

decisions. The essay thus demonstrates that the genre has much to contribute to legal historical scholarship.

While the anthology is excellent as a whole, readers seeking a comprehensive history of Canadian property law may be disappointed by the anthology's limited scope. Expressly excluded are cases concerning Aboriginal title, which the editors believed "could not be effectively addressed in the space possible in this sort of collection," as well as "the major questions of property law from the nineteenth century and earlier" (p. 6). Also largely absent are cases arising out of Quebec civil law, with the sole exception being Eric Reiter's aforementioned chapter. Though the desire to keep the volume to a manageable length is praiseworthy, the result is a work whose title suggests greater depth than its contents provide.

Overall, however, *Property on Trial* does an admirable job of exploring the background of major property law cases and doctrines, particularly those doctrines (such as the development of contemporary intellectual property theories) that are not well covered in existing historical literature. It is a welcome contribution to Canadian legal history scholarship.

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**Luin Goldring and Patricia Landolt, eds.**

*Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada.*  
Toronto: University of Toronto Press, 2013. 376 pp.

**Patti Tamara Lenard and Christine Straehle, eds.**

*Legislated Inequality: Temporary Labour Migration in Canada.*  
Kingston and Montreal: McGill Queens Press, 2012. 407 pp.

Two recent collections focus on the production of precarious conditions for migrants in Canada. *Legislated Inequality: Temporary Labour Migration in Canada*, edited by Patti Tamara Lenard and Christine Straehle, explicitly adopts an ethical perspective that takes the standpoint of migrant workers. *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada*, edited by Luin Goldring and Patricia Landolt, shares this perspective, although its main approach is sociological. Both collections nicely explain and illustrate how immigration rules interact with conceptions of citizenship in a globally interconnected and deeply unequal world in ways that create social subordination at the level of the individual migrant. Each illuminates the processes by which migrants who cross national boundaries in order to work in Canada are inserted into the Canadian labour market, and how

the legal status of migrants in Canada shapes their social location and capacity to access social entitlements and employment-related rights. Both collections are interdisciplinary, and both deploy a range of different research methods. Both books conclude that the different migration streams of Canada's Temporary Foreign Workers' Program construct different legal statuses for migrant workers that place them in precarious social locations and make them vulnerable to work-related exploitation. Each collection contributes to the emerging literature that critically assesses Canada's increasing reliance on temporary migrant workers.

The scope and focus of the two collections differ slightly. *Legislated Inequality* concentrates exclusively on the streams of the temporary migration program that recruits workers who are regarded as "low-skilled," whereas *Producing and Negotiating Non-Citizenship* considers a broader range of migrant statuses, including low-skilled migrant workers, irregular migrants, and refugees.

Lenard and Straehle's collection considers "whether the expansion of low-skilled temporary migration poses urgent moral challenges that must be addressed" (p. 7). Given that Lenard and Straehle describe themselves as moral philosophers this approach is not surprising. In a helpful introduction, they explain why, from what they describe as a liberal democratic perspective, the three main low-skilled migrant worker streams are not morally acceptable. They identify three features that distinguish the earlier approach to immigration, which fostered permanent settlement, from the contemporary approach, which relies on low-skilled temporary worker programs. These features are shift from the state to employers in the selection of migrants for work in Canada, few and very restrictive pathways for moving to a more permanent resident status, and the reintroduction, albeit in an "indirect" way, of race as a barrier to membership in Canadian society. Drawing on the findings and arguments of their contributors, Lenard and Straehle identify two moral failings of the low-skilled programs: "[F]irst, that low-skilled migrants are treated as commodities rather than as individuals or even proto-citizens; and, second, that the injustice perpetrated on temporary migrants stems from their inability to access citizenship status" (p. 12). They focus on the juridical construction of inequality and its intersection with other dimensions of unfreedom to criticize contemporary Canadian immigration policy. These themes run throughout each of the book's subsequent twelve chapters.

In the first chapter, Nandita Sharma goes beyond a liberal democratic frame. She provides a trenchant critique of nationalism and citizenship as normative discourses and institutional arrangements for organizing social recognition and economic participation, as well as an alternative political imaginary. The following chapters critically evaluate the three low-skilled migrant worker programs and examine the pathways for obtaining a more secure legal status. Five of these chapters focus on agricultural workers, and several contrast the two programs used to recruit migrants to work in the agricultural sector. Jenna Hennebray and Janet McLaughlin consider the long-standing Seasonal Agricultural Workers Program (SAWP), while Christine Hughes examines the more recent use of the low-skilled program. Patricia Tomic and Ricardo Trumper use the lens of mobility to understand Mexican workers in the Okanagan Valley. Kerry Preibisch and Jenna Hennebray

contrast the SAWP, which is a bilateral agreement between states, with the much less regulated Low-Skilled Pilot Project, noting that under the latter, private employment agencies have ample opportunity to exploit migrant workers. Christina Gabriel and Laura MacDonald compare the SAWP, which is internationally regarded as “best practice,” with its closest American analogue, the H-2A visa program, which is seen in the United States and elsewhere as broken. A chapter by Tom Carter and another co-authored chapter by Delphine Nakache and Sarah D’Aoust provide analyses of the provincial/territorial nominee programs, which allow provinces to establish the guidelines under which employers can nominate certain temporary migrant workers for permanent residence status. Because these two chapters focus on different provinces, the extent to which jurisdictions differ in creating a smooth and easy transition to permanent status for temporary migrant workers is obvious.

Two chapters focus on the Live-in Caregiver Program (LCP), which is the gold standard of the three programs since it provides a pathway to permanent residence. Abigail Bakan and Daiva Stasiulis draw upon feminist discussions of domestic labour and Marxist political economy to argue that the LCP creates domestic workers’ unfreedom. Sara Torres and her four co-authors use an intersectional analysis to reveal how the program contributes to the ongoing discrimination against and subordination of these workers as they try to obtain a more secure legal status.

In the penultimate chapter, Jill Hanley and her three co-authors look at the different kinds of civil society organizations that work hard to protect the rights of migrant workers. Each has different goals, organizational forms, and areas of expertise. In the final chapter, Lenard evaluates the Canadian program from a comparative perspective and concludes that, even if the program compares well internationally, it still falls short of its (historic) liberal democratic ideals.

Goldring and Landolt’s goal is to make a conceptual contribution to the “public and academic debates about transformations in rights and citizenship and the implication of these changes” (p. 6). They develop two concepts, “legal status” and “conditionality,” which emphasize, respectively, the multidimensional nature of the citizenship/non-citizenship distinction and the work of many actors at multiple levels to construct, buttress, destroy, and rearrange different boundaries and their associated rights (p. 100). They argue that non-citizenship is an assemblage composed of different actors and institutions, which operates at different levels in different social spaces that changes over time. Conditionality establishes asymmetrical power relations between migrants and other people. The introduction makes an important conceptual contribution to migration studies.

In part 1 of *Producing and Negotiating Non-Citizenship*, three chapters illustrate how a range of different actors are involved in assembling non-citizenship. Cynthia Wright uses a broad historical brush to paint the continuous resistance of migrants to their exclusion. Delphine Nakache offers a detailed portrait of the restrictions on migrant workers embedded in the design and administration of the temporary worker program. Salimah Valiani, using data about the percentage of LCP participants who obtain the legal status of permanent resident, argues that

employer-driven programs are not likely to result in the integration of these workers into the Canadian labour market. These chapters illustrate how the federal and provincial governments, along with employers, construct categories of legal status to which different conditions attach.

The six chapters in part 2 chart how migrants experience precarious status in their everyday lives. Julie Young focuses on youth, Samia Saad on refugees who are not successful in claiming their legal status, and Katherine Brasch on how Brazilian migrants use social networks forged through work and family to navigate life projects and legal status. These chapters reveal the social and psychological toll of living with precarious legal status and the strategies that migrants adopt to deal with the costs. The chapters explore the implications of the conditionality of legal status for migrants' work (Landolt and Goldring), health outcomes (Janet McLaughlin and Jenna Hennebry), and housing careers (Priya Kisoon).

The final part includes six chapters that concentrate on how diverse social actors negotiate status and rights in specific institutional arenas (p. 23). These chapters provide rich accounts of migrants accessing health care (Paloma Villegas), schooling (Francisco Villegas), and support for coping with or fleeing from violence (Rupaleem Bhuyan). Like Sharma in *Legislated Inequality*, Craig Fortier is critical of liberalism, questioning the need for borders in his account of three campaigns in which collectives associated with the No One is Illegal movement were involved. These six chapters take a non-positivist approach to rights, illustrating how rights are often the outcome of exchanges, relations, and negotiations involving a range of different social actors across diverse institutional settings. The final two chapters turn to how engaging precarious migrants in research influences how and what knowledge is produced. Alan Li's community-based research project to expand treatment access for migrants with precarious status living with HIV illustrates some of the challenges of, and several strategies for, working with a very vulnerable population. Julie Young and Judith Bernhard conclude by showing how research ethics boards' institutional mandates to avert risks related to migrants' legal status "shape research methods and limit longitudinal research" (p. 24).

The two collections are complementary; they reinforce the conclusion that a strong relationship exists between legal/political status and economic/social location, and they map how multiple dimensions of subordination intersect in ways that negatively affects migrants' lives. Although each collection includes some discussion of the political economy of migration at the national (Wright) and transnational (Bakan and Stasiulis; Preibisch and Hennebry) levels, the focus is much more on the migrant workers than on how the local or national labour market may be changing and what that means for Canadian residents' wages and working conditions. These books are essential reading for researchers who are interested in how migrant status is constructed and non-citizenship is negotiated and contested.

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