

Political theorists, however, might wish for a more in-depth examination of the conceptual binaries discussed by Arnold than she provides. Although the book traces the prisoner/stateless opposition to Arendt and Agamben, it also notes that both thinkers provide resources for nonbinary thinking. For Arendt, “the category of statelessness could be interpreted as exploding all other statuses and conditions and for Agamben, the camp as space could be understood as a set of relations encompassing the modern prison rather than excluding it” (p. 7). What then explains the receptions of Arendt by Agamben and others that affirmed binary over nonbinary interpretations? Could Arendt’s work be mobilized to think through democratic agency in the legal and political gray zones diagnosed by Arnold? This line of inquiry could supplement the two paths of political change discussed in the conclusion. Arnold analyzes the sanctuary movement, in which activists provide refuge to undocumented immigrants in churches and protest the threat of detention and deportation, as “a form of active and effective resistance to undemocratic sovereign powers” (p. 181), and she supports a “due process balancing test” that would grant due process rights to anyone who comes in contact with the U.S. government (pp. 183–85).

Notable for its absence from this discussion is the growing prison abolitionist movement. Although Arnold opposes the criminalization of racially and economically marginalized groups and critiques the “civil death” imposed on the incarcerated, she stops short of challenging imprisonment as such. In her discussion of women’s diminished legal personhood, she appears to call for more punitive laws against sexual violence: “arguably, any right to bodily integrity is undermined by weak marital rape laws [and] weak anti-rape criminal statutes” (p. 61, fn87). In light of recent critiques of feminists’ complicity with the carceral state, documented by Marie Gottschalk and others, this statement should give us pause. However, Arnold’s powerful call to complicate binary thinking may yet contribute to abolitionist projects to challenge both state and interpersonal violence. *Arendt, Agamben and the Issue of Hyper-Legality* is a provocative contribution for thinking about law and democratic agency today.

Immigration and Democracy. By Sarah Song. New York: Oxford University Press, 2018. 264p. \$34.95 cloth.
doi:10.1017/S1537592719001828

— Liza B. Williams, *Bucknell University*

In *Immigration and Democracy*, Sarah Song argues that both support of open borders and nationalist accounts of immigration restriction are morally indefensible. The book is divided into three parts. The first examines the modern state’s power and control over immigration, developing in particular the argument that the democratic

political community’s right to collective self-determination implies a qualified right to set its own immigration policy (p. 74). In her view, this right to control immigration is part of a package of territorial rights that peoples have as a matter of self-rule and flows directly from the idea that a *people* functions as the collective agent behind democratic self-governance. By offering an account of a people, she separates herself from other political theorists who have imagined either a nation, joint owners of political institutions, or individual members of voluntary associations acting as the collective agent standing behind the “self” of collective self-determination. With a civic republican emphasis on the value of citizenship, she defines a people as “constituted by a history of participating together in ways that express an aspiration to be authors of the rules governing their collective life” (p. 71).

In the second section of the book, Song refutes both global distributive justice arguments for open borders and the justification of a normative right to unrestricted international movement. In doing so, she develops a persuasive case against Joseph Carens’s normative arguments for open borders (e.g., see *The Ethics of Immigration*, 2013). She reasons that global inequality is not equivalent to global injustice, and even when global inequality does violate the dictates of justice, she explains why open borders are a poor policy instrument for rectifying distributive inequality across borders. As a counterproposal, she endorses development assistance as a more effective remedy for alleviating the suffering of the world’s poor (p. 91). Positioning her argument against Kieran Oberman’s view, Song asserts that the claim of a normative right to unrestricted international movement is conceptually flawed. Additionally, she explains why Carens’s *cantilever* argument does not ground the reasons for an unlimited right to international freedom of movement. Her criticism rejects the libertarian-minded defense of freedom of movement as intrinsically valuable, arguing instead that protection of a right to intrastate freedom of movement can sufficiently protect our instrumental interests in pursuing intimate relationships, securing employment and career opportunities, worshipping freely, experiencing diversity, and achieving educational opportunities and self-development (p. 97).

Most importantly, the third and final section of the book evaluates the implications of the unique theoretical contribution that Song builds in Chapter 4, where she provides the framework for her central claim that democratic collective selfhood implies a basis for *qualified* control over immigration law and policy. Her culminating chapters address how to balance the liberal democratic state’s right to control immigration against the rights of entry that refugees, family members, and other various categories of forced migrants may seek. Her goal in these chapters is to set moral limits on the liberal democratic state’s control over immigration, clarify the types of

exclusion that are unjustifiable, and provide insight into how the state ought to make discretionary determinations about whom to admit for membership. She ends her book with a brief discussion of what the liberal democratic state owes to resident noncitizens, including those unauthorized by the state.

The strengths of this volume are manifold, ranging from its synthetic overview of contemporary political theory on the subject of immigrant justice to its incisive analysis of how twentieth-century immigration reform in the United States resulted in the construction of a preference system that privileged the role of the traditional family in admissions decisions. Following insights from Alice Ristroph and Melissa Murray, Song advances an argument for the value-added that might stem from replacing the concept of the traditional family in the preference system of U.S. immigration law with an idea that caregivers and nonfamilial intimates ought to be given recognition in admissions decisions (p. 145).

A major achievement of Song's view is found in her criticism of David Miller's nationalist approach to immigrant justice, which avows that liberal democracies have a right to self-determination that permits immigrant exclusion on the basis of protecting "national culture" (e.g., see *Strangers in our Midst: The Political Philosophy of Immigration*, 2016). Although Song is careful to acknowledge that Miller rejects immigration restrictions based on race as morally impermissible, she recognizes that this constraint is in tension with Miller's overall view. Given that national identity has so frequently been inextricable from historical narratives that understand race and ethnicity to be the central feature of "what it means to be American, British, French, Australian, and so on" (p. 34), Miller's mistake exists in imagining that permitting exclusions on the basis of national culture does not also invite simultaneous exclusions on the basis of ethnic and racial ascriptions. Song's second chapter, "Looking to Law: The Plenary Power Doctrine in US Immigration Jurisprudence," testifies to the messiness of trying to disentangle Miller's idea of national culture from racial discrimination. Song's discussion addresses how the U.S. Supreme Court established that "absolute power over immigration is essential to the sovereignty of states" (p. 17). In *Chae Chan Ping v. the United States* (1889), *Nishimura Ekiu v. United States* (1892), and *Fong Yue Ting v. United States* (1893), Song explains how the Court drew on the international legal theory of Emer de Vattel (*Law of Nations*, 1758) to establish that government control over immigration is a defining element of sovereignty. She argues, however, that the "turn toward plenary power was also fueled by anti-Chinese racism and a racialized vision of American national identity," which enabled the Court to equate immigration control of Chinese immigrants as a path toward safeguarding white purity from the foreign threat of racial mixing (p. 25).

Although Song's criticism of Miller's cultural nationalism is explicit, I wanted to understand in more depth how Song would position her own view vis-à-vis Michael Walzer's argument in *Spheres of Justice* (1983). She correctly points out that Walzer's theory of membership is premised on the idea that collective self-determination allows democratic peoples to exercise control over immigration law and policy and so protect what he calls "communities of character," but like Song's theory this is not an unqualified power. Walzer places constraints on the democratic community's sovereign exercise, requiring that temporary guest workers and legal permanent residents be incorporated into membership and that refugees be given admission. My question for Song concerns her ontological account of a democratic people that is rooted in participation, shared historical experience, and aspirational unity: How distinct is this idea of collective self-determination from Walzer's view, which also holds it as the authoritative basis for democratic control over immigration? Song could easily respond that shared participation in political institutions helps separate her idea of collective agency from other political theorists who have also imagined that rights to collective self-rule offer a foundation for immigrant exclusion. However, this potential answer would problematize her position that temporary guest workers are not owed full incorporation into membership. On her account, temporary guest workers cannot have failed to meet a standard of participation that would make them a constituent part of democratic collective agency. This ought to translate into a conclusion of temporary migrant labor being owed full rights of incorporation by the democratic state, but Song instead only requires a set of bundled rights, falling short of the package protected for citizens (pp. 157–58).

When she turns to the question of what the state owes unauthorized migrants, Song again does not decide to apply a rationale of shared participation in political institutions as the standard for admission into the boundaries of democratic constituent power. Rather, Song defers to Carens's standard of social membership and the passage of time as being criteria for unauthorized migrants to become eligible for incorporation (pp. 185–87). On this point, she relegates participation in political institutions to a lower-order facet of social membership and a byproduct of the passage of time. If Song had maintained her standard of participation as the basis of membership in a democratic people by foregrounding it in her justification of why unauthorized immigrants are owed a pathway to citizenship, as well as why democratic states are limited when it comes to carrying out deportation, I would have found her theory more consistent. Overall, however, Song's desire to advance a "controlled borders and open doors" (p. 190) theory of immigrant justice will resonate with those who believe that democratic values

themselves can provide an ethico-political framework for immigrant justice.

A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU. By Richard Bellamy. Cambridge: Cambridge University Press, 2019. 260p. \$84.99 cloth, \$29.99 paper. doi:10.1017/S1537592719002147

— Fabio Wolkenstein, *Aarhus University and University of Amsterdam*

Richard Bellamy is one of the major figures in normative debates about the European Union (EU) and, over the course of more than a decade, has developed a complex theory of democratic legitimacy within it. *A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU* represents the culmination of this work. In it, Bellamy defends in detail his distinctive position, according to which cooperative associations of states like the EU are normatively desirable, but deeper political integration should nonetheless be resisted.

The book's first part lays out the general theory of "republican intergovernmentalism" that forms the backbone of Bellamy's account of the EU. Chapter 1 situates the theory within recent theoretical debates around statism and cosmopolitanism. Bellamy endorses a "cosmopolitan morality" on the grounds that, in an interconnected world, we have reasons to regulate the interactions of states "in equitable and fair ways that indicate a cosmopolitan regard for the citizens of different states" (p. 47). Yet he also emphasizes that this moral standpoint "only makes sense to the extent that it is embedded within a statist framework" (p. 51).

As Chapters 2 and 3 explicate, this "cosmopolitan statism" is predicated on the idea that considerations of legitimacy have priority over considerations of justice, because any claim of justice can only be legitimately made within a particular political context: "the identification of and commitment to cosmopolitan norms of justice cannot be separated from the specification of a type of political community that would allow these norms to be debated and decided upon by those to whom they will apply in ways they can regard as legitimate" (p. 53).

Bellamy's next move is to argue that EU member states already provide the appropriate type of political community for staging and resolving conflicts over justice in a legitimate fashion, possessing as they do a domestic public sphere, a shared language, consolidated political institutions, and so on. Being aware of their status as a part of self-governing communities, moreover, member states' "peoples" have an interest to be free not only from internal domination (e.g., being subjected to arbitrary decisions within their state) but also from external domination (e.g., being subjected to arbitrary decisions from powerful actors from outside the state). It is hardly surprising that Bellamy concludes

therefore that "popular sovereignty presupposes state sovereignty" (p. 72).

In the book's second part, Bellamy applies his theory to a range of particular institutional problems. In Chapter 4, he proposes that the "democratic disconnect" between the EU level and member states' peoples can be overcome by "domesticating European politics"—giving domestic electorates more influence over EU-related decisions via national parliaments—and "Europeanizing domestic politics," thereby "making national electorates and their representatives feel responsible for EU decisions and the impact of their domestic decisions on their European associates" (p. 123). Chapter 5, in turn, argues that EU citizenship should merely supplement, not replace, national citizenship. Bellamy argues that only when EU citizenship is *not* on a par with national citizenship, yet still secures some basic EU-wide rights (e.g., voting in European Parliament elections outside one's own country), can "states treat the citizens of other states with equal concern and respect, while preserving their capacity to protect the rights of their citizens in diverse ways" (p. 173). This concern with protecting diversity underpins also the defense of "differentiated integration" in the final chapter, which assigns to member states the right to integrate at different speeds.

Although readers familiar with Bellamy's prior work certainly will not find much new in the argument presented in *A Republican Europe of States*, the book still marks a major contribution to ongoing debates about how the EU could be reformed and made more democratic. It contains many appealing proposals (e.g., enhancing the role of national parliaments as a counterweight to executive dominance) and will without doubt be widely read and debated, consolidating Bellamy's status as a leading voice in the field.

Alas, the book also reproduces some of the shortcomings of Bellamy's earlier work. One thing that strikes me as particularly troubling is the lack of clarity on how the normative and empirical aspects of his argument relate to each other. Although he explicates his methodological assumptions in the book's introduction, noting his concern with the "feasibility" of political proposals, his strategy of "mixing utopianism with realism" (p. 15) in the end leaves many questions open.

For example, Bellamy claims that his own "cosmopolitan statist account [of the EU] proves normatively and empirically justified" (p. 55); that is, it can be defended with self-standing normative arguments and does not "depart too far from the concerns and preferences of people in the here and now" to "attain legitimacy" (p. 15). But it is unclear what "too far" means here and how any threshold for such a claim could be established in a nonarbitrary fashion. Nor is it obvious how his account would react to a changing historical context. What if a majority of EU citizens gradually develop preferences that are at odds with Bellamy's republican intergovernmentalism?