

institutional actors are unlikely to pay these kinds of cases the time and effort they demand. Chances of a positive outcome for noncitizens are also in steep decline. As these lower levels streamline their processes and attempt to systematically relieve their dockets of cases, the burdens do not go away. Rather, they shift to the Courts of Appeals. This has meant that they have essentially become courts of last resort. But these courts are not equipped to give immigration cases the kind of review that they demand. This is a cost borne by all litigants within these courts and not only noncitizen litigants.

This is an important and much-needed account, and Law tells a persuasive story in her thorough and comprehensive book. And yet, before concluding, I want to highlight two particular areas that I would like to have seen examined with more care. The first is the question of plenary powers and national sovereignty and their use on the part of the US Supreme Court as avoidance devices. To be sure, Law underscores the use of these doctrines by the Court as tools of deference. But I think there is much more to that particular story. Think, in particular, of the decline of “political questions” as an area outside of judicial review. As the Court continues to expand its sphere of authority in most other areas of the law, why is immigration law an area where the Court continues to defer to the political branches? To invoke the plenary powers doctrine, in other words, is to choose to defer to the choices made elsewhere. But why is immigration law an area where the Court continues to defer? As Law points out in her last chapter, this is selective deference, since courts at all levels still find much-needed room to intervene when they so choose, under the aegis of procedural due process. How then to explain the Court’s approach as an institutional question? Is this deference explained by the rising docket, a lack of will to take on the political branches, or a strategic calculation on the part of the justices about the likelihood of success?

The second is the question of judicial attitudes and preferences. The analytical approach of the book “posits that legal decisions are informed by the interplay of legal, strategic, and attitudinal elements” (p. 106). In making this claim Law sides, quite explicitly, with the historic-institutional school. And yet, the book sets aside the question of ideology, for it argues that the institutional setting mediates the influence of ideology on legal decisions. The author also spends little time discussing the strategic elements of judicial decision making in this area. She assumes, for example, the argument that racist ideology may explain some of the decisions in this area. Fair enough. But could one really understand the immigration debate as anything other than a political debate? And if so, how does that understanding affect the way that federal judges decide these cases? A similar argument can be made about the strategic model. The book explains quite persuasively why the federal courts have a great deal of policymaking space

vis-à-vis the U.S. Supreme Court. But it does not fully explain why this policy space is not affected by the pressures exerted from the political process, be it Congress, the president, or state and local officials. Are the Courts of Appeals as independent in this sphere of authority as the book portrays them?

In asking these questions, I do not for one moment wish to take anything away from the value of the book. It takes a close and serious look at one of the leading debates of this generation. Anyone interested in the immigration debate, the role of the federal courts in the federal system, judicial behavior, or the interaction among these complex variables would be well served by it.

Seeking Asylum: Human Smuggling and Bureaucracy at the Border. By Alison Mountz. Minneapolis: University of Minnesota Press, 2010. 209p. \$75.00 cloth, \$25.00 paper.

Rethinking Asylum: History, Purpose and Limits. By Matthew E. Price. New York: Cambridge University Press, 2009. 279p. \$83.99 cloth, \$32.99 paper.

The Securitization of Humanitarian Migration: Digging Moats and Sinking Boats. By Scott D. Watson. New York: Routledge, 2009. 183p. \$120.00.
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— Mark J. Miller, *University of Delaware*

My coauthor Stephen Castles and I have argued that a distinctive period in global migration history began around 1970 when a confluence of factors precipitated what we term the Age of Migration. This era is demarcated by six general tendencies including the growing saliency of international migration-related issues in national politics as well as in bilateral and regional relations around the world. Each of the three volumes concerned with asylum and refugee issues considered here attests to that general tendency. Matthew E. Price reflects broadly about asylum and advocates a return to a strictly delimited asylum policy. Alison Mountz and Scott D. Watson focus on securitization of asylum and refugee policies with a comparative focus on Canada and Australia, countries long viewed as exemplary in the area of humanitarian policies. Mountz provides a very detailed ethnographic account, whereas Watson offers a constructivist account.

As specified by Watson, signatories to the 1951 Geneva Convention and the 1967 protocol, which lifted the geographic and temporal limitations of the 1951 convention, bound themselves to four norms—non-refoulement, legal processing of claims on an individual basis, nonarbitrary detention, and nonpunishment based on mode of entry. Since roughly 1980, many of the OECD states have strayed from strict adherence to these norms, leading some scholars to argue that the refugee regime created after World War II has been supplanted by a de facto new regime in

which adjudication often is made on a group basis, asylum-seekers are routinely detained, and they often are punished for immigration law violations. Given the importance attached to refugee and asylum policy as a feature that demarcates Western democracies, the subject matter reviewed here can scarcely be viewed as a peripheral.

Price bemoans trends that he views as interconnected. On the one hand, persons increasingly are deemed refugees despite not falling strictly within the nexus clause of the convention, namely that they suffer persecution “for reasons of race, religion, nationality, membership of a particular social group, or political opinion” (p. 251). Price fears that adjudication increasingly strays from the core reason for asylum thereby becoming palliative in nature. He advocates a “political” conception of asylum, one that strictly adheres to the nexus criteria and that is expressive of value judgements about states that persecute and linked to a broader foreign policy strategy to reform such states.

On the other hand, Price laments the erection of barriers to asylum seeking that are the subject matter of chapter 6. Many of these measures reflect erosion of formerly robust political support for asylum. Price fears that the humanitarian turn in adjudication has contributed to the decline in political support for asylum that also stems from increases in asylum seeking.

Price grounds his advocacy in a masterful history of asylum. He locates the Greek word *asylia* and inviolability in ancient Greece. Asylum is from the Latin. For the Greeks, inviolability was possessed by persons who worked outside of their states and was recognized by all states as a matter of comity. Inviolability also inhered in certain sites, such as temples, where supplicants could request immunity. Such sites often attracted foreigners. Hence, a profound linkage arose between asylum and international relations. The grant of protection to a supplicant prevented extradition.

Revolutionary France became the first state to extend asylum to political offenders in the constitution of 1793, which guaranteed asylum to all forced to flee their countries while advancing the cause of liberty. In so doing, France linked the grant of asylum to a view about legitimate authority. Price advocates that twenty-first-century states do so as well.

A key recasting of asylum from immunization of foreigners against unjust punishment through extradition to prevention of deportation began as states developed immigration control regimes in the nineteenth century. This would lead to the rethinking of asylum as a subset of immigration policy. Asylum would come to protect refugees, not fugitives. Asylum became a way for foreigners to gain a reprieve from deportation based on a valid fear of persecution.

In chapter 2, he analyzes connections between asylum and foreign policy and how states can affect the behavior of other states through coercion, persuasion, and accul-

turation. Grants of asylum can put a state on notice that the state granting asylum regards the persecution as intolerable. His notion of acculturation relates to the insight that state behavior can be explained by reference to a state’s identity within an institutional cultural context. Thus, the first US decision to grant asylum to an Israeli citizen led to consternation in Israel.

Price is aware that a political approach can be used to serve foreign policy interests and ill-served refugees. Overprotection of refugees from Communist states prevailed during the Cold War. The Refugee Act of 1980 was intended to “establish [] a standard for uniform and non-ideological refugee eligibility” (p. 87). But underprotection of refugees from El Salvador most notably ensued. Nevertheless, Price argues that a political approach underscores the value of grants of asylum to the foreign policy interests of a state.

He next turns to persecution by states and nonstate actors. While recognizing that there can be no single standard for what constitutes serious harm, he defines persecution as such that is inflicted or condoned by states for illegitimate reasons. For Price, the key is to recognize that persecution constitutes a distinctive kind of harm that merits a response that is expressive and that criticizes or condemns state persecution, depending on the gravity of the harm inflicted. Therefore, he views asylum law as “an ongoing normative enterprise,” one in which adjudicators “draw and articulate the bounds of legitimate state conduct” (p. 136).

Concerning violence perpetrated by nonstate actors, Price criticizes adjudication that does not distinguish between a state’s inability to provide protection and states that are unwilling to ensure protection. He suggests that asylum is not an appropriate remedy in the first instance but appropriate in the second.

In closing, Price elaborates on the importance of conferral of membership to the asylee through naturalization. This leads him to question the wisdom of growing recourse to grants of temporary protection in OECD states. The richness of Price’s historical erudition and the clarity of his viewpoint make his volume required reading for everyone concerned by the humanitarian challenge posed by refugees.

Mountz’s ethnography is based on first-hand observation of the workings of Citizenship and Immigration Canada (CIC), the key agency involved with asylum. She also has done considerable observation of immigrants in the United States and Australian asylum policies. In key respects, Mountz’s volume extends a line of research begun by Kitty Calavita in *Inside the State* (1992).

Mountz is a geographer and well read on theories of state. She views ethnography as a research strategy to counter disembodied theories of state by recording dispersed sovereign powers in daily practice. Just about any graduate-level social science course focused on the state of

the state would benefit from inclusion of this book on its reading list.

Mountz is struck by the policy-on-the-fly response to the successive sightings of boatloads of Chinese migrants off the coast of British Columbia in 1999. CIC bureaucrats scrambled to improvise policy even though the scenario of landings by sea had been foreseen as boatloads of Indian Sikhs had arrived in 1987. At the time of the 1999 landings, there was no written policy on how the Canadian government should respond to such an event.

Following the work of James C. Scott, Mountz endeavors to see the ships like the state. One of the political scientist's insights involves how states endeavor to impose order on people and places not subject to that order. And so it was with the CIC in 1999 when the first boatload of Chinese migrants landed. There was considerable confusion between the agencies involved. Mountz uncovered a considerable disjuncture between policy and practice.

She discovered that one of the key barriers to an effective response arose from a paucity of intelligence on human trafficking. Contrary to Paul Smith, Mountz contends that human smugglers have maximized the importance of geography. They rely on mastery of localized geography to elude detection by in much the way that nonstate terrorist groups operate.

Mountz raises critical questions about Canada's handling of the boat arrivals. The migrants on the first boat were not detained after processing by authorities and many did not appear for their hearings. This proved embarrassing to the government. Her research documents how central a role press coverage played in dramatizing what came to be viewed as a crisis. While not unsurprising, this finding comes at a time when the significance of the Fourth Estate is viewed as declining. Within the CIC, however, employees complained that they felt they were in a fish bowl under intense media scrutiny. Management of media coverage became a key concern to the government.

The media came to view the migrants as illegal aliens smuggled in by criminal gangs. This view contributed to the sense of urgency that led to changes in standard operating procedures. After the fiasco of the first boat, subsequent boatloads of migrants were detained in an isolated makeshift detention facility far from Vancouver. This made provision of adequate legal advice to asylum claimants very problematic, and most were promptly returned to China. Mountz fears some of those returned may have been genuine refugees.

I assigned Mountz to my interdisciplinary international migration graduate seminar this last spring. My students loved the book in part because it provides a fascinating account of anti-immigrant political mobilization in a national setting largely untouched by the rise of anti-immigrant politics in the transatlantic zone.

Watson references Mountz's earlier work a great deal in his effort to examine how securitization of migration occurs

principally through a comparison of Australia and Canada. Securitization is a concept associated with the influential work of constructivists Barry Buzan and Ole Waever, who are best known for the study of security. With reference to international migration, it refers to the linkage of migration issues to security agendas thereby enabling governments to undertake emergency procedures that often result in harsher treatment of international migrants. Securitization of migration policies undoubtedly ranks as the most important development in international migration study in recent decades. And, after 9/11, the volume of scholarly, and not so scholarly, writing about migration and security has grown enormously.

What I found most refreshing was Watson's ability to rise above the contestation of securitization to examine how it takes place empirically in an objective manner. He builds on the theoretical work of Buzan and Waever by specifying how securitization occurred in the two contexts. He discerns varying outcomes.

Watson offers important critiques of both literature on comparative immigration policies in OECD states and on security studies. He faults the former for ignoring the effects of national security developments even though they have challenged standard operating procedures across the OECD. Second, the literature ignores or gives short shrift to international developments even though they powerfully influence domestic politics. Third, he discerns a tendency to view actors as rational and unitary. He sees parallel limitations in the security literature, especially little progress in explaining variations in responses to perceived threats. He then credits constructivists for beginning to address these gaps by showing how cultural differences affect what is perceived and what responses are viewed as appropriate. He regards neither Canada nor Australia as seriously threatened by the numbers of asylum-seekers received, as they are quite low by OECD standards. Rather, the cause of the consternation lies in fear of a loss of state control over international migrant arrivals.

Watson views the linkage of migration and security in Canada as quite weak, especially because of Canada's exemplary leadership on refugee matters. He then plunges into detailed analysis of key moments in the history of migration and security. Like Mountz, Watson attributes a key role to the media in securitization. His major innovation is to study both processes of securitization and of desecuritization. This allows him to make more fine-grained assessments of outcomes. He identifies the role of the media, the political opposition, and the judiciary as key to understanding securitization/desecuritization outcomes. Watson's content analysis of the role of the media is more systematic than Mountz's account of the role of the media in her analysis of the 1999 boat landings. Watson eventually concludes that securitization of humanitarian migration is much more pronounced in Australia than in Canada.

Price's political approach requires an intrusive United States. In *On Empire* (2009), the noted historian Eric Hobsbawm warns about humanitarian interventionism becoming a new form of imperialism of human rights. Mountz's erudition about postmodern theories may be beyond the ken of her readership. And Watson's description of the post-World War II construction of the international refugee regime ignores the creation of the United Nations Work and Relief Agency for Palestinian refugees, who at 4.7 million in 2010 still constitute the world's largest refugee population.

These three outstanding volumes provide further evidence of the remarkable flowering of migration studies in recent decades. Social science inquiry has taken a migration studies turn. Maybe this too suggests that we live in an Age of Migration.

Modern Migrations: Gujarati Indian Networks in New York & London. By Maritsa V. Poros. Stanford: Stanford University Press, 2011. 248p. \$55.00 cloth, \$21.95 paper. doi:10.1017/S1537592711001939

— Shampa Biswas, *Whitman College*

Migrants move, migrations are about movement, and so one would expect that studies of migration would reflect some of the dynamism and fluidity that comes with flows of real people. Yet many explanatory accounts of migration rely too heavily on fixed and stable “push and pull” factors that thrust migrants out of “underdeveloped” to “developed” countries, or on the essentialist and frequently Orientalist “attributes” or “social origins” that propel particular migrants in search of a better life. So it is most heartening to see a book that inserts movement and process so squarely into a field that depends so heavily on static categories to explain how and why people migrate across borders. *Modern Migrations* is a rich ethnographic study of the social networks travelled by Gujarati Indian migrants to the United Kingdom and United States. The book makes a timely intervention into contemporary discussions of migration and diasporas in the context of globalization by examining the life stories from a community that has been traveling across the world through a variety of complex paths for over a century. Preferring a “relational” approach that studies the active exchanges that make up such networks over the “substantialist” approaches based on the characteristics of immigrants and/or the countries they move to and from, this book examines the rich social networks that make up the messy, complex reality of migration with all its extraordinary opportunities and substantial hardships.

Although all chapters in the book draw from the extensive qualitative fieldwork that Poros conducted among the Gujarati immigrants in New York and London, chapters three and four contain the bulk of the empirical research. A sociologist by training, Poros is most like an

anthropologist in these chapters, bringing to life quite vividly through several stories the opportunities and constraints experienced by individuals and families as they use various kinds of social networks to migrate from sending countries and adjust to life in host societies. We learn in some detail about family dynamics and obligations, marriage decisions within and across caste lines, workplace friendships and connections, different educational and work opportunities and choices, participation in religious and voluntary community associations, etc.—all serving to provide a rich sociological tapestry of the lives of a community in motion composed of individuals constrained by historical, political, and social structures, but nevertheless exercising much agency as they use, bend, and recreate social rules. Here it becomes evident that migration rarely occurs through the simple rational cost-benefit analysis of economic theory; rather, it occurs through the complex negotiations of embedded social relations. As a good ethnographer, Poros is quite aware of the various differentiations of caste, class, and gender within this rather diverse community, but rather than treat any of these categories as fixed, explanatory variables, her attempt is to show how these categories themselves are shaped and sustained as individuals use and transact through them in particular ways.

Similarly, the different networks of migration that she enumerates in the book are also not static routes of migrant travels, but are historically produced and sustained through relations of colonial power, different kinds of postcolonial ties, and long-established patterns of trade. All of these add up to create locally specific yet profoundly interconnected labor markets and transnational niche economies that span the borders of several contemporary nation-states. These historical connections are most fully elaborated in chapter 2 of the book that documents the long history of globalization and provides the necessary background to situating the individual life histories of the following two chapters. Thus, we meet the at least twice-displaced Gujarati Indian teachers recruited by colonial Britain to teach in Kenya, Tanzania, and Uganda in the first half of the twentieth century moving to the United Kingdom after the enactment of Africanization policies in postcolonial East Africa in the late 1960s and early 1970s, some of them eventually finding their way into the motel business in the United States. A different kind of network brings Gujarati engineers and physicians schooled in institutions supported by US foundations and universities into professional jobs in New York and other American cities. A third kind of truly transnational network links the highly mobile but quite close-knit community of Gujarati diamond traders in Ahmedabad, Antwerp, Hong Kong, and New York. The two empirical chapters demonstrate in vivid detail that all these networks are sustained by the dense exchanges of money, information, influence, and other