

GRITIM

Working Paper Series

Number 10, Winter 2012

Immigration controls and the erosion of popular sovereignty

Chris Gilligan (University of the West of Scotland, UK)

chris.gilligan@uws.ac.uk

Grup de Recerca Interdisciplinari en Immigració - UPF
Departament de Ciències Polítiques i Socials
Universitat Pompeu Fabra
www.upf.edu/gritim
gritim@upf.edu

The **purpose of the GRITIM-UPF Working Paper Series** is to disseminate academic research work-in-progress that contributes to the European approach on immigration and diversity. The main framework is related to GRITIM-UPF's three main priorities: multidisciplinary, innovation, and transfer of knowledge. Its contents are related to its research areas: immigration and governance, immigration and society, immigration and law, economics of migration, immigration and the dynamics of diversity, immigration and communication and immigration and humanities. *GRITIM-UPF Working Papers* will be published quarterly (at least one per term, four per year).

GRITIM-UPF Editorial Board:

Verònica Benet-Martínez (Editor)	Department of Political and Social Sciences
Ricard Zapata-Barrero	Department of Political and Social Sciences
Neus Torbisco	Department of Law
Sílvia Morgades	Department of Law
Teun van Dijk	Department of Translation and Philology
Mathew Creighton	Department of Political and Social Sciences
Blanca Garcés-Mascreñas	Department of Political and Social Sciences
Avi Astor	Department of Political and Social Sciences
Mireia Trenchs	Department of Humanities

Publishing Editor:
Sarah Cooke O'Dowd

Further information and requests can be addressed to gritim@upf.edu

Working Paper Series, as well as other information related to research on immigration can be received by subscribing at GRITIM Distribution List: www.upf.edu/gritim/distribució

Abstract

The idea that immigration controls in Western developed states are a response to popular pressure is axiomatic in the academic literature on migration. In the academic literature and in policy circles it is also commonplace to hear that migration is eroding the sovereignty of states. This article challenges both of these ideas. We argue that both of these ideas overlook or ignore the erosion of popular sovereignty from within states. We argue that engaging with, rather than evading, public debate on migration can potentially help to reinvigorate popular sovereignty.

Keywords

migration; sovereignty; political disengagement; immigration controls; open borders

Author's biographical note

Dr. Chris Gilligan holds a Ph.D. in Politics and Contemporary History from the University of Salford, and a BA (Hons) in Politics and West European Studies from Wolverhampton Polytechnic. Dr. Gilligan lectured at the University of Ulster and Aston University before joining the University of the West of Scotland as a Senior Lecturer in Sociology in 2007. He is reviews editor for the journal *Ethnopolitics*. His main areas of research interest are in migration and ethnic politics. His articles have appeared in journals such as 'Journal of Peace Research', 'Nations and Nationalism', 'Policy and Politics', 'Translocations', 'FQS: Forum for Qualitative Social Research'. He is editor, or co-editor, of five collections. Most recently 'Northern Ireland 10 Years After the Agreement' (2008), 'Visualising Migration and Social Division' (2010), (with Susan Ball) and 'Migration and Divided Societies' (2011), (with Susan Ball). He is currently working on a research monograph on racism, sectarianism and xenophobia in Northern Ireland.

Introduction¹

There has been a significant growth in international migration in recent years. The International Organization for Migration (IOM) estimates that the number of migrants in the world grew from 150 million to 214 million in the first decade of the twenty-first century. And they suggest that this growth is likely to continue 'as a result of growing demographic disparities, the effects of environmental change, new global political and economic dynamics, technological revolutions and social networks' (IOM, 2010, p. xix). This migration is said to be undermining the sovereignty of states. One of the key textbooks on international migration, for example, suggests that a defining feature of the contemporary world, particularly since the 1980s, has been 'the challenge posed by international migration to the sovereignty of states, specifically to their ability to regulate the movement of people across their borders' (CASTLES & MILLER, 2009, p. 3). In Western Europe, (and other relatively affluent parts of the world), the media tend to associate immigrants with 'negative topics and problems: immigration as invasion, abuse of identity papers, mafias, unemployment, violence, crime, drugs, illegality, cultural deviance, fanaticism, religious intolerance, backwardness, and so on' (VAN DIJK, 2007, p. 62).

Some scholars challenge the idea that immigrants present a challenge to state sovereignty. In the words of one expert on international migration: 'controlling who enters the state and who does not is one of the few remaining powerful attributes of national sovereignty' (MUNCK, 2008, p. 1238). States in the West have developed considerable powers and technologies to control entry into their territory. Western states have, for example, used 'new international institutions relating to migration control or IDPs [Internally Displaced Peoples] to keep refugees from reaching their territory, thereby averting their obligations towards refugees' (BETTS, 2009, p. 54). The European Union (EU) has used the prospect of EU membership as leverage to compel candidate states to adopt more heavily regulated immigration controls, thus expanding 'the territory of immigration control beyond the circle of member states' (LAVENEUX, 2006, p. 335). The United States (US) government has used the threat of sanctions against Albania, the Ukraine and countries in the Caribbean if they do not enforce measures against human trafficking stipulated by the US (GEIGER, 2008;

¹ In writing this article the author has benefited from comments and discussions with a number of people. I would like to thank Gerry Boucher, David Chandler, Andrew Geddes, Vicki Squire and the anonymous peer reviewers who commented on earlier drafts. Their input has been very useful, even when (or perhaps especially when), the commentator disagreed with my arguments.

KEMPADOO, 2007). States have not only retained control over who enters the state, they have also extended their control over immigrants who have entered the country legally. In the United Kingdom (UK), for example, recent policy developments have led to the regulation of ever 'wider aspects of the life of immigrants, including access to jobs, welfare services, family reunification, and ultimately integration and the acquisition of citizenship' (FLYNN, 2005, p. 463).

There is something in both the argument that international migration presents a challenge to state sovereignty and the argument that immigration controls remain a powerful attribute of state sovereignty. We believe, however, that both views miss something crucially important about the erosion of sovereignty in contemporary Western states, the erosion of popular sovereignty from within states themselves. We argue that promoting public debate on how states should respond to the issue of migration may be a way to reverse the erosion of popular sovereignty. The first section of the article prepares the ground for the argument through a critical examination of the relationship between migration, sovereignty and agency. The second part draws attention to the erosion of popular sovereignty from within states as evidenced by political disengagement and the narrowing of the avenues through which the public can hold politicians to account. The idea that immigration controls as a response to popular pressure, a view which is axiomatic in the existing literature, runs contrary to the argument that popular sovereignty is being eroded. The third section of the article challenges this assumption. In concluding the article we suggest that making the case for open borders may be a way to challenge the erosion of popular sovereignty.

Migration, sovereignty and agency

In the social sciences the term 'human agency' is used to refer to the purposive, volitional dimension of human activity. The exercise of agency involves conscious goal-directed action. People who have agency are active subjects who determine their own future. People who lack agency are objects whose actions and future is determined for them by forces outside of their control (PARKER, 2000). Conceptions of sovereignty, implicitly or explicitly, involve some ideas about agency and the state.

When Munck says that states still enjoy sovereignty in the policy area of immigration he is suggesting that states are active agents who have the power to determine and enforce policy on immigration within the territorial jurisdiction set by the boundaries of the state. States can dictate the terms regarding who can legitimately

enter the territory, how long entrants can stay and can choose to dictate conditions of the visit (e.g. by specifying that the visitor can or cannot undertake paid employment) (IOM, 2010, pp. 15-20). States can, and often do, detain entrants who do not adhere to these terms, and expel them from the territory (FEKETE, 2009). In this view a state acts as a constraint on, and structures the opportunities available to, immigrants. Immigrants, and would-be immigrants, are objects whose actions are constrained by the actions of the state. When Castles and Miller say that state sovereignty is being challenged by immigration they are suggesting that the agency of migrants is frustrating or undermining the power of the state to determine policy outcomes. Migrants, for example, exploit more open channels for international travel (such as tourism or student exchanges) for different ends than those envisaged by policy-makers (DÜVELL, 2008). In this view migrants are astute actors who are able to circumvent state controls on immigration.

Both sets of authors have a point. If social actors are working towards mutually conflicting goals (such as trying to impose/circumvent immigration controls) then each side of the conflict experiences the agency of the other side as a constraint on their own actions. When we look at both sets of authors in this way we can say that each is looking at the conflict between states and would-be immigrants from a different point of view – they are looking at different sides of the same conflict. States experience the actions of migrants who attempt to circumvent immigration controls as a constraint on their own agency. Migrants experience state's border controls as a constraint on their freedom of movement between countries.

The difference between the two sets of authors is not, however, simply a matter of viewpoint. They also seem to have something different in mind when they refer to sovereignty. Munck emphasises the supreme power of the state to determine the laws which govern society (legal, or *de jure*, sovereignty). Castles and Miller highlight the ability to enforce the law (political, or *de facto*, sovereignty). Legal and political sovereignty are both integral to liberal democracies. States do not simply pass laws, these laws 'are everywhere backed up by a machinery of punishment, involving the police, courts, prisons', and, we might add, immigration specific machinery involving border guards and detention centres (HEYWOOD, 1994, p. 51). Liberal democratic states, in common with all states, 'seek a monopoly of coercive power and prevent, or at least limit, their citizens access to it', but unlike authoritarian states they attempt 'to exercise authority and not merely power' (ibid., p. 51). In liberal democracies the

exercise of power is legitimated, or in other words gains authority, through being accountable to the citizens of the state. This aspect, what is sometimes referred to as popular sovereignty, is missing from most contemporary discussions of migration and sovereignty.

Popular sovereignty draws our attention to the source of state power, and to the process of politics within the state. Popular sovereignty is not something which is fixed and settled, it is something which is achieved, and needs to be constantly maintained. It is the lifeblood of politics. In this vein Bickerton, Cunliffe and Gourevitch note that:

what makes the power of sovereignty distinct is its rootedness in human agency; it is a force that is only sustained by conscious human will... The ability to direct oneself only emerges in the self-creative process of acting politically. For all its historical imperfections... the framework of the sovereign state remains the best means of organizing and sustaining the process of politics (2007, p. 14).

All humans have agency. By combining with others we can achieve things which are not possible or available to us as individuals or as aggregates of individuals. When we combine with others more ambitious goals become possible. The sovereign state remains the most developed medium through which we can organise and sustain our grander ambitions. And it is through politics that the sovereignty of the state is achieved and maintained.

It is precisely because citizens have agency, because they direct themselves towards achieving goals which are beyond their capabilities as individuals, that the sovereign state arises. In attempting to achieve their collective goals groups of people come into conflict with others who have conflicting interests. Politics is the means through which these competing interests are reconciled through compromise, or sometimes, through reasoned argument, one side wins the argument, or the starting positions of the conflicting sides are transformed and transcended and new goals and understandings are reached. The citizen is the foundation stone on which politics is constructed. And, as Chandler notes, liberal democratic forms of government were founded on 'the assumption that political and legal subjects are moral, rational and self-determining actors' (2010, p. 2). In his classic defence of politics Crick points to the crucial importance of citizens as free agents to the founding of politics:

the establishing of political order is not just any order at all; it marks the birth, or recognition, of freedom. For politics represents at least some tolerance of differing truths, some recognition that government is possible, indeed best

conducted, amid the open canvassing of rival interests. Politics are the public actions of free men. Freedom is the privacy of men from public actions (1992, p. 18).

Historically the ownership of private property was understood to provide the freedom necessary to be a citizen. Political rights were only extended to wider sections of society because people demanded and fought for them. In a sense this demand demonstrated that they were free, moral, rational and self-determining actors.

The assumption that the sovereign state is founded on free, moral, rational and self-determining citizens is being eroded today. Chandler notes that in international politics, particularly in the arena of intervention and state-building, sovereignty is being redefined in ways which abandon 'its political content of self-government and autonomy' (2006, p. 33). The idea of the citizen as a political subject – as a free, moral, rational and self-determining actor – is commonly questioned in theory and in practice. In political and social theory a range of different theorists, representing a range of different perspectives – from feminism to poststructuralism – question the reality and merits of this liberal conception of the political subject (BROWN, 1995; ZIZEK, 2000). A whole raft of government policy interventions from health awareness to the promotion of self-esteem and the ever wider extension of categories of people who are officially recognised as vulnerable is based on a conception of 'the self in distinctly fragile and feeble form and insists that the management of life requires the continuous intervention of therapeutic expertise' (FUREDI, 2004, p. 21). The relative neglect of popular sovereignty in the literature on migration, we believe, is a reflection of a diminished conception of sovereignty and the political subject. The relationship between states and their citizens tends to be understood as one in which state power is independent of citizens, rather than being understood as an expression of the will of the people.

The erosion of popular sovereignty from within

We are living in strange times. The world appears to be undergoing tumultuous changes. Yet this sense of change coexists with a powerful sense that the history-making potential of humanity has come to an end. The sense of a juggernaut of change is captured through references to a 'runaway world', and the planetary scale that these changes encompass is articulated in the concept of 'globalisation' (GIDDENS, 2002). A sense of the impossibility of transcending the present is articulated in the notion of the

'end of history' and the idea that 'there is no alternative' to the market (FUKUYAMA, 1989). This theme is found in contemporary migration policy-making. The idea that there is no alternative to the market can be seen in a range of policy documents developed by various international institutions, including the Secretary General of the United Nations (UN), the IOM and the International Labor Organization (ILO), in which 'the structure of the global capitalist system in its neoliberal form is taken for granted, and not portrayed as part of the problem', and even the ILO 'manages to discuss migrant workers' exploitation without mentioning capitalist employers' (BOUCHER, 2008, p. 1462). And yet, the idea that there is no alternative to the market coexists with a lack of faith in the market. The peculiar nature of the times that we live in is captured by Laïdi when he points out that the:

feeling of an exceptionally strong change in world order after the fall of the Berlin Wall is coupled with our equally enormous inability to interpret it, to give it meaning... "Market democracy" apparently triumphed, yet seems itself more incapable than ever of defending the debate over its foundation. Political, economic and financial disorders fit less and less readily into a common explanatory framework, though they have never been so interdependent (1998, p. 1).

A sense of caution and anxiety in relation to change can be seen in the preoccupation with risk which characterise the outlook of many leading figures in public life. A zeitgeist which has been characterised as a culture of fear (FUREDI, 2002). This theme is also evident in relation to migration policy. Fear and insecurity has, for example, been a prominent theme in the securitisation of migration policy (HUYSMANS, 2006).

A common way of attempting to make sense of contemporary change is to suggest that there has been a shift in the way that power is exercised today. There has been a shift from 'international politics' to 'global politics' or the 'globalisation of politics'. As the opening chapter to *The Globalization of World Politics* (BAYLIS & SMITH, 2005), one of the most widely used textbooks in undergraduate IR courses in the UK, puts it:

globalization denotes the **relative denationalization** of power in so far as, in an increasingly interconnected global system, power is organized and exercised on a trans-regional, transnational, or transcontinental basis while... many other actors, from international organizations to criminal networks, exercise power within, across, and against states. States no longer have a monopoly of power resources whether economic, coercive, or political (MCGREW, 2005, pp. 23-4: emphasis in the original).

In this view modern states are increasingly weak actors as their power is drawn upwards to supranational bodies, overridden by international institutions, or circumvented by a range of actors who operate across national boundaries. This denationalisation of power can be seen in relation to migration policy. The governance of international migration has been dramatically transformed since the end of the Cold War. Between 1999 and 2004, within the UN system alone there was a significant mushrooming of activity on the topic of migration in organisations as diverse as the UN Commission on Human Rights (UNCHR), the UN High Commission for Refugees (UNHCR), the UN Development Programme (UNDP), the ILO, the World Bank and the World Trade Organisation (WTO) (BOUCHER, 2008; NEWLAND, 2005). Outside the UN system there has been significant activity at the level of regional organisations (GEDDES, 2008; THOUEZ & CHANNAC, 2006). In the literature produced from this activity it is commonplace to read that there is a need for a global response to migration because it is a phenomenon which is truly global in scope. The literature on globalisation suggests that the threat to state sovereignty comes from sources external to states. Chandler, however, suggests that the discourse of the globalisation of politics inverts reality. 'Without strong links to their societies', he says, 'governments find it difficult to govern, to plan strategically, that is, to generate policy and implement it' (2009, p. 19). Rather than confront the problem of engaging with the public, he goes on to say, governments (and many academics) prefer to naturalise the problem 'in the framework of globalisation' which suggests 'that the problems of governing are external rather than internal' (ibid., p. 19). His analysis, like ours, suggests a need to look inwards to the problem of political engagement, or what we have called popular sovereignty, rather than outwards to global forces.

In the relatively prosperous states of the world popular sovereignty is being eroded, not by external forces, but internally. The public are less engaged in politics. This can be seen in the decline in voter turnout across Western states, declining rates of membership of political parties and declining levels of engagement in civic life (GRAY & CAUL, 2000; PUTNAM, 2000; WHITELEY, 2011). Political parties have become professionalised 'and operate in a way that treats citizens as passive political observers who just need to be mobilised at election times' (STOKER, 2010, p. 57). In parliaments conflicts of interests or ideology have declined as the driving force in political debate and their role is being taken over by expert knowledge (BOSWELL, 2009).

Paradoxically the rise of expert knowledge has been accompanied by a decline in the standard of political debate so that 'political discussion tends to be shallow, short-termist and bereft of ideas' (FUREDI, 2006, p. 72).

The relationship of the public to political life, and of those in the political sphere to the public, seems to be changing. Putnam's (2000) study of political participation in the United States, a country with a rich history of associational life, found political disengagement across a wide range of indicators – likelihood of running for office, writing to Congress or a local newspaper, attending public meetings, or engaging in political and civic organisations. Pressure groups often seem not to view citizens as moral, rational, self-determining political agents. Campaigners operating in pressure groups often treat the public as 'a passive audience to be talked to about particular campaigns... [but] are offered little in terms of depth of analysis or understanding of the issues at stake' (STOKER, 2010, p. 57). Some campaigners appear to be more comfortable with seeking to present their work as advocacy for vulnerable people (people lacking agency) rather than campaigns for the rights and freedoms that rational, moral, self-determining agents should enjoy. One study of pro-refugee campaigns in the UK, for example, suggests that 'refugee advocates are less engaged in demands for freedom of movement and opposition to border controls, and relatively more occupied with refugee welfare and media representation of refugees' (PUPAVAC, 2008, p. 283).

Amongst politicians a sense of their diminished capacity to engage in political contestation, or to fight for a better world, finds an expression in the growth of managerialism. In the UK, for example, the adoption of a 'managed migration' approach took place in the context of the New Labour government's conception of governance 'as a deliberate marriage between technocracy and managerialism... summed up in a narrative of evidence-based policy-making' (BALCH, 2009, p. 615). This shift to evidence-based policy-making has entailed a greater role for expert knowledge from think tanks and NGOs and has been accompanied by expanded research budgets within government. A technocratic approach necessarily depoliticises policy-making through narrowing the scope for public input. Decisions, however, still need to be made that cannot be based on 'objective' evidence. So we find that in the realm of policy-making on migration the UK government has made 'use of research selectively, to substantiate policy preferences embraced on non-technocratic grounds' (ibid., p. 182). The selective use of expert knowledge can be seen in the way that government ministers drew on the work of a think tank in developing the 'concept of "managing migration" for the benefit

of the UK economy', but largely ignored the arguments in favour of a positive approach to refugees (BALCH, 2009, P. 616).

There have been a range of different ways in which governments have moved decision-making away from arenas where popular input might facilitate political contestation on migration policy. Guiraudon and Lahav, for example, note that in the EU there has been a devolution of decision making in monitoring and execution powers on immigration 'upward to intergovernmental fora, downward to elected local authorities, and outward to private actors such as airline carriers, shipping companies, employers and private security agencies' (2000, p. 164).² The devolution upwards and outwards are particularly pertinent to the moving of decision-making away from popular input. In relation to devolution upwards Guiraudon and Lahav note 'the multiplication of intergovernmental cooperation groups on immigration, asylum, police and border control' which have become institutionalised in order to 'forward a more effective migration control regime' (ibid. p. 178). In these intergovernmental groups which have been charged with managing migration 'decisions have typically been made behind closed doors with little or no formal debate in a public forum' (ibid, p. 178). Lavenex explicitly argues that in the EU devolution upwards to intergovernmental bodies was motivated 'by the desire of particular sections of national bureaucracies to circumvent domestic obstacles to political reforms... and their defence by political parties... the courts and fellow ministries' (2006, p. 332).

In relation to policy implementation Guiraudon and Lahav note that states have employed the threat of sanctions to shift 'liabilities for migration regulation outward to nonstate actors, such as private, societal, and business actors, as well as foreign actors in the form of cooperative arrangements' (2000, p. 184; emphasis added). States have also created new quasi-autonomous bodies to implement immigration policy. In the UK, for example, the government created the Borders Agency (UKBA) to centralise work on securing the border which had previously been conducted by the Border and Immigration Agency, Her Majesty's Revenue & Customs, and the Foreign & Commonwealth Office (CABINET OFFICE, 2007). The movement of policy outwards from government bodies makes it more difficult for the public to hold government to account by blurring the lines of political accountability. Along these lines Hampshire notes three delegation strategies – managerialization, privatization and expertization –

² These strategies of devolving responsibility are also evident in the US (LAHAV, 2003).

which 'can be seen in the UK migration regime... All three strategies can be (and are) justified in terms of improved policymaking and delivery; but all can be (and are) used to shift blame by elected politicians' (2008, p. 17).

The devolution of migration policy upwards could be interpreted as an acknowledgement by governments that they need labour migration and a desire to insulate policy on immigration from the influence of a restrictionist public. The acknowledgement of the need for labour migration can be seen in a raft of policy documents produced at a national, regional and international level since the last decade of the twentieth century (BERNE INITIATIVE, 2005; BOUCHER, 2008; CABINET OFFICE, 2007; GEDDES, 2008; NEWLAND, 2005; THOUEZ & CHANNAC, 2006). The desire to insulate policy from the public can be seen in the perception that 'some media outlets, indigenous publics and electorates, and populist politicians' demand that national governments impose restrictions on migrants (BOUCHER, 2008, p. 1465). The factors which Lavenex (2006) cites as domestic obstacles to political reforms – resistance by political parties, the courts and fellow ministries – suggests, however, that it is other elites in society that policy-makers may be attempting to circumvent, rather than the public. The evidence of political disengagement suggests that the public are not being squeezed out of the political sphere, (if they are being squeezed out then they are putting up little resistance), it looks more like they are voluntarily disengaging. This latter point is significant when it comes to suggesting how to challenge the exclusion of the public from policy-making on migration. A vibrant public demanding change from a remote political class is a very different problem to that of a disengaged public and a distant political class.

The idea that immigration controls are a response to popular pressure directly challenges our argument on the erosion of popular sovereignty. If the idea that immigration controls are a response to popular pressure were a minority view we might be able to ignore it, but the idea is so pervasive in the existing literature that we need to challenge it.

Immigration controls as a response to popular sovereignty

The idea that popular sovereignty has been eroded seems to be contradicted by the view, which is axiomatic in the literature on migration, that immigration controls are a response to popular pressure. The authors of one of the most comprehensive studies of contemporary international migration, for example, claim that migrants quickly 'adjust

their behaviour in response to changes in laws, policies, and circumstances. These shifts in immigrant behaviour often provoke a hostile reaction among native voters, putting public officials in a difficult position that requires them to take some action to bring immigration back under “control” (MASSEY ET AL, 1998, p. 287). Evidence from opinion polls seems to support the claim that immigration controls are a response to popular pressure. Since the 1970s a significant proportion, often a significant majority, of the population of Western states support more restrictions on immigration. Simon and Sikich, in their comparative study of seven OECD countries, for example, found that in 2003 the proportion of respondents who thought that the number of immigrants to their country should be reduced a lot or a little varied from 32% in Canada to 78% in Great Britain (2007, p. 957).³ Canada and Australia, both settler societies built on immigration, were the only two out of the seven countries where less than half of respondents favoured reducing the number of immigrants (32% and 39% respectively). Even in the most liberal country, Canada, only 29% were in favour of increasing the number of immigrants (39% thought that the numbers should remain the same) (ibid, p. 957). A 2003 study of public opinion in the fifteen West European member states of the European Union found that immigration ranked seventh 'most important issue facing our country at the moment' (EUROBAROMETER, 2003, p. 7). This evidence suggests that not only is there popular support for immigration controls, the issue is also viewed as highly politically salient.

There are, however, a number of problems with using public opinion data as a measure of popular sovereignty on the issue of immigration controls. One problem is that when we take a wider range of questions on immigration we get 'contradictory findings' and the data suggests 'ambivalence', rather than firm and unambiguous convictions regarding immigration (GILLIGAN, 2008, p. 2). A 2010 study of attitudes in eight OECD countries, for example, found that a significant majority of respondents (72%) were not worried about legal immigration (TRANSATLANTIC TRENDS, 2010, p. 9).⁴ The same survey found respondents were more likely to agree (67%) than disagree (28%) that immigrants generally help to fill jobs where there are shortages of workers. Opinion was divided on the question of illegal immigrants and whether they should have the opportunity to obtain legal status to remain. Slightly less than a majority

³ The seven countries were: Australia, Canada, France, Germany, Great Britain, Japan and the United States.

⁴ The eight countries were: Canada, France, Germany, Italy, Netherlands, Spain, United Kingdom and the United States.

(48%) thought that they should be returned to their country of origin, a significant minority (37%) thought they should have the opportunity to remain and more than a tenth (13%) thought that it depended on circumstances. This evidence suggests that if immigration is a politically salient issue it is also, given the range of conflicting opinion on the issues, a potentially divisive one.

Another problem is that opinion polls are not a good measure of popular sovereignty because they involve a passive, static, one way, relationship to knowledge. The views measured in opinion polls are an aggregate of many individual opinions rather than an outcome of a process of collective deliberation in which views are challenged, defended, modified and/or clarified. Along these lines Statham and Geddes suggest that 'public sentiment about immigration is not equivalent to collective action, nor is its impact on elites likely to be the same' (2006, p. 250). In their study they focus on 'organised publics', or 'the public as a "collective actor" in the intermediary field of civil society that occurs between elite decision-making and the mass public opinion', in the UK (ibid, p. 250). They found that in the UK attempts to shape the public agenda on immigration policies regarding refugees and asylum-seekers was dominated by state actors; accounting for 60% of all claims-making (ibid, p. 252). They also found that civil society activity was 'dominated by NGOs [Non-Governmental Organisations] which exist specifically to advance migrants' rights and welfare. [And t]hese are strongly pro-migrant' (ibid, p. 256). Anti-immigrant organisations, by way of contrast, 'have a minuscule presence' in public claims-making (ibid, p. 256). Pro-migrant groups, however, have 'relatively few allies' in wider civil society. Trade unions, churches, anti-racist organisations and 'solidarity, human rights and welfare NGOs' have not been 'especially vocal' on the issue of refugees and asylum-seekers (ibid, p. 256-7). All of this suggests that refugees and asylum-seekers function as a single-issue topic that fails to engage a broadly organised public.

A third problem with the data is that attitudes on the regulation of immigration may not be 'directed at immigration, but at the government (and policies) and its (in)capacity to govern issues related to immigration and to respond to citizens' expectations' (ZAPATA-BARRERO, 2009, p. 1115). The idea that public attitudes on immigration policy are primarily about competence is supported by a veteran migrant rights campaigner who has suggested that it was the British government's mismanagement of immigration from the eight countries (A8) which acceded to the EU in 2004, rather than the immigrants themselves, which provoked negative reactions from

the public (FLYNN, 2009). Sagar suggests that 'managerial competence is a central prism through which voters view a variety of choices, including those in areas, such as immigration, that have been historically framed by clear positions informed by ideology' (2003, p. 193).

In this section we have pointed to evidence that the issue of immigration is highly politically salient in Western states, but we have challenged the interpretation of this data as demonstrating a popular demand for immigration controls. Scholars who support the claim that restrictions are a response to public pressure need to explain the mechanisms through which the public exert pressure on politicians, and why politicians feel compelled to respond. In other words, the claim that restrictions on immigration are a response to public pressure needs to be substantiated. If political elites really do believe that opinion polls are a form of public pressure then that suggests that they conceive their relationship to the public in terms that are more like customer satisfaction, rather than political engagement. This is a conception of the public as passive consumers, rather than active citizens. So, our final point on popular demand for immigration controls is that if opinion poll data is the only evidence for public pressure then we suggest that this is further evidence to support our argument that there has been an erosion of popular sovereignty.

Conclusion: challenging the erosion of popular sovereignty

In the first part of this article we noted that the conception of the political subject as a free, moral, rational and self-determining being has been challenged in both theory and in practice in recent years. In other sections of the article we have provided evidence which suggests that a diminished conception of the public seems to correspond to reality. The withdrawal of the public from political life seems to confirm the terminal decline of the political subject. Developments such as the increasing devolution of decision-making upwards and the greater reliance on expert knowledge are, in part, responses to the erosion of popular sovereignty, rather than its cause. The weakening of mechanisms of accountability does create more space for political elites to manoeuvre. It also, however, makes it less clear what they are manoeuvring for. The weakening of accountability also creates more scope for private interests to win out over public interests. In doing so, however, it also makes public life more mundane, and prone to periodic outbursts of petty squabbling. The diminishing of public life means it comes to more resemble private life.

The public are right to expect more from leaders in public life. Leaders, by definition, should act as models of the free, moral, rational and self-determining political subject, if they are to merit their leadership role. Too often they have emptied leadership of its substance and instead presented the public with its hollow shell. Instead of societal aspirations and goals we have been presented with mission statements and targets. Instead of their actions being guided by principle, too often political leaders have talked about cherishing 'our values' – freedom, democracy, the rule of law – while undermining these in practice. The renewal of public life seems unlikely to spontaneously come from established political parties, or existing political leaders.

So what is to be done? How can we challenge the erosion of popular sovereignty? We believe that we need to treat the public as rational, moral self-determining political subjects if we are to reinvigorate politics. There are some reasons to believe that there is some basis on which to rebuild political engagement. Putnam (2000), in his generally negative assessment of the United States, points out that despite declining voter turn-out at election time people are no less likely than before to talk about politics or express an interest in the campaign. Stoker (2010) points out that the evidence from the UK suggests that a significant and relatively stable proportion of the population claim to be interested and knowledgeable about politics. The problem does not seem to be lack of interest.

Treating the public as political subjects means having informed debate, encouraging the clash of ideas in order to clarify the issues at stake, and the various positions on these issues. There is a role here for academics in providing the evidence. The problem with evidence based policy is not the existence of evidence, or expertise, but the way in which evidence is employed as a substitute for debate. Evidence always needs to be interpreted, it does not speak for itself. This points to another way in which politics can be reinvigorated, through giving meaning to evidence. We need more debate on what the goals of our societies are, or should be. And we need more debate on the principles which should guide the attempts to achieve those goals.

We want to suggest that migration is a good topic on which to engage in a debate aimed at reinvigorating politics. The issue appears to be highly salient, and contentious, both of these are good pre-conditions for lively debate. The current state of policy discussion around migration attempts to treat it as an issue of management, rather than a matter involving principles or goals. Putting forward arguments for open borders, and

for automatic access to civil and political rights for migrants will help to put the discussion on grounds of principle. So here are four principles that we propose as a starting point for discussion:

- 1) A common humanity – we reject the idea of racial differences and the idea that cultural differences are fixed or given. There is at least as much variation between people within any particular part of the world as there are between people in different parts of the world. The differences within our human species are minor compared to the differences between us and other species (MALIK, 1996, 2000). We should recognise our common humanity.
- 2) Freedom of movement – states are historically developed administrative units. The particular state that we are born in is entirely arbitrary; it is a matter of chance not design. People should not be confined to a particular country by an accident of birth. If anyone wishes to move from their country of birth they should be free to do so. Restrictions on immigration interfere with this freedom. Borders should be open and people should be free to leave their country of origin and settle in any other of their choosing, 'subject only to the sorts of constraints that bind current citizens in their new country' (CARENS, 1987, p. 251). Open the borders.
- 3) Global equality – there are huge disparities between the affluent countries of the world and the poorest countries in the global South. As these countries develop increasing numbers emigrate to take advantage of opportunities abroad. Many of these migrants remit a range of material and non-material resources – money, ideas, liberal social and political values, social networks – which assist in further development in their country of origin (DFID, 2007; PEREZ-ARMENDARIZ & CROW, 2010; UNDP, 2009; WORLD BANK, 2006). We should encourage, not place barriers in the way of, these grass-roots approaches to development.
- 4) Automatic access to political and civil rights – we reject the increasing attempts to restrict access to citizenship through the introduction of tests that many native citizens would fail. The right to freedom from state interference and the right to engage in political life should be as automatic for non-native residents as for native residents. Popular sovereignty is enacted and maintained within the borders of particular states, all adults who reside within the borders of the state should be free to partake in maintaining the lifeblood of popular sovereignty.

We present these principles as one that we believe in. We accept that there are different viewpoints on the issues we highlight. We do not, however, accept different viewpoints for their own sake. Treating people as political subjects means putting their viewpoints to the test. Ideas should stand up against the glare of critique, or wither. We welcome the fact that means having our own views put to the test too.

Bibliography

- BALCH, A. (2009) Labour and epistemic communities: the case of “managed migration” in the UK. *British journal of politics & international relations*, 11(4), 613-633.
- BAYLIS, J. AND SMITH, S. (2005) *The globalization of world politics: an introduction to international relations (third edition)*. Oxford: Oxford University Press
- BERNE INITIATIVE. (2005) *International agenda for migration management*. Berne: IOM/Swiss Federation.
- BETTS, A. (2009) ‘Institutional proliferation and the global refugee regime’. *Perspectives on politics*, 7(01), 53-58.
- BICKERTON, C. et al. (2007) ‘Introduction: the unholy alliance against sovereignty’ in C. BICKERTON, P. CUNLIFFE AND A. GOUREVICH, eds. *Sovereignty without politics*. London: UCL Press, 1-38
- BOSWELL, C. (2009) ‘Knowledge, legitimation and the politics of risk: the functions of research in public debates on migration’. *Political studies*, 57(1), 165-186.
- BOUCHER, G. (2008) ‘A critique of global policy discourses on managing international migration’. *Third world quarterly*, 29(7), 1461-1471
- BROWN, W. (1995) *States of injury: power and freedom in late modernity*. Princeton: Princeton University Press
- CABINET OFFICE. (2007) *Security in a global hub: establishing the UK’s new border arrangements*. London: Cabinet Office.
- CARENS, J. H. (1987) ‘Aliens and citizens: the case for open borders’. *The review of politics*, 49(2), 251-273
- CASTLES, S. AND MILLER, M. J. (2009) *The age of migration: international population movements in the modern world*. Houndsmills: Palgrave/Macmillan
- CHANDLER, D. (2006) *Empire in denial: the politics of state-building*. London: Pluto
- CHANDLER, D. (2009) *Hollow hegemony: rethinking global power, politics and resistance*. London: Pluto
- CHANDLER, D. (2010) *International statebuilding: the rise of post-liberal governance*. Abingdon: Routledge
- CRICK, B. (1992) *In defence of politics (fourth edition)*. Harmondsworth: Penguin
- DFID. (2007) *Moving out of poverty: making migration work better for poor people*. London: Department for International Development
- DÜVELL, F. (2008) ‘Clandestine migration in Europe’. *Social science information*, 47, 479-497
- EUROBAROMETER. (2003) *Public opinion in the European Union* (Vol. 59). Brussels: European Commission.
- FAVELL, A. (2005) ‘Integration nations: the nation-state and research on immigrants in Western Europe’ in M. BOMMES AND E. MORAWSKA, eds. *International migration research*. Aldershot: Ashgate, 41-67
- FEKETE, L. (2009) *A Suitable Enemy: Racism, Migration and Islamophobia in Europe*. London: Pluto

- FERNANDEZ-KELLY, P., AND MASSEY, D. S. (2007) 'Borders for whom? The role of NAFTA in Mexico-U.S. migration'. *The ANNALS of the American academy of political and social science*, 610(1), 98-118.
- FLYNN, D. (2005) 'New borders, new management: The dilemmas of modern immigration policies'. *Ethnic and Racial Studies*, 28(3), 463-490.
- FLYNN, D. (2009) 'Unease about strangers: leveraging anxiety as the basis for policy' in P. NOXOLO AND J. HUYSMANS, eds. *Community, Citizenship and the 'War on Terror': security and insecurity*. Houndsmills: Palgrave, 154-172
- FUKUYAMA, F. (1989) 'The end of history?' *The national interest*, Summer, 3-18
- FUREDI, F. (2002) *Culture of fear: risk-taking and the morality of low expectation* (revised edition). London: Continuum.
- FUREDI, F. (2004) *Therapy culture: cultivating vulnerability in an uncertain age*. London: Routledge
- FUREDI, F. (2006) *Where Have All the Intellectuals Gone?* (second edition). London, Continuum
- GEDDES, A. (2008) *Immigration and European integration* (second edition). Manchester, Manchester University Press.
- GEIGER, M. (2008) 'International actors and the emergence of a pan-European migration regime: institutional developments in Albania and Ukraine' in A. GÜNEŞ-AYATA, ed, *Challenges of global migration: EU and its Neighbourhood*. Ankara: KORA/METU
- GIDDENS, A. (2002) *Runaway world: how globalisation is reshaping our lives*. Profile Books.
- GILLIGAN, C. (2008) *Migration and migrant workers in Northern Ireland*. Belfast: ARK.
- GRAY, M., AND CAUL, M. (2000) 'Declining voter turnout in advanced industrial democracies, 1950 to 1997: the effects of declining group mobilization'. *Comparative political studies*, 33(9), 1091-1122.
- GUIRAUDON, V., AND LAHAV, G. (2000) 'A reappraisal of the state sovereignty debate: the case of migration control'. *Comparative political studies*, 33 (2), 163-195
- HAMPSHIRE, J. (2008) 'Regulating migration risks: the emergence of risk-based border controls' in the UK, London Migration Research Group Seminar, School of Oriental and African Studies, London, available online at: <http://www.lse.ac.uk/collections/MSU/papers/LMRG-Hampshire-paper.pdf> [last accessed on: 12/07/11]
- HEYWOOD, A. (1994) *Political ideas and concepts*. Houndsmills: Macmillan
- HUYSMANS, J. (2006) *The politics of insecurity: fear, migration and asylum in the EU*. London: Routledge
- IOM (2010) *World Migration Report 2010: The Future of Migration: Building Capacities for Change. Change*. Geneva: International Organization for Migration (IOM).
- KEMPADOO, K. (2007) The war on human trafficking in the Caribbean. *Race & class*, 49(2), 79-85.
- LAHAV, G. (2003) *Migration and security: the role of non-state actors and civil liberties in liberal democracies*. Paper prepared for the Second Coordination Meeting on International

Migration, Department of Economic and Social Affairs, Population Division, UN, New York 15-16 October 2003.

- LAÏDI, Z. (1998) *A world without meaning: the crisis of meaning in international politics*. London: Routledge
- LAVENEX, S. (2006) 'Shifting up and out: the foreign policy of European immigration control'. *West European politics*, 29 (3), 239-350
- MALIK, K. (1996) *The meaning of race: race, history and culture in Western societies*. Houndsmills: Macmillan
- MALIK, K. (2000) *Man, beast and zombie: what science can and cannot tell us about human nature*. London: Weidenfeld and Nicolson
- MASSEY, D. S. et al. (1998) *Worlds in Motion: understanding international migration at the end of the millennium*. Oxford: Oxford University Press
- MCGREW, A. (2005) 'Globalization and global politics' in J. BAYLIS AND S. SMITH, S., eds. *The globalization of world politics*. Oxford: Oxford University Press, 19-40
- MUNCK, R. (2008) 'Globalisation, governance and migration: an introduction'. *Third World Quarterly*, 29 (7), 1227-1246
- NEWLAND, K. (2005) *The governance of international migration: mechanisms, processes and institutions*. A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. Available online at: <http://www.gcim.org/mm/File/TS%208b.pdf> [Last accessed on 12/07/11]
- PARKER, J. (2000) *Structuration*. Buckingham: Open University Press
- PEREZ-ARMENDARIZ, C., AND CROW, D. (2009) 'Do migrants remit democracy? International migration, political beliefs, and behavior in Mexico'. *Comparative political studies*, 43(1), 119-148.
- PUPAVAC, V. (2008) 'Refugee Advocacy, traumatic representations and political disenchantment'. *Government and opposition*, 43 (2), 270-292
- PUTNAM, R. D. (2000) *Bowling alone: the collapse and revival of American community*. New York/London: Simon & Schuster.
- SAGGAR, S. (2003) 'Immigration and the politics of public opinion'. *The political quarterly*, 74(s1), 178-194.
- SCHAIN, M. A. (2009) 'The state strikes back: immigration policy in the European Union'. *European Journal of International Law*, 20(1), 93-109.
- SIMON, R. J. AND SIKICH, K. W. (2007) 'Public Attitudes toward Immigrants and Immigration Policies across Seven Nations'. *International migration review*, 41 (4), 956-962
- STATHAM, P., AND GEDDES, A. (2006) 'Elites and the "Organised Public": who drives British immigration politics and in which direction?'. *West European politics*, 29 (2), 248-269
- STOKER, G. (2010) 'The rise of political disenchantment' in C. HAY, ed., *New directions in political science*. Houndsmills: Palgrave/Macmillan, 43-63
- THOUEZ, C., AND CHANNAC, F. (2006) 'Shaping international migration policy: The role of regional consultative processes'. *West european politics*, 29(2), 370-387

- TRANSATLANTIC TRENDS (2010) *Immigration: topline data, 2010*. Washington DC: German Marshall Fund of the United States.
- UNDP (2009) *Human Development Report 2009: Overcoming barriers: Human mobility and development*. New York: United Nations Development Programme
- VAN DIJK, T. A. (2007) 'Racism and the press in Spain' in J. L. BLAS et al eds. *Discurso y Sociedad II. Nuevas contribuciones al estudio de la lengua en un contexto social*. Castelló de la Plana: Universitat Jaume I., 59-99
- WHITELEY, P. (2011) 'Is the party over? The decline of party activism and membership across the democratic world'. *Party Politics*, 17, 21-44
- WORLD BANK (2006) *Global Economic Prospects 2006: Economic implications of remittances and migration*. Washington DC: World Bank
- ZAPATA-BARRERO, R. (2009) 'Policies and public opinion towards immigrants: the Spanish case'. *Ethnic and Racial Studies*, 32 (7), 1101-1120
- ZIZEK, S. (2000) *The ticklish subject: the absent centre of political ontology*. London: Verso