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Challenge to the Nation-State: Immigration in Western Europe and the United States

Christian Joppke, Editor

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In highly developed Western countries, popular notions run rampant about a weakening of the nation-state's sovereignty. Among the state's supposed destroyers are: post-modern economic globalism, tribalistic ethnic nationalism, pressures for international human rights, and supranational imperatives. These 'challenges to the nation-state' are given thorough examination and critique in this edited volume on immigration and immigration policy in the U.S. and countries of the European Union.

Though the title may lead the reader to believe otherwise, the volume asserts that the nation-state, in fact, is not in decline, and does not face any serious challenge to its existence from international migration. All chapters are well referenced and are grounded primarily in the examination of immigration politics and law, *de jure* and *de facto*, in the United States, Great Britain, France and Germany. *Challenge to the Nation-State* lacks a concluding chapter, although the introduction is sufficient in providing a framework for understanding the research presented in the other chapters.

By 'nation-state,' Joppke intends a territorially sovereign polity defined largely by the ability to grant and deny citizenship to individuals in order to guarantee continuity in the relationship between state and individual. Joppke's introduction offers a fine summary of the findings of contributing authors, but also doggedly maintains a unifying theoretical framework, and attempts to take discussions

on immigration further than any of the individual chapters. His basic thesis is that the nation-state can and still does maintain sovereignty over its borders, its affordance of rights and privileges, and its affordance of citizenship, often balancing a change in one with an opposite change in another. In the end, citizenship always has been and always will be granted by a territorially sovereign polity.

Challenge to Sovereignty, the first section following the introduction, addresses territorial sovereignty—one of the two political bases for the modern nation-state. The authors in this section note changes in the decision-making arena for states in recent years, but resoundingly conclude that decision-making tools and ultimate authority over the movement of people (while experiencing new constraints) still lie with national governments, not extra-national bodies. And while Soyol's *Limits of Citizenship* (1995) continues to have an influence over this discussion, as it is referenced by some of the authors, few are entirely sympathetic to Soyol's polemic stance about the reach of post-nationalism.

Saskia Sassen is the single author in the volume who asserts that immigration is a serious challenge to the state. The others are more skeptical. Sassen's globalizing economy paradigm dichotomizes regulations for information, capital, and goods vs. regulations for migrants and labor, the former more transnational, the latter more international. In this model, the state has the twofold goal of globalizing the economy while maintaining state sovereignty, thereby undermining state authority and power. This chapter uncritically cites many global processes (e.g., judicial tools, deregulation, bond-raters, international commercial arbitration) as evidence for the dissolution of statehood. However, it is also the only chapter to devote much attention to the relation between state sovereignty and the governance of global economic practices. Sassen's chapter, though a minority viewpoint, also considers international economics, which is found lacking in the other chapters.

The contribution by Gary Freeman contends Sassen's by arguing that most variation and developments in immigration policies can be explained better by domestic politics than by structural economic adjustment. In addition, especially in-

triguing in light of current nationalistic sentiments around the world, are his findings that, among actual policy outcomes, there resides little basis for the claim that Western states are becoming more restrictive against immigration. Governments seek cheap labor for expansion, are beholden to internal legal establishments, and intermittently are affected by media stories about shoddy living conditions for immigrants.

The locus of debate responsible for a great deal of academic, political and public confusion on this topic has been the varying degrees of conflation of immigration policy, foreign policy, refugee policy and political asylum policy within Great Britain, the United States and Germany. This is domestic politics as usual, and affords greater sovereignty to the state in some areas and more of specific individual rights in others. The bottom line, according to Freeman, is that the Geneva Convention of Refugees and all subsequent European court rulings have left intact the state's right to grant asylum, as opposed to supporting the individual's right to receive asylum.

In the European Union (E.U.) after WWII, migration regimes originated from rights granted to workers, not individuals. Now individuals, not workers, should be the locus of rights according to some analysts and international bodies, though this was not the original intention of the European Community. Border checks remain, however, and the E.U. does not require that third-party non-nationals be granted rights similar to citizens—evidence that national sovereignty is alive and well. Rey Koslowski (Ch. 5) also notes the lack of democratic institutions in the E.U. political structure, a situation which would provide even less guarantee of civil rights.

The second section, *The Challenge to Citizenship*, includes four papers concerned with the distinctions between citizen and non-citizen, and whether these distinctions will remain useful and operative for Western governments.

In the U.S., the institution of citizenship might see growing challenges because of increasing domestic divisions between federal and state jurisdictions, and a devolution of responsibilities and jurisdiction from the federal government to

the states. Despite variation in welfare benefits between states, however, some Americans, when at their most jingoistic, find the distinction between citizen and non-citizen to be found here (e.g., only citizens should be entitled to welfare benefits, health benefits and public education). This nationalistic sentiment revolves around the idea that citizenship should count for more than just the right to participate politically—it should be only through citizenship that welfare provisions are allotted.

Peter Schuk, also in the second section, finds that the debate on citizenship in the U.S. is due to multicultural pressure, technological change, expansion of the welfare state, the loss of a unifying ideology, and a perceived devaluation of citizenship. While anti-immigrant sentiment is high in many countries, and clearly visible to the government, national policy almost never goes to such extremes. Nonetheless, Schuk's concern is that a greater risk may be that the normative foundation of a post-national citizenship is so thin and shallow that it can easily be swept away by the tides of tribalism or nationalism, because post-national citizenship possesses only a limited institutional status, largely confined to some courts.

Similarly, Miriam Feldblum (Ch. 7) concludes that E.U. citizenship is not a sound way to protect human rights—an astute observation, at least until 'Fortress Europe' is realized and the objective is one of a grand statehood. Otherwise, this would be an unfortunate wedding of individual rights to a polity that is not a sovereign state and, thus, cannot guarantee its responsibilities to the members of (each) society. She argues that flawed studies and flawed policies owe to the conflation of national membership issues, immigration issues and identity issues. What might an appropriate separation and/or integration of these issues look like?

Many recent state actions appear to move toward granting more rights, but this is more related to the need to maintain internal social peace than to placate an international institution, concludes Virginie Guiradon in the penultimate chapter. For example, restrictions on immigration usually occur at the end of a government's term, she found, though the opposition between executive

and legislative prerogatives does influence the ease of acceptance of new rights. Guiradon's contribution is a continuum of operative rights, rather than a citizen/non-citizen dichotomy. There seems to be an order in which these rights are granted, thus indicating the style of nation-state building undertaken. Typically, economic rights are granted to a group of people sooner than are political rights. Guiradon's investigation upholds what we know anecdotally: that it takes generations for newly immigrated populations to achieve acceptance by the general public, even if legally granted citizenship. Preliminary components of this status are usually granted first, outside of the public eye. Now, with the U.S. government considering an expansion of its guestworker program, this array of rights would provide a fruitful case for analyzing the continued resilience of state powers over citizenship.

Race relations in Great Britain is the subject of the book's final chapter. Adrian Favell agrees with Feldblum's suggestion that minority citizens in Great Britain are hurt by further integration into the E.U., because of the lack of a written constitution. Also, there seems to be a breakdown in Great Britain's 25-year history of locally-based multiculturalism, occurring somewhat independently of international developments.

This volume is concerned with the U.S. and a few European countries only. However, these countries are highly sought as migrant destinations, especially by workers and families of workers, and a rigorous study of actual policy outcomes is an important one. Why is it that states are not becoming more restrictive and that their powers over borders and citizenship are intact? Most of these authors attribute this to either domestic politics or weak international bodies. I would push those findings to contend, also, that domestic politics are partially the result of the economic structural adjustment discussed by Sassen and the globalization of capitalism. I would argue, also, that it is exactly this process that is responsible for the maintenance of state functions (e.g., monitoring pluralism), as some world systems theorists contend, and the maintenance of the state as a powerful social institution.

Challenges to the Nation-State serves as a source for case studies in the development of the

modern state's political institutions. Professors of sociology, political science, history, anthropology, cultural studies and international relations at graduate and undergraduate levels, can utilize these studies to provide data for disciplinary methodologies for investigation of the world system, international relations and immigration. The authors are political scientists, and provide convincing evidence for their claim that the state is quite resilient in the face of the challenge posed by international immigration. However, a perspective unifying these autonomous states in a system of political and economic relations would be welcomed. Ecological anthropologists interested in the state, and others, would be quick to point out that the role of the state includes domestic resource extraction, guarantee of property rights, participation in international economic organizations, control of the minimum wage, and the like.

The volume is concerned with the proximal determinants of politics, which ought to be linked to the expansion of the state along with the fundamentals of capitalism, such as growth, class relations and innovation (Harvey 1982). It is this disunion in academia of politics and economics that is the book's shortcoming, though its contribution to the debate about post-nationalism is groundbreaking. Well-known causal relationships between public policy and economic institutions, such as growth of the welfare state in order to placate unemployed workers, are not mentioned. On the other hand, nation-states are linked to capitalism in some ways that are not well understood. An area supplementing this type of research in the future could stem from Koslowski's (Ch. 5) and Guiradon's (Ch. 8) work, which postulate that citizenship is the legitimation of the worker within class relations, as capitalists always must have laborers. In any case, the authors are able to arrive at the same conclusion: that the state remains viable by focusing on sovereignty and citizenship and, ultimately, the control of people's movements.

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