

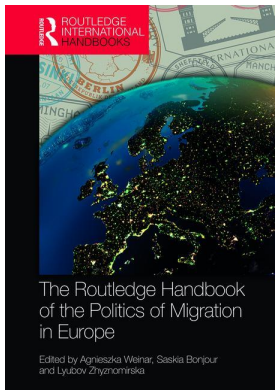
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### **Beyond methodological Western-centrism**

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## 4

# BEYOND METHODOLOGICAL WESTERN-CENTRISM

## The ‘control gap’ debate reconsidered from a global perspective

*Blanca Garcés-Mascareñas*

### Introduction

Theories of migration policies have paid particular attention to the questions why migration policies fail (Castles 2004) or why liberal states accept unwanted migration (Joppke 1998b). Although often mixed up, these two questions point to two different policy gaps. The first question pertains to a gap between policy goals and policy outcomes. According to Hollifield (1992), this gap results from what he calls the ‘liberal paradox’, that is, the mismatch between the economics and the politics of migration: while the former would push states towards openness, the latter would push them towards greater policy closure. Similarly, Cornelius and Tsuda (2004: 5) explained this gap by referring to four main factors: (1) the reliance on policy instruments with inherent flaws; (2) macro-structural processes, such as the structural demand for migrant workers or cross-national disparities and transnational economic and social ties; (3) domestic and international constraints; and (4) ambiguous policy intentions.

The second question pertains to a gap between public and policymakers at the decision-making stage. Taking a neoclassical political economy approach, Freeman (1995) noted a discrepancy between the desires of a largely anti-immigration public and the expansive bias of policies, which would be formulated under direct pressure from employers and immigrant groups. From a neo-institutionalist stance, Hollifield (1992, 2005), Joppke (1998a, 1998b, 2005) and Guiraudon (1998, 2000, 2002) explained the gap between a restrictionist rhetoric and an expansionist reality by referring to the self-limited sovereignty of liberal democracies and, more specifically, to the constraints imposed by liberal constitutions and strong and independent judiciaries. From this standpoint, the gap between public and policymakers would be the result not so much of the (mostly economic) processes of globalisation, but of the difficulties liberal democracies face when it comes to excluding migrants who are already inside their national territory.

While these studies have offered greater understanding of the political and legal processes underlying the ‘making’ of immigration policies, their scope is markedly limited: their analysis of migration control in liberal democracies is done from within – in other words, comparing Western liberal democracies with other Western liberal democracies. Comparisons beyond the traditional geographies of migration studies are still very rare. While *methodological nationalism* is the naturalisation of the nation-state by the social sciences, assuming that countries are the

natural units for comparative studies and equating society with the nation-state (Wimmer and Glick Schiller 2003), *methodological Western-centrism* would be in this case the naturalisation of the Western liberal democratic state, assuming that Western liberal democracies are the natural and exclusive units for comparative studies.

Researchers adventuring in comparisons beyond Western liberal democracies have often been misunderstood by the academia: first accused of comparing ‘apples with oranges’ and second not quite fitting in any debate, neither in political science analyses of migration policies in Western countries nor in more anthropological studies focusing on non-Western cases. Fortunately, this is slowly changing in the last years. Taking cues from this emerging strand of research but also considering the more recent literature challenging the alleged liberalness of liberal democracies, this chapter challenges the Western-centrism that dominates the ‘policy gap’ debate by asking: to what extent are liberal democracies unique in their response to migration? And more particularly, to what extent do rights constrain their capacity to exclude unwanted immigrants?

### **Liberal policies: from institutional to economic accounts**

In the context of migration, civil and human rights translate into limitations on the state’s capacity to exclude foreigners. This is because civil and human rights are not citizenship rights, strictly speaking. Unlike the latter, the former are guaranteed not only to state members, but to all foreigners (Sassen 1996: 89; Joppke 1998a: 71; Bader 2005: 348). As they are bestowed on individuals qua persons rather than qua citizens – or, in other words, as they turn any individual into an object of the law and a locus of rights – civil and human rights can sabotage restrictive policies.

Several scholars have signalled the extent to which human rights constrain state sovereignty and particularly its right to decide who enters and who does not, or who is an insider and who an outsider. The approach of these scholars varies in the way they define the source of these rights. Scholars such as Soysal (1994) and Sassen (1996) have explained rights constraints on the state’s sovereignty by the rise of an international human rights regime based on international agreements and conventions enshrining the rights of migrant workers or the status of refugees, which, they argue, would protect migrants regardless of their nationality. According to these authors, although there are no global mechanisms to guarantee the rights conferred by international conventions, the emergence of the individual as the object of international law and the growing ability of non-governmental organisations (NGOs) and individuals to make claims on the basis of international human rights instruments would have gradually forced states to be accountable not only to its citizens, but also to all its residents.

Other scholars such as Hollifield (1992, 2005), Joppke (1998a, 1998b) and Guiraudon (1998, 2000) have understood rights limitations as being internally rather than externally produced. They emphasise how all Western constitutions enshrine a catalogue of elementary human rights that, together with strong and independent judiciaries, would hamper state capacity to restrict immigration, as any draconian measure in liberal states may be challenged and overturned by the courts as unconstitutional or as a violation of civil rights. Adopting a historical perspective, these authors refer to nationally defined rights and the role of courts to explain the extension of social and residence rights to post-war guestworkers and their families, as well as the admission of major refugee flows in Western Europe from the 1980s onwards. From a more theoretical perspective, this brings them to the conclusion that rights constraints do not result from declining sovereignty in an increasingly globalised world, but rather from the functioning of the legal system (or rule of law) in liberal states. As Joppke (1998b: 290) notes in a seemingly tautological

sentence: 'accepting unwanted immigration is inherent in the liberalness of liberal states'. Similarly, Hollifield (2000: 148) has referred to what he calls the 'liberal state thesis', or the notion that 'rights' (beyond push-pull and social network factors) are a key explanatory factor for the persistence of international migration to liberal states.

Freeman (1995) began from a similar observation when he noticed that, contrary to the widespread rhetoric of restrictionism, the politics of immigration in liberal democracies is 'broadly expansionist and inclusive'. However, he identified the political process, rather than the legal system, as the major factor of self-limited sovereignty in liberal states, arguing that their immigration policy is characterised by a 'client politics' and a universalistic idiom of liberalism that prevents political elites from playing the ethnicity or race card. In this context, he explained the expansionist, inclusive character of immigration policies by the fact that, while the benefits of immigration (such as cheap labour for employers and reunited families for migrant communities) are concentrated, its costs (such as increased social expenses or rising population) are diffuse. Freeman's argument suggests that such a distribution of costs and benefits would lead policymakers to be more responsive to their immigration-advocating clients (employers and migrant groups) than to the more ambivalent if not hostile general public.

Though constituting a first important step in attempts to clarify the logic of immigration policy within the political process of liberal democracies, Freeman's work has been severely criticised. Three main comments are worth mentioning here. First, Brubaker (1995) observes that many of the trends identified by Freeman are either a general feature of migration or a 'particular feature of particular discursive fields'. This means that some of the features are either to be found in other political systems, thus not unique to liberal democracies, or are the result of a cultural-political story about particular times and places, thus not applicable to all liberal democracies. Second, Joppke (1998a: 19–20) points out that Freeman's approach to immigration policy as client politics seems to work better in settler societies, where immigration coincided with nation-building. By contrast, in European societies, where immigration postdated nation-building, Joppke finds immigration politics more likely to have been guided by a restrictionist national interest, i.e. by a demand for policy closure. Finally, Freeman does not identify the legal process as a separate source of expansiveness and inclusiveness towards immigrants. This is particularly problematic if we recall (see Guiraudon 1998, 2000) that social rights for immigrants were not only achieved in the open arena of democracy, where different interest groups may have a say, but also behind the closed doors of bureaucracy and the courtroom.

Discussions on the limits of migration control in liberal democracies continue to be central in most political analyses of migration policies. Recently, a new strand of research has pointed to the morals of policymakers rather than the legal system or the political process as the main explanatory factor for the inclusiveness of immigration policies. In her study on the making of family migration policies between 1995 and 2005, Bonjour (2011) argues that the influence of court decisions on policymaking was much less significant than assumed by the literature so far. As conditions for entry and stay of foreign family members were entirely in the hands of Dutch politicians and civil servants, she claims that the policymaking of family migration policies was not externally constrained by courts but rather shaped by immaterial norms such as family unity, equal treatment and individual responsibility. Kwar (2015) and Bonjour (2016) add later that, if courts influence migration policies, it may be indirectly by reshaping how political actors frame migration issues. These studies thus confirm that 'rights-based politics' are key to understand migration policymaking in liberal democracies but this is rather due to policymakers' morals than a result of external constraints imposed by the legal system or the political process.

Finally, from a very different perspective, but still regarding the discussion on rights constraints in liberal democracies, the economists Ruhs and Martin (Ruhs and Martin 2008, Ruhs

2013) have signalled that low-skilled migration in high-income countries inevitably entails a trade-off between numbers and rights, arguing that the more rights low-skilled migrants have, the less advantageous (or desirable) they are. Two basic reasons for this are forwarded. First, if low-skilled migrants have the right to equal wages and all work-related benefits, their cost is higher and therefore fewer will be employed. The other side of the coin is that fewer and more limited migrant rights mean lower costs for employers and more migrants employed (*ibid.*: 7). Second, there is the suggestion that migrants with lower-than-average incomes tend to pay less in taxes and, because of their lower incomes, may be eligible for more government-funded services. Although this is up for discussion, Ruhs and Martin conclude (*ibid.*: 8) that, in order to minimise the fiscal costs of low-skilled migrants, high-income countries may limit migrant numbers or their access to welfare benefits.

Ruhs and Martin suggest that a key point regarding the role of rights in labour migration is that (low-skilled) migrants are desirable as long as their access to membership and rights is restricted. If liberal states are self-constrained by rights and cannot therefore limit migrants' membership, this would imply that these states are *de facto* compelled to adhere to a policy of low numbers and high rights. By this logic, countries with few rights constraints would be more inclined to admit numerically significant labour migration flows, as they seem to have more ways of excluding newcomers and hence shoring up the bulwark that protects citizenship. In fact, this same argument is implicit in the typology of different models of immigration suggested by Arango (2003: 3). Leaving aside what we might call the traditional countries of immigration (the US, Canada, Australia and New Zealand), Arango distinguishes between democratic and non-democratic or autocratic societies. The former would recognise moral and political obligations *vis-à-vis* the immigrants while attempting to keep the numbers admitted as low as possible; the latter would tend to have no compunctions about letting in large numbers of people, though only on the condition that they be temporary labourers with limited rights. In brief, to recall the words of Ruhs and Martin (2006), the former would restrict numbers while the latter would restrict rights.

### **Liberal vs illiberal states: what is the difference?**

While the above-mentioned literature has offered greater understanding of the political and legal processes underlying the 'making' of immigration policies in liberal democracies, their scope is still limited by their methodological Western-centrism. Only by going beyond the traditional geographies of migration studies, beyond Western liberal democracies and beyond liberal democracies as such, can we consider to what extent and how politics determine policies. What does recent research say about it?

To assess the uniqueness of migration policies in liberal democracies, I compared labour migration policies in Spain and Malaysia (Garcés-Masareñas 2012). Both countries were similar in their dependence on migrant workers (from the 1990s to 2007) while they are different in their political systems: in contrast to Spain, Malaysia has fundamental limitations in terms of democracy, rule of law and human rights. Based on extensive archival research, interviews with the main stakeholders (40 in each country) and secondary documents, I compared the making, implementation and outcomes of policies regulating entry and stay, regularisation programmes and deportation campaigns. At first sight, a review of these policies over the past 20 years in both countries led me to the conclusion that Spain indeed opted for a policy of low numbers and increasingly higher rights while Malaysia chose for a policy of high numbers and low rights. However, when considering regularisation policies and policy outcomes, it became clear that Spain in fact also opted for a policy of high numbers.

This evidence is corroborated by more recent studies. By analysing a sample of 80 labour immigration programmes across 34 immigrant-receiving high-income countries in 2009, Schmid (2016) shows that in high-income democracies relatively high levels of openness can be combined with relatively high levels of rights. In other words, high rights do not necessarily translate into low numbers. In contrast, in high-income autocracies openness seems to be clearly prioritised over rights, translating into a policy of high numbers and low rights. The trade-off between numbers and rights would thus not apply or, at least, not to liberal democracies, because numbers are always high when demand is high: as many immigrants as required by employers tend to enter a country regardless of its political context. This leads one to the conclusion that the economics of migration, rather than the politics of migration, is what matters at the end when we look at labour migration.

But what about rights? The comparison between Spain and Malaysia led me to the conclusion that both countries opted for some degree of restriction. Nevertheless, the forms the closure took were different. In Malaysia, migrants' stay is severely limited: migrants' residence permits depend on their employer and they are deportable at any moment, in case of economic crisis, illness or pregnancy and after five years of working in the country. This policy is justified in terms of getting labour without getting migrants. In Spain the policy of high rights is the outcome only in the last instance. Given the mismatch between the politics and the economics of migration, most immigrants in Spain entered or stayed irregularly. Irregular immigrants are only partially recognised in the social domain and not recognised in the labour domain, while their presence in the country did not pave the way for their remaining in the country as permanent residents or citizens. In addition, in the early years of legal residence, immigrants acquired only conditioned rights as legal residence depends on the first five years of formal, effective integration into the labour market. But in Spain, indeed, exclusion is only feasible in a partial, temporary form. In the long run most immigrants become permanent residents and citizens.

Using a quantitative data set, Koopmans and Michalowski (2012) examine which variables seem to explain changes in immigrant rights over the period 1980–2008 in ten West European countries. Their findings point towards the importance of electoral factors: countries where a significant share of the electorate had immigrant roots were more likely to see subsequent liberalisations of immigrant rights which in turn, if they led to easier naturalisation and more immigration, expanded the immigrant electorate. However, as pointed out by Guiraudon (1998, 2000) with regard to Freeman's work (1995), this is problematic if we recall that immigrants' rights have not only been achieved in the open area of democracy but also due to particular court decisions and, in Europe, through the transposition of EU priorities and Directives. To be more precise, the liberalisation of migrants' rights in Southern and Eastern Europe has more to do with the role of the judiciary and the effects of the European integration process than with an electorate with immigrant roots (Garcés-Mascareñas 2012; Doomernik and Bruquetas-Callejo 2016).

In a more recent article, Koopmans and Michalowski (2017) come back to the question whether liberal democracy affects immigrant rights and whether it matters to what extent countries are integrated in, and committed to, supranational institutions and conventions. This time they expand the data set to 29 countries worldwide, including immigration countries in Southern and Eastern Europe, North and South America, Africa, the Middle East, East Asia and Oceania. One of their most relevant conclusions is that past matters: having been a major colonising power (e.g. the United Kingdom, France, Spain, Portugal, the Netherlands and Belgium) or a former colony with mass immigration of settlers (e.g. Argentina, Venezuela and Singapore) makes a country more likely to extend rights to immigrants. Despite conditions of sharp inequality and conflict, the colonial past and the subsequent experience with cultural difference

is what seems to account for a much more open position towards immigrants. The final reason is electoral politics again: it is thanks to democracy, through voting, that this openness towards immigrants is finally expressed. But how to reconcile this electoral explanation of generous migration policies with increasingly negative public opinion towards immigrants both in traditional countries of immigration as well as in former colonies of settlement?

While the discussion on the relationship between politics and policy has mostly taken the nation-state as the exclusive arena for policymaking, recent studies have pointed to the increasing relevance of transnational institutions and practices. With regard to the Gulf region, H el ene Thiollet (2016) shows how migrants have been strongly alienated by institutions and practices designed and generated by states and transnational companies, notably oil firms creating an illiberal transnational management of migrations and migrants lives. According to Thiollet, ‘although liberal values and agency are obviously as generally enshrined in transnationalism as in cosmopolitanism, transnationalism in the Gulf is associated with an illiberal context and illiberal practices that extend well beyond the state’ (ibid.: 20). In contrast to this ‘illiberal globalisation’, other scholars note the role of international actors in the liberalisation of immigration policies in non-Western countries. Natter (2017), for instance, describes how in Tunisia the presence of International Organisations (IOs), funding agencies and NGOs, bringing with them their funds, activities and discursive frameworks, increased the pressure on state institutions to take the topic of immigration and asylum into account.

But can we conclude that democracy leads to more liberal immigration policies and vice versa? There is no clear answer so far. On the one hand, authors such as Cook-Martin and Fitzgerald (2014) have recently shown that democratic countries in North America were in fact the first to establish ethnic selection criteria in their immigration policies and the last to abolish them, much later than most authoritarian regimes in Latin America. On the other hand, non-Western countries sometimes deploy much more inclusive discourses and immigration policies. Acosta Arcarazo and Feline Freier (2015) argue that in Argentina, Brazil and Ecuador inclusive policies do not result from the pressure exerted on the state (by interest groups, bureaucracy and judiciary or supranational actors) but are rather driven by concerns regarding emigration and diaspora policies and the aim to challenge the restrictive immigration rhetoric of Western immigrant-receiving states. Natter also notes that authoritarian regimes such as Morocco’s monarchy since 2013, Ghaddafi’s regime in the 1990s or Uganda since 2006 have enacted surprisingly liberal policies on entry and stay, mostly based on economic and foreign policy interests. The difference between democratic and non-democratic states thus seems to be not so much the policy outcome (more or less liberal migration policies) but rather the degree of state autonomy vis- a-vis other political and institutional actors.

### **Towards illiberal policies in liberal states**

A recent strand of research is pointing to the increasing illiberalness of liberal democracies (Guild *et al.* 2009) or, using Hannah Arendt’s words (2013), to an increasing contesting of foreigners’ ‘right to have rights’. At first sight this has taken place above all at the borders and beyond, through the externalisation of migration control to neighbouring countries. The first reason is that border control, as noted by Lemberg-Pedersen (2011: 32), posits a moral and political dilemma between state’s rights to sovereign discretion over their borders, on the one hand, and migrants’ right to move and – in the case of refugees – be granted protection, on the other. The increasing securitisation of immigration has translated into a ‘quasi-military border control approach’ (Spijkerboer 2007), which has systematically led to prioritise state’s rights over immigrants’ rights. The second reason is that democratic and judicial accountability is more lax at the

borders and beyond, meaning that this is where liberal democracies can most easily get around the constraints imposed by their own legal and political systems.

In this regard, it is no surprise that it is especially at the border and beyond where the largest-scale, most frequent forms of exclusion occur: at the borders, in the form of detention centres, illegal push-backs and indiscriminate use of state's force; in neighbouring countries, with unlimited detention, deadly deportations (e.g. in the middle of the desert) and all kind of abuses. In my comparison between Spain and Malaysia, I argued (2012, 2015) that the images of the 'border spectacle', as defined by De Genova *et al.* (2014), with crowded ships, deaths at the border or deployment of border guards in the so-called 'hotspots', are a specificity of Western liberal democracies. The border's dominance is a form of excluding immigrants where exclusion is still possible – which is to say, where the state can still get around the constraints imposed by the legal and political systems. In most postcolonial states, in contrast, borders are not erected as walls separating those inside from those outside. Via the country's airports, crossing land borders or aboard small boats, regular and irregular immigrants cross the country's borders without much difficulty. Once they are inside, however, illiberal postcolonial states may impose severe control on them, particularly under the threat of being detained and deported at any moment and at life risk.

But it would be wrong to conclude that liberal democracies exercise migration control at the borders, while postcolonial illiberal states do it at the heart of their national territories. Several studies (Bigo 2002; Salter 2004; Balibar 2005; Mezzadra 2005; Walters 2006; De Genova *et al.*, 2014) have signalled a tendency towards 'de-localisation' or 'de-territorialisation' from the border inwards. Along with the reinforcement of exterior walls and the externalisation of the border towards the countries of origin and transit, new internal borders are being constructed in liberal democracies too. The first and more evident one is represented by the intensified repression of irregular immigrants over the recent period, with the proliferation of internment spaces and 'states of exception' along with their increasing exclusion from the labour market and the most basic social provisions. This has reinforced the equation of illegality with civic exclusion to the extent that several scholars have referred to Giorgio Agamben's figure of the 'homo sacer' (1998), that is, of individuals excluded from juridical existence and reduced to the 'bare life' of pure dehumanised corporeity (see Chauvin and Garcés-Mascareñas 2012).

But new borders are also being imposed on non-nationals in general. In contrast to the previously mentioned literature, which assumes that the liberalness of liberal states fosters greater inclusion, openness and pluralism with respect to migration policies and minority rights, several scholars have noted that (mostly) Europe is increasingly deploying liberal norms as boundary-makers between insiders and outsiders, between those having 'the right to have rights' and those who don't (Guild *et al.* 2009). The best examples are compulsory integration courses and citizenship tests. By requiring adherence to liberal values, these 'soft policy instruments' become a tool to control the non-national 'inside' the nation-state, particularly at the moment of entry, residence renewal, family reunification and protection against expulsion (Guild *et al.* 2009; Adamson *et al.* 2011; Triadafilopoulos 2011). In all these moments, adherence to liberal values is being used to facilitate the state practice of a restrictive immigration policy. In short, liberal values are used as a means for illiberal purposes.

According to Triadafilopoulos (2011: 867), with the demise of scientific racism and the weakening of extreme nationalism among liberal democratic countries, the boundary maintenance both within and among states is increasingly being cast in terms of value compatibility. Boundaries are now based on 'principles' rather than biological descent or culture. But this does not make them less exclusionary. The framing of the problem in existentialist terms, as a way to preserve 'Western civilisation' from illiberal threats, particularly those based on 'fundamentalist



Islam, justifies policies that otherwise would have been seen to contravene liberal principles of toleration and equality' (ibid.: 863). From this perspective, Triadafilopoulos follows, 'immigrant integration is not simply another public policy challenge among others' but rather 'a crucial front in a larger war in which the very survival of "Western civilisation" is at stake'. In such a war, immigrants are either 'with us or against us' (ibid.: 873). As it is presented as a battle that may not be lost, rules and procedures are deemed over-costly impediments and therefore presented as secondary and, 'if necessary', susceptible to be ignored.

## Conclusions

Reconsidering migration regulations in Western liberal democracies from today's context and with an 'outside' world perspective beyond the traditional geographies of migration studies allows us to conclude that Western liberal democracies are indeed unique but in a much more complex and multi-directional way than what has been pointed out by the literature so far.

It is undeniable that rights-based politics in liberal democracies accounted for the relaxing of residence rules in the second half of the twentieth century and the expansion of foreigners' rights to family reunification. Rights-based politics account as well for more recent policy shifts, such as the adoption of anti-discrimination legislation across Europe or the liberalisation of citizenship laws, even in very restrictive countries such as Germany. However, we cannot conclude that liberal politics automatically translate into liberal policies. Recent publications highlight that democratic countries have had much more exclusionary immigration policies than some of their contemporary authoritarian regimes and, the other way around, that non-Western democracies and even authoritarian regimes may end up having much more liberal policies on entry and stay.

What the literature so far has shown is that numbers – i.e. immigrants' entry – are always high if there is an economic demand. This leads us to two considerations. First, the gap between restrictive immigration policies and open outcomes is not necessarily a policy failure but a policy in itself. As I have argued elsewhere (Garcés-Masareñas 2013) following Boswell (2007: 93–95), contradictions and inefficiencies in policies may be a way for states to respond simultaneously to contradictory demands in the field of migration policies. In Southern European countries, irregular immigration and subsequent and repetitive regularisations have been a way to respond simultaneously to demands for immigrant labour and demands for a restrictionist policy and rhetoric. Second, the economics of migration, rather than the politics of migration, is what matters when regulating (formally or informally, *a priori* or *a posteriori*) labour migration flows.

Where politics does seem to make a difference for policies is when we look at the nature of the immigration policymaking and the degree of restriction imposed on those already in the country. The less democratic states are, the less they seem to be constrained not only by liberal constitutions and independent judiciaries but also by different interest groups, public opinion and electoral politics. However, it would be wrong to conclude that autocratic states have a free hand. Contradictory demands within the state apparatus, different policy interests by domestic and international actors and incoherencies and discrepancies between policy discourse and policy practice are common there too. Probably because these trends are a feature of policymaking in general and immigration policies in particular. In terms of rights of those already in the country, liberal democracies are indeed much more constrained than non-liberal democracies as bans on entry for particular nationalities, arbitrary detention and deportation campaigns or important restrictions to family reunification rights have had their own (legal, political and moral) limits.

However, liberal democracies may also impose strict limits to immigrants' rights. This is particularly clear at the border and beyond. There, securitisation arguments are given priority over immigrants' rights. But within the national territory restrictions on immigrants' rights are also becoming more and more common. First, the so-called 'fight against irregular migration' has led to the increasing detention, deportation and exclusion of irregular immigrants. Here discourses on national sovereignty and the 'need' to protect citizenship rights and privileges justify spaces of exception where those rights that – as we said at the beginning – are bestowed on individuals qua persons rather than qua citizens are not always granted. Second, as we have also seen, new boundaries are being set up on the basis of principles and values. Here the alleged need to preserve 'Western civilisation' often serves to justify the increasing use of liberal values for exclusionary (often illiberal) purposes. This crusade in the name of values is probably a unique feature of liberal democracies too.

## References

- Acosta Arcarazo, D. and L. Feline Freier. (2015), 'Turning the immigration policy paradox upside down? Populist liberalism and discursive gaps in South America'. *International Migration Review* 49 (3): 659–696.
- Adamson, F. B., T. Triadafilopoulos and A. R. Zolberg. (2011), 'The limits of the liberal state: Migration, identity and belonging in Europe'. *Journal of Ethnic and Migration Studies* 37 (6): 843–859.
- Agamben, G. (1998), *Homo sacer: Sovereign power and bare life*. Stanford: Stanford University Press.
- Arango, J. (2003), 'Dificultades y dilemas de las políticas de inmigración', *Circunstancia. Revista de Ciencias Sociales del UIOIG* 1 (2): 3–7.
- Arendt, H. (2013), *The human condition*. Chicago: University of Chicago Press.
- Bader, V. (2005), 'The ethics of immigration', *Constellations* 12 (3): 331–360.
- Balibar, E. (2005), *Europe constitution frontière*. Bègles: Editions du Passant.
- Bigo, D. (2002), 'Security and immigration: Toward a critique of the governmentality of unease', *Alternatives* 27 (1): 63–92.
- Bonjour, S. (2011), 'The power and morals of policy makers: Reassessing the control gap debate', *International Migration Review* 45 (1): 89–122.
- Bonjour, S. (2016), 'Speaking of rights: The influence of law and courts on the making of family migration policies in Germany', *Law & Policy* 38 (4): 328–348.
- Boswell, C. (2007), 'Theorizing migration policy: Is there a third way?', *International Migration Review* 41 (1): 75–100.
- Brubaker, R. (1995), 'Comments on "modes of immigration politics in liberal democratic states"', *International Migration Review* 29 (4): 903–908.
- Castles, S. (2004), 'Why migration policies fail?', *Ethnic and Racial Studies* 27 (2): 205–227.
- Chauvin, S., and B. Garcés-Mascreñas. (2012), 'Beyond informal citizenship: The new moral economy of migrant illegality', *International Political Sociology* 6 (3): 241–259.
- Cook-Martín, D. and D. FitzGerald. (2014), *Culling the masses: The democratic origins of racist immigration policy in the Americas*. Harvard: Harvard University Press.
- Cornelius, W. A. and T. Tsuda. (2004), 'Controlling immigration: The limits of government intervention', in W. A. Cornelius, P. Martin and J. Hollifield (eds), *Controlling immigration: A global perspective*. Stanford: Stanford University Press, 3–48.
- De Genova, N., S. Mezzadra and J. Pickles. (2014), 'New keywords: Migration and borders', *Cultural Studies* 29 (1): 55–87.
- Doomernik, J. and M. Bruquetas-Callejo. (2016), 'National immigration and integration policies in Europe since 1973', in Garcés-Mascreñas, B. and R. Penninx (eds), *Integration Processes and Policies in Europe*. Cham: Springer International, 57–76.
- Freeman, G. P. (1995), 'Modes of immigration politics in liberal democratic states', *International Migration Review* 29 (4): 881–902.
- Garcés-Mascreñas, B. (2012), *Labour migration in Malaysia and Spain. Markets, citizenship and rights*. Amsterdam: Amsterdam University Press.
- Garcés-Mascreñas, B. (2013), 'Reconsidering the "policy gap": policy implementation and outcomes in Spain', GRITIM Working Paper, Barcelona.

- Garcés-Mascreñas, B. (2015), 'Revisiting bordering practices: Irregular migration, borders, and citizenship in Malaysia', *International Political Sociology* 9 (2): 128–142.
- Guild, E., K. Groenendijk and S. Carrera. (2009), 'Illiberal liberal states', *Immigration, Citizenship and Integration in the EU* 8.
- Guiraudon, V. (1998), 'Citizenship rights for non-citizens: France, Germany and the Netherlands', in C. Joppke (ed.), *Challenge to the nation-state: Immigration in Western Europe and the United States*. New York: Oxford University Press, 272–318.
- Guiraudon, V. (2000), 'The Marshallian triptych reordered: The role of courts and bureaucracies in furthering migrants' social rights', in M. Bommers and A. Geddes (eds), *Immigration and welfare: Challenging the borders of the welfare state*. London: Routledge, 72–89.
- Guiraudon, V. (2002), 'The constitution of a European immigration policy domain: A political sociology approach', *Journal of European Public Policy* 10 (2): 263–282.
- Hollifield, J. (1992), *Immigrants, markets and states: The political economy of postwar Europe*. Cambridge: Harvard University Press.
- Hollifield, J. (2000), 'The politics of international migration: How can we bring the state back in?', in C. B. Brettell and J. F. Hollifield (eds), *Migration theory: Talking across disciplines*. New York: Routledge, 132–160.
- Hollifield, J. (2005), 'The emerging migration state', in I. Toshio and I. Masako (eds), *Motion in place/place in motion*. JCAS Symposium Series 22. Osaka: The Japan Center for Area Studies, 19–44.
- Joppke, C. (1998a), *Challenge to the nation-state: Immigration in Western Europe and the United States*. New York: Oxford University Press.
- Joppke, C. (1998b), 'Why liberal states accept unwanted immigration', *World Politics* 50 (2): 266–293.
- Joppke, C. (2005), 'Exclusion in the liberal state: The case of immigration and citizenship policy', *European Journal of Social Theory* 8 (1): 43–61.
- Kawar, L. (2015), *Contesting immigration policy in court: Legal activism and its radiating effects in the United States and France*. Cambridge: Cambridge University Press.
- Koopmans, R. and I. Michalowski. (2017), 'Why do states extend rights to immigrants? Institutional settings and historical legacies across 44 countries worldwide', *Comparative Political Studies* 50 (1): 41–74.
- Lemberg-Pedersen, M. (2011), 'Solidarity (In) action?' *Politik* 14 (4), 27–34.
- Mezzadra, S. (2005), *Derecho de fuga. Migraciones, ciudadanía y globalización*. Madrid: Traficantes de Sueños.
- Mezzadra, S. and B. Neilson. (2013), *Border as method, or, the multiplication of labor*. Durham and London: Duke University Press.
- Natter, K. (2017), Immigration policy theory. Thinking beyond the 'Western liberal-democratic' box. Paper presented at the Annual IMISCOE Conference, Erasmus University Rotterdam.
- Ruhs, M. (2013), *The price of rights: Regulating international labor migration*. Princeton: Princeton University Press.
- Ruhs, M. and P. Martin. (2008), 'Numbers vs. rights: Trade-offs and guest worker programs', *International Migration Review* 42 (1): 249–265.
- Salter, M. (2004), 'Passports, mobility, and security: How smart can the border be?', *International Studies Perspectives*, 5 (1), 71–91.
- Sassen, S. (1991), *The global city*. Oxford: Princeton University Press.
- Sassen, S. (1996), *Losing control? Sovereignty in an age of globalisation*. New York: Columbia University Press.
- Sassen, S. (2002), 'Towards post-national and denationalized citizenship', in E. F. Isin and B. S. Turner (eds), *Handbook of citizenship studies*. London: Sage, 277–293.
- Schmid, S.D. (2016), 'Democracy, open borders, and the rights of immigrant workers', paper presented at the 13th IMISCOE Annual Conference Prague, 30 June–2 July.
- Spijkerboer, T. (2007), The human costs of border control. *European Journal of Migration and Law* 9 (1): 127–139.
- Soysal, Y. (1994), *Limits of citizenship: Migrants and postnational membership in Europe*. Chicago: University of Chicago Press.
- Thiollet, H. (2016), 'Managing migrant labour in the Gulf: Transnational dynamics of migration politics since the 1930s'. In: <https://hal.archives-ouvertes.fr/hal-01346366/document>. Last accessed: 15 April 2018.
- Triadafilopoulos, T. (2011), 'Illiberal means to liberal ends? Understanding recent immigrant integration policies in Europe', *Journal of Ethnic and Migration Studies* 37 (6): 861–880.
- Walters, W. (2006), 'Border/control', *European Journal of Social Theory*, 9 (2), 187–203.
- Wimmer, A. and N. Glick Schiller. (2003), 'Methodological nationalism, the social sciences, and the study of migration: An essay in historical epistemology', *International Migration Review* 37 (3): 576–610.