

## References

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*Refuge Beyond Reach: How Rich Countries Repel Asylum Seekers*. By David Scott FitzGerald. Oxford: Oxford University Press, 2019

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David Scott FitzGerald's comprehensive and insightful book on the ways that wealthy states around the world go to great lengths to prevent asylum-seekers from reaching their borders to ask for protection could not be more timely. As attention increases on the process and the people involved in asylum-seeking, at the US southern border, and also elsewhere internationally, *Refuge Beyond Reach* situates contemporary global responses to those displaced by and fleeing violence and persecution as global, historical, and perhaps more importantly of all, intentional. FitzGerald exhaustively describes and analyses the "constellation of "remote controls" (71) — the measures designed to prevent access to asylum around the world. In doing so he demonstrates without question that, to use a modern maxim, deterrence and repulsion of asylum seekers are features of the immigration system, not bugs.

The comparative, well-organized approach, drawing on the United States, Canada, Europe and Australia, further highlights how an emergent "architecture of repulsion" (14) exists at a global scale, a result both of policy decisions and political will within states and regions, but also as a result of convergence and replication. These efforts create what he calls "domes" around wealthy countries; domes extending far enough beyond physical borders that most suffering is never known to and certainly never seen by citizens.

FitzGerald situates the pattern and expansion of remote measures to deter and prevent asylum in a post-Cold War reality, one in which there are both reduced incentives to use overtly humanitarian policies as a way to shame other states and increased causes of global displacement, including but not limited to war, environmental destruction and deterioration of the rule of law.

Displacement levels are now higher than they have been since the end of the Second World War, and neither public opinion nor political realities support efforts to provide opportunities for people to seek and enjoy asylum. In many ways it is a perfect storm, furlled in particular by the continued rise of right-wing political parties and cultural shifts towards increased nationalism and xenophobia.

FitzGerald makes clear that attention on and even demonization of asylum-seekers in Europe and Australia has been part of the social and political conversation about migration control for many years, yet both scholarly and public conversations in North America, and in the United States especially, have tended to focus more broadly on questions of documentation and criminalization of individuals without legal permission to enter or remain in the country. It may be that asylum seekers were paid less attention in the US because until very recently both law and social attitudes regarded asylum-seeking as not only a necessary and legal pathway to protection, but also a fundamentally moral and humanitarian good. In many ways both legal and social responses to asylum seekers were perhaps the last great holdout of the deeply-rooted myth of America as a genuinely welcoming place of refuge for those escaping persecution. Now, however, as the American public are faced with the magnitude of human suffering, administrative indifference, and the limits of legal protections and due process at the border it is clearer than ever that attempts to invoke the humanitarian potential of existing law and policy are not enough. Recognizing this helps us to confront the complex relationship that many wealth industrialized countries have with humanitarianism. There are historical and contemporary tensions between the moral and legal imperatives created by these states' "embedded liberalism" (50), and yet, the reality is that aligning migration management with other social pressures is deeply political, and FitzGerald may be a bit more optimistic than most that greater awareness of what happens outside or on the fringes of our bubbles will catalyze change.

It was striking to see on the first page of the book the photo of three-year-old Alan Kurdi, who drowned in Southern Turkey after fleeing Syria with his family in 2015, at a moment when, in late June 2019, a photo of two drowned Salvadoran migrants, Oscar Martinez and his two-year-old daughter Valeria, was circulated widely in the US press (Ahmed & Semple 2019). Many want to believe that these photos, these moments that are captured, will be enough to meaningfully rupture the "domes" in which we all live. Tragically, research suggests that a spike in attention and resources donated to assist Syrian refugees following Alan's death lasted a mere six weeks (Slovic et al. 2017: 641). Yet despite this reality FitzGerald is hopeful that there are roles for journalists, lawyers, civil society, and the academy in eroding existing deterrence measures and protecting access to sanctuary.

FitzGerald points to the need for academic research which credibly shows harm done by deterrence measures when they are implemented in places where legal remedies are ineffective (257), for example the inaction of the courts in the US and Australia when it comes to enforcing international law, and to the role scholars must play in pushing back against the language and consequences of “crisis,” thereby minimizing longer-term harm (259). For scholars of law and society in particular, FitzGerald’s research offers us an opportunity to consider the causes and consequences of legal failings, both international and domestic, which are at play in deterring asylum seekers. The relative weakness of mechanisms for international legal protections in destination countries, the rise of domestic legislation and safe third country designed to make physical access to territories and legal access to the process more difficult than ever, and increases in the use of immigration detention for those seeking asylum are not incidental, they build a legal environment in which structural forms of deterrence are possible and effective.

Further research might ask when and where law continues to be (in)effective by design, when these legal failures are a matter of a gap between the spirit and letter of the law, which of them may be tied to other social and political movements such as the rise of the right-wing, and how the consequences of this legal order maintain and perpetuate an array of harms on all sides of borders.

## References

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*Legal Passing: Navigating Undocumented Life and Local Immigration Law.* By Angela S. García. Oakland: University of California Press, 2019

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Angela S. García’s excellent new book, *Legal Passing: Navigating Undocumented Life and Local Immigration Law* examines how