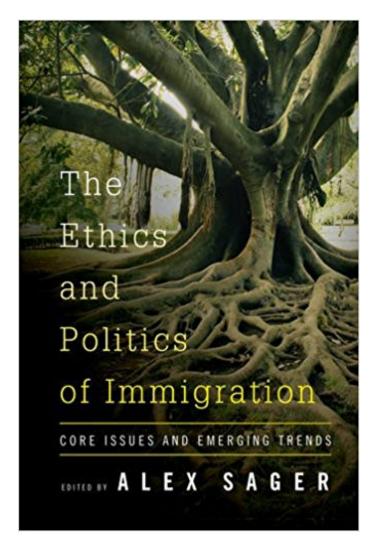
The Ethics and Politics of Immigration: Core Issues and Emerging Trends . Alex Sager (ed.). Rowman and Littlefield. 2016.

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Political philosophers have recently started devoting serious attention to the question of immigration. Faced with the fractious, emotionally charged atmosphere that surrounds contemporary debates around immigration in public life and the populist chancers who exploit the issue, one might be tempted to conclude that sustained ethical reflection is ultimately futile. Yet it is precisely because the fog is thick that illumination is called for. At its best, political philosophy throws into question the unexamined assumptions that structure the very terrain of disagreement, such as the assumption that states have a right to exclude people at all. It can also bring to the surface practical commitments that we did not know we had, showing how our agreement in one particular area should inform our thinking on more controversial issues. Why, for example, an official commitment to protecting refugees – defined as those fleeing political persecution – might require us to extend hospitality to groups suffering from other human rights abuses.

In 1987, Joseph Carens wrote a pioneering essay on immigration in which he memorably described citizenship of Western states as a form of feudal privilege: 'an inherited status that greatly enhances one's life chances'. His argument aimed to show how the theoretical commitments of utilitarians, libertarians and Rawlsians – the dominant approaches in political philosophy – required them all to support much more open borders. While other noteworthy contributions followed over the decades, most philosophers tended to think about justice under the assumption of a closed-bordered society. Immigration was largely treated as a subsidiary issue within debates between nationalists and cosmopolitans and over the merits of multicultural group rights. In recent years, however, attention to different aspects of immigration policy and practice has gathered pace with a major book by Carens in 2013 summarising a career's worth of reflections, and significant interventions on the other side of the debate by the likes of David Miller and Christopher Heath Wellman, who have defended immigration controls on the basis of

national culture and self-determination. A recent collection of essays edited by Sarah Fine and Lea Ypi brought together many leading theorists in this area to debate rights of entry and exit, the categorisation of migrants and the distribution of citizenship in democratic states.

In to this mix, we can now add *The Ethics and Politics of Immigration*, edited by Alex Sager. This is an excellent collection of academic essays on some of the key normative issues raised by the laws, policies and practices that govern immigration in liberal states. Nearly all of the contributors work in political theory or philosophy, though the collection distinguishes itself in taking a more self-consciously practical approach to the issues, closely attuned to specific institutional and strategic contexts and the dominant modes of argument in public discourse. The book consists of twelve substantive chapters organised around four key themes: i) admissions; ii) enforcement and its effects; iii) integration and inclusion; and iv) new directions for the philosophy of immigration. I cannot hope to do justice to the full range of contributions, but among the issues covered are the definition of refugee status in international law, the justification of family migration schemes, smuggling and trafficking, citizenship tests, arguments for regularisation, temporary labour migration and migrant care work.

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In an illuminating *tour de horizon*, in Chapter Two, Amy Reed-Sandoval contrasts the 'classical' and 'new' open borders debate in political philosophy. The former has largely been conducted at the level of 'ideal' theory, examining whether there is a universal right to cross borders, the basis on which citizenship is conferred (or denied) and whether states have a general right to exclude whom they wish. While this has the advantage of bringing into clear focus fundamental questions of political morality, it also runs the risk of abstracting too far from the complex historical realities of migration rules and enforcement. The new open borders debate, by contrast, adopts a 'non-ideal' approach sensitive to the particularities of existing immigration regimes and drawing on perspectives from critical theory. This approach might examine how relations of race, gender and class condition patterns of exclusion or how historical relations between states influence migration flows and state policies. Reed-Sandoval argues (rightly in my view) that both approaches can usefully inform one another. For example, a state's history of military intervention in a region – as for example, with the US and UK in the Middle East – might generate a stronger claim against that state for inclusion by those individuals displaced. In this way, the critical perspective of the new open borders debate can usefully supplement abstract discussions of rights and justice, making these debates more 'user-friendly' for political activists.

In Chapter Four, Matthew Lister makes a 'pragmatic' argument for the moderate expansion of the definition of refugees who are entitled to asylum under international law. The 1951 Refugee Convention extends refugee status to those with a 'well-founded fear of being persecuted'. While some have argued for a broader 'humanitarian' definition of refugees to include those fleeing life-threatening poverty and other human rights deprivations, others have argued that this narrow focus on persecution is justified as a kind of global 'rebuke' to oppressive states. Lister departs from the status quo in recommending the expansion of the category of refugee to include those who are fleeing persecution by non-state actors (such as ISIS) in situations where the state is unable or unwilling to offer protection. Against those proposing a broader humanitarian definition, however, Lister argues that a focus on persecution is warranted if we understand asylum as a particularly appropriate kind of remedy for situations where there is an ongoing risk of harm and where alternative solutions, such as aid, temporary protection and military intervention, are not appropriate.

Stephanie J. Silverman's contribution in Chapter Seven focuses on immigration detention. Prior to the presidency of Donald Trump, the US already had the largest number of immigration detention centres in the world, with over 400,000 people deprived of their liberty for falling foul of immigration law. Immigration debates tend to implicitly assume that removal happens instantly, but in practice the process often takes many years, leaving people in a state of legal limbo. The system officially functions as part of the removal system, but it is also clearly a form of punishment designed to deter would-be migrants in violation of fundamental principles of legality. Silverman notes that while the international human rights regime may blunt some of the harshest elements of immigration detention, it does not adequately define the practice or say how it can be challenged.

One of the most enduring refrains of pro-migrant movements in recent years – found in chants, pamphlets and T-shirts – is that 'No human being is illegal!' This is a powerful, life-affirming response to the callous rhetoric of immigration enforcement that also exposes the contingency of legal-bureaucratic statuses. In Chapter Twelve, José Jorge Mendoza offers an incisive analysis of how the term 'illegal immigrant' is a xenophobic and racist construction that establishes who is 'white' (and privileged) and who is not, protecting insiders and demonising outsiders. Notably, the first naturalisation tests in the US in 1791 stipulated that only whites could become citizens, thus making black people in the country 'perpetual foreigners'. Whereas the current regime is superficially neutral on race, it nonetheless creates a hostile legal and social environment for non-whites. As Mendoza notes, laws and policies aimed at encouraging the 'self-deportation' of undocumented migrants mean that even Mexicans with citizenship in the US are made to feel like permanent suspects and outsiders.

In his own contribution, Sager persuasively articulates many reasons that explain my own instinctive unease at the debate around 'brain drain': the phenomenon whereby doctors and other skilled workers move from developing countries to more prosperous states for work. In contemplating this purported problem, a number of philosophers have recommended extensive controls over emigration in developing countries in the name of global equality. As Sager argues, the whole debate operates with the dehumanising assumption that states have a right to control their own populations in the manner of commodities – 'brains' – for their own benefit, rather than treating people as individuals with families, lives and futures of their own. Worse, the debate is premised on a shaky set of empirical assumptions that both exaggerate the significance of the phenomenon and the negative impacts it has on developing states (especially in relation to its potential benefits, such as remittances sent home). For Sager, this faulty approach can be explained by the latent tendency of global political theory to 'methodological nationalism', which views nation states as the primary unit of concern, downplaying cross-border connections and global economic processes that influence migration flows.

While the quality of the individual contributions is high and the topics are all pertinent, I think this collection would have been improved had the authors engaged with one another's arguments far more. As it stands, one wonders how the various interventions relate to one another. A dialogue among the different authors would have contributed to the sense of the debate being driven forward in the engaged practical direction that many of the authors seem to desire. The book itself is a handsome object with an attractive cover, though there are a few small copy errors that

might be picked up in any future editions. I would have no hesitation recommending the book to those looking for an entry into debates on the philosophy of migration, including scholars from political science, law, anthropology and other disciplines. Given its refreshing lack of unnecessary technical jargon, it should be accessible to the general reader as well as of interest to specialists in the field. Overall, the book does a great job of bringing into normative focus issues that risk being neglected in more abstract discussions of what justice requires. It helpfully maps the broader philosophical and political terrain, deepening the arguments in key areas while also highlighting worthwhile themes for future examination.

Guy Aitchison is an Irish Research Council Postdoctoral Fellow at University College Dublin. His research and teaching is in political theory with a special interest in human rights, citizenship, civil disobedience, social movements and migration.

Note: This review gives the views of the author, and not the position of the LSE Review of Books blog, or of the London School of Economics.