

Sarah Fine and Lea Ypi, eds. *Migration in Political Theory*. Oxford University Press 2016. 320 pp. \$90.00 USD (Hardcover ISBN 9780199676606).

Migration questions are among the most frequently discussed in contemporary politics. Do long-term residents of a state have a right to citizenship even when they arrived illegally? Are temporary work programs exploitative? How, if at all, should concerns about terrorism affect just migration policy? What obligations, if any, do we have to assist refugees? May criteria such as an applicant's religion, level of wealth or skill-set permissibly play a role in liberal democracies' decisions to approve applicants for citizenship or permanent residency?

In answering such questions readers would do well to consult Sarah Fine and Lea Ypi's wonderful collection of ground-breaking essays, which includes chapters from some of the most prominent scholars working on the ethics of movement and membership today. The essays also invite reflection on wider topics including the future of democratic citizenship and obligations of social justice in a context of exclusionary migration policies, cultural diversity, and the erosion of social cohesion. A unifying theme of this important book is to discuss central assumptions about migration and each chapter 'challenges some fundamental presuppositions about the ethics of movement and membership' (2). Authors expose many inconsistencies and injustices in contemporary practices governing migration. This well-edited book helpfully pushes several debates forward and is a most welcome addition to current literature.

The book has three parts. Part I focuses on issues of entry and exit in exploring the justification for the right to freedom of movement. Kieran Oberman and David Miller explore the question of whether there is a human right to immigrate. Oberman defends such a right while Miller is more skeptical. Are there asymmetries between rights to enter and exit in current practice, such that human rights to exit are largely endorsed while this is not the case with rights to enter? Christopher Heath Wellman argues in support of such asymmetry between immigration and emigration. Anna Stilz challenges some common views about the right to leave. She defends the view that states may impose regulations on the exit of citizens where these are justified via distributive justice obligations to fellow citizens.

Part II covers themes of migration, equality, and justice. Arash Abizadeh argues that any special obligations we have to fellow citizens do not justify restrictive immigration policies. Sarah Fine shows how exploring issues of racism in immigration contexts leads to the topic of rectification for historical injustice, a connection that has been underexplored in the literature. In her chapter, Ayelet Shachar notes that according to current migration practices, some immigrants (such as those with specialized skills and talents) are wanted and welcome while others are not. Such practices raise a host of fairness concerns for migrants, along with sending and receiving countries. Her chapter also raises issues about democratic equality and ideals of citizenship. Lea Ypi examines whether temporary worker programs are exploitative, arguing that they are so when we consider temporary workers together as a group in the context of general exploitation of workers.

The discussion of issues of equality and justice continue in Part III. Joseph Carens argues that liberal democracies should grant citizenship at birth not only to citizens, but also to any children of settled immigrants born on the territory. He makes his case showing that territorial presence is an important part of civic membership. Sarah Song's chapter also explores significant connections between territorial presence and civic membership focusing on principles of affiliation, fair play and coercion. Both Chandran Kukathas and David Owen focus on issues concerning

refugees, examining topics such as who should count as a refugee, along with how we ought fairly to distribute responsibilities for assisting refugees.

With such a rich collection of ideas I cannot possibly do justice to all the innovative work presented here. I have selected two chapters for more extended treatment. I have chosen two that I think raise a particularly large number of important issues that deserve considerable further thought and that will intersect with many readers' interests.

Ayelet Shachar's essay explores ethical concerns with policies that select candidates for admission to a state using merit criteria. Is this fair? In considering fairness further, at least three groups warrant special attention: those who stay in countries of origin, other migrant streams, and those in the receiving country. She starts off noting that nations are in competition with each other for highly skilled citizens as key resources in their knowledge economies. In analyzing some of the ethical issues these trends raise, she identifies at least three areas that deserve 'further research with the potential to bridge the empirical and ethical aspects of migration studies' (185). Does giving special priority to highly skilled and talented citizens erode the egalitarian ethos of political membership? Should receiving countries compensate sending countries for the loss of their key institution builders and innovators, especially when those sending countries suffer from large inequalities relative to the receiving country? Will reliance on recruitment of high skill citizens diminish public investment in creating highly skilled citizens domestically? And will such high skill preferences crowd out migration opportunities for migrants in other categories, such as on grounds of family-reunification or humanitarian considerations? These are all reasonable concerns to have about such policies. Furthermore one might worry, as she does, that the global competition for talent reflects a model of citizenship in which citizens are creative and contributory, maximizing their talents and benefits for their new home societies. We might be concerned about the effects of such policies on ideals of citizenship.

David Owen argues for an international refugee regime that is based on obligations 'that arise as conditions of the political legitimacy of the international order of states considered as a global regime of governance' (270). The view is roughly that states are co-participants in a practice of governance and no single participant 'has the unilateral power to determine these norms and every participant has the ability to modify them (however slightly) *en passant* through their conduct' (272). Human rights abuses pose legitimacy problems for the state and the international order of states. The global regime of governance should develop capabilities for addressing such situations. Different human rights abuses will require different kinds of responses, but a general issue likely to arise is that legitimacy repair mechanisms are required. A refugee regime might constitute one such repair mechanism. Fair arrangements for hosting or resettling refugees must be reached, and it is plausible that different states will have different responsibilities allocated to them (perhaps tracking Gross Domestic Product or other salient measures of capacity to integrate refugees).

A particularly ingenious move Owen makes is that when states are not fulfilling their obligations under a just refugee regime, the legitimacy of the state system is called into question. 'This implies that, in the absence of urgent action to redress this condition, the unprotected refugees are not obligated to accept the authority of the normative regime of governance that is the international order of states. Rather they are free to act in ways that breach those norms to the extent that it is necessary for them to do so in order to protect themselves. They would, for example, be justified in ignoring legalities of entry into another state. The contrast with the liberal sovereignty view is stark' (285). This is a powerful way to block complaints from defenders of state sovereignty that they have robust rights to control their borders unilaterally. When refugee crises remain unattended and states refuse to play an effective role in addressing them, state's

rights to control entry are called into question. This argument paves the way for those who support mechanisms that circumvent state's laws to occupy strong moral ground. For instance, those who construct 'underground railways' or people-smuggling systems of certain kinds, might plausibly claim that such actions are not only justified by the legitimacy failure of the global governance regime, but that introducing mechanisms such as these is morally obligatory.

Owen also discusses what justice requires in a situation of non-compliance. Should norm-abiding states take on extra refugee-related burdens to 'pick up the slack' for those who are not doing what justice requires of them? He argues that such states should indeed shoulder extra burdens because states are collectively responsible for addressing legitimacy problems related to the global governance regime. But here more guidance is needed. There are currently 65 million displaced people. And though there are some attempts at fair allocation of duties with respect to refugees, notably in the EU, it remains the case that there is still massive under-fulfillment of such duties in the global context. Some serious slack remains. In future work I hope Owen will develop his account to include reflection on what norm-abiding states should do in cases where the scale of the problem is this vast.

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