Book Review


European migration law engages a network of various interests: Directives, Conventions, international and domestic legislation and case law. On the one hand is the matter, for European migration law, of the non-European seeking entrance into Europe. On the other hand is the matter of inter-European migration: where do legal and political boundaries lie between citizens and non-citizens? Indeed, who is considered a ‘migrant’, who is ‘regular’ or ‘legal’ versus ‘irregular’ or ‘illegal’? There are many gaps and discrepancies in how these terms are defined. Legal scholars, legal practitioners, policy-makers, migration advocates and politicians debate and discuss immigration, but often without clarity as to who these ‘migrants’ actually are. Bridget Anderson’s 2013 monograph, *Us & Them? The dangerous politics of immigration control* addresses this lack of clarity. Anderson situates her argument that the politics of migration go well beyond immigration control as a question of what is happening in the gap where legally defined categories of citizen versus non-citizen, or legal versus illegal, fail to encompass the scope of the politics of migration. With a focus solely on the United Kingdom, Anderson brings to light that ‘simultaneously the artificiality and the consequences of the categorising of people into migrant and citizens reveals that the politics of migration are far broader than immigration policy’ (p. 180).

Although Anderson’s approach might be a challenge for legal scholars expecting to find samples of case law and judicial decisions, they will nonetheless find her work of great merit. Anderson focuses on how legislation in the UK is constituted and the consequences of its implementation. Anderson’s interdisciplinary approach engages with legal, economic and political debates, sources and perspectives.

The politics of migration involve history, community, employment, identity and belonging in a globalised present. Rather than deliberate how and why citizenship fails or needs to be re-configured, Anderson presents how parameters of social, political and economic participation and belonging are constituted and practiced. While she does not engage with legal theories, her central argument hinges on the question of legitimate citizenship, and how formal definitions are undermined by values that, in practice, render some persons more deserving participants in communities (the nation-state and beyond) than others.
The book begins with a discussion of how modern states portray their citizens: ‘not as arbitrary collections of people hung together by a common legal status but as a community of value’ (p. 2). Attention to the constitution of a ‘community of value’ demonstrates how the politics of migration are messier and broader than current legal definition and categories reflect. The ‘us’ versus ‘them’ distinction, echoing the ostensibly definitive distinction between citizen and non-citizen operative in immigration (as well as labour) debates is unclear. The community of value revolves around an ideal of a ‘Good’ citizen. Common narratives of migration and critiques of immigration policy may posit the good citizen against the non-citizen, but Anderson demonstrates how the Good citizen is contrasted to those inside as much as outside. The Failed or Tolerated citizen ‘describes those individuals and groups who are imagined as incapable of, or fail to live up to, liberal ideals’ (p. 4). This includes the benefit dependent (what Anderson refers to as the Benefit Scrounger folk-devil), the Rioter, the Criminal, and historically also included Women, the Vagrant, slaves, children and other racialised others (p. 96). The Failed, or not-quite-good citizens, fall into racialised and gendered categories, but these exclusions are obscured by discourses of migration that fail to recognise the contestations ongoing within formal, legal citizenship: ‘there is a strong tendency to naturalise the categories of migrant, benefit dependent, and criminal which are racialised as well as gendered. People typically continue to be designated as migrants or asylum seekers even when they have attained formal citizenship’ (p. 7).

The first chapter introduces a historical perspective on vagrancy and demonization of the poor. In Britain, since the fourteenth century, vagrants who refused compulsory labour were demonised as a threat to security and order, rather than immigrants from abroad. Urbanisation and labour restructuring meant that persons who had always lived in a given place became vagrants: perceived as migrant and criminalised (pp. 17–18). Anderson links the historical treatment of the disorderly poor as ‘immoral, out of control… improvident, irregular, and above all, uncivilised’ (p. 26) to the current treatment of welfare recipients and so-called Migrants or foreign-born citizens: ‘as one examines the ways in which, first rules, and then the state, coerced and coerce the poor into mobility and immobility, one moves away from the pathologising of the “Migrant”’ (pp. 26–27). Many legal analysis of migration would have difficulty broadening the scope of study enough to engage in this degree of historical and political analysis; however, it is vital to the ongoing question of how law can address and access those who are transgressive of legal definition and as a result, posited outside of the law.

Following the historical overview of poor/vagrancy in Britain, in the second chapter Anderson turns to discuss the formation of ‘subjects, aliens, citizens, migrants’ (p. 29). Control in the British Empire over colonial subjects was heavily based on racial thinking, where whiteness became a national identity for Europeans. Anderson draws on the Aliens Act (1905), British Nationality Act (1914), as