



Reconsidering European Contributions to Global Justice

Europe and the Contested Politics of Migration Between Logistification and Global Justice

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Abstract

This paper analyses European approaches to migration. It does so with a focus on the struggles and claims advanced by migrants themselves and other subjects as an angle from which to discern the clash between a narrow, operational, understanding of what is just in the field of migration and different ways to instead understand justice as a political and dynamic principle. The paper discusses the conceptions of justice employed in the Globus project – justice as non-domination, as impartiality and as mutual recognition – and argues for an expanded conception of justice as mutual recognition as a way to bring the discussion beyond both the Westphalian and cosmopolitan perspectives. It then discusses different forms of contestation of European migration policies, by examining different ways in which they are contested both in practice and in principle by different actors, including migrants and movements of solidarity. Lastly, the paper discusses the emerging approaches to migration within the EU through the concept of logistification, arguing that this leads to a form of ‘ethical minimalism’ that limits the reach of global justice as a political concept. The paper ends by arguing for the need to develop discussions about the global leading towards wider conceptions of justice where migration is considered in all its dimensions as a powerful transformative force, and not simply as an object of governance, and migrants themselves are considered as political subjects which constantly keep the quest for justice open beyond any reductionist approach.

Keywords

Contested justice, European Union, logistification, migration

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Introduction

This paper contributes to the discussion on global justice by analysing European approaches to migration. It does so by focusing on the struggles and claims advanced by migrants themselves and other subjects such as scholars, activists and members of civil society. This perspective discerns the narrow, operational understanding of what is just in the field of migration, from the understanding of justice as a political and dynamic principle. The paper is organised into three parts: the first part introduces the conceptions of justice employed by the GLOBUS project – justice as *non-domination*, as *impartiality* and as *mutual recognition* – in order to examine the relation between global justice and migration. It discusses the three conceptions, highlighting the challenge posed by migrants as political subjects acting across the institutional spectrum of states. Likewise, it argues for the need not to conflate migrants' subjectivity solely with the cultural dimension, and instead to recognise the epistemic and 'political challenge of migration' with regard to our political imagination (Mezzadra 2011). This part illustrates how a broader conception of justice as *mutual recognition*, which recognises the many dimensions in which political subjects act and political subjectivity emerges, can bring us closer to considering what happens at the dynamic moment of justice, when justice is mobilised by *justice-seeking subjects*, beyond both the Westphalian and cosmopolitan perspectives.

The second part of the paper discusses the different criticisms that current European policies face both in practice and in principle by different actors. Both migrants' political subjectivity and transnational movements of solidarity with migrants will be discussed. These different perspectives, questioning the European approach to migration, can be associated with the abovementioned conception of justice as *mutual recognition*. The paper will thus consider how issues of justice mobilise political subjectivity, considering justice as an open and contested issue rather than providing an alternative definition of what is 'just'.

The third part of the paper adopts a critical perspective on current developments in migration policies and offers a discussion on emerging conceptions of justice within the EU that is informed by a narrow understanding of global justice as an operational principle increasingly emptied of wider ethical values. With the aim to critically examine the development of new forms of logics in migration governance and their impact on the redefinition of global justice, this section will discuss the emerging approaches to migration within the EU through the concept of *logistification*. This approach shows how migration and asylum are treated as technical issues rather than social and political challenges. By promoting the optimisation and streamlining of migration and asylum management, the EU is circumventing the problems related with *impartiality* and *mutual recognition* and preventing alternative approaches based on an expanded conception of *mutual recognition*. The paper ends by arguing in favour of the need to conceptually rethink the relationship between justice and migration by trying to disentangle justice from the reductionist claims that depoliticise the concept.

Moreover, it concludes by considering the political contentiousness and dynamic dimensions of *justice* as structural dimensions of global justice itself.

Conceptualising Global Justice

Justice is a contested concept, and global justice challenge us to think beyond the exclusive jurisdiction of the state. Within the global dimension, shifting settings of power and the structural dimensions of political life are inherently transnational. Trade, security, climate change and migration are domains in which this transnational dimension is particularly visible. However, these are not only transnational issues, they are also areas in which each local development has global impacts. This recognition fosters debates on the need to rethink justice in the context of globalisation. We address this need by advancing a conceptual scheme based on three different conceptions of political justice, namely: justice as *non-domination*, justice as *impartiality* and justice as *mutual recognition*. These conceptions are applied to analyse the different understandings of justice maintained by the main actors in contemporary politics, and to consider their conflicting claims and concerns. Migration, understood as the phenomenon of the movement of people across borders and jurisdictions, poses particular challenges to the way in which these conceptions can be defined and advanced. This is particularly relevant if one considers migrants as subjects with a stake in the process and not merely as the objects of European governments' policies, and migration as a complex social phenomenon exceeding migration as a policy area.

Within such a framework, the conception of justice as *non-domination* refers mainly to institutional actors such as states, maintaining that their right to sovereignty is contingent on their capacity to protect the rights and freedom of their citizens, free from external control or interference. When applied to migration, this conception points to two main issues: first, it implies the right of states to decide upon domestic migration policies and the conditions under which foreigners, including migrants and refugees, can enter and stay in their territory; second, it implies that other states or institutions should not interfere with this right. In Europe, *non-domination* becomes a tricky objective, as migration and asylum are policy areas that have been increasingly europeanised, and elements of shared responsibility are structurally eroding Member States' (MS) prerogatives with regard to migration and asylum. Moreover, as noted by Eriksen, according to justice as *non-domination*, 'the basis for comprehensive claims of justice beyond borders is rather weak, as the concept takes the current system of states as the point of departure' (Eriksen 2016: 11). This implies that – from the perspective of migrants – a non-dominating institutional assemblage can be of little help, as it reinforces the same system of states that imposes controls and limitations on them.

The conception of justice as *impartiality* widens the reach of justice. It points at the need to treat different subjects according to universal norms and rules that, in theory, should be neutral with regard to their specific interests. When applied to migration,

this conception entails the need to bring national and European laws and practices in line with recognised international standards and norms. Particularly in the field of asylum, a similar conception highlights the value of binding international conventions on the protection of refugees that overrule the decisions of national actors. This perspective also highlights the fact that certain values and rights should prevail over other considerations, including respect for states' sovereignty. In addition, however, respect for international agreements or frameworks that comply with a dynamic of impartiality among institutional actors, such as the European one for the EU MS, might not be sufficient to comply entirely with the global dimension of justice such as *impartiality* with regard to the rights of migrants. With states as the main institutional actors implementing internationally accepted norms, even the existence of binding rules for protecting migrants' rights might turn out to be ineffective in practice. Moreover, as '*a context-transcending principle*' that establishes 'neutral standards' for dealing with clashing interests, justice as *impartiality* runs the risk of overlooking the importance of material preconditions and power relations (Eriksen 2016: 14). Migrants are trapped as mobile subjects, they are institutionally excluded from decision making processes and, thus, have no say regarding the laws and norms that affect them. Even an impartial system, according to justice as *impartiality*, is problematic when observed from the perspective of migrants and refugees, given that they are, in practice, constantly exposed to the disciplining machinery of institutions and standards to which they cannot interact if not as contesting subjects.

The third conception, justice as *mutual recognition*, claims that all parties must be heard and goes one step further in this regard. First, it recognises that individuals and groups are political subjects who act according to specific visions and claims, and not just measurable or objective interests. Second, dealing with *mutual recognition* means admitting that there are forms of 'structural injustice' that operate beyond and below formal mechanisms and, thus, need to be addressed in ways that do not translate directly to different institutional or normative frameworks (Eriksen 2016: 19). By highlighting the need to consider the existence and relevance of different individual and collective subjectivities, justice as *mutual recognition* opens a door towards discussions of global justice that are not confined to the limits of institutional actors such as states, international organisations and legal systems. When applied to migration, the conception of justice as *mutual recognition* opens up for a broader critique, not just of specific institutional practices and laws, but of the politics of migration as a complex field where contestation constantly redraws subjects' positions and the very nature of the actors that claim to govern migration, including the European Union (EU).

The distinctive European dimension where different institutional levels – Member States, European institutions and agencies – play a role in defining policies and practices as a part of processes of reform and experiments that involve also non-EU states and institutions, shows the challenge and complexity of applying these conceptions when discussing justice in the realm of migration. Overall, in fact, these different actors compose a multi-layered and often contradictory EU Migration System

of Governance (EUMSG) generating different practices, narratives and justice claims (Fassi and Lucarelli 2017; D'Amato and Lucarelli 2019; Zotti 2019; Ceccorulli, Fassi and Lucarelli 2020). However, the analysis must not be confined to institutional actors; citizens and migrants alike may have different and conflicting claims with regard to what justice may imply for their everyday lives.

On the one hand, migrants are the subjects of political decisions on migration policies, while on the other, migrants are structurally excluded from these decisions. This suggests that the relationship between justice and migration is a conundrum that can hardly be overcome through formal or procedural solutions based on 'just' institutional settings where actors can express their voices. As a phenomenon which develops across the established order and the redefinition of its material and legal borders, migration, in fact, reveals the constitutive relationship between power, political contestation and a dimension of justice that is disputed through the daily experience of encounter between migrants and the norms, institutions and structures adopted to govern their mobility. Thus, perceptions of *injustice* in relation to the right to stay or freedom of movement – as in cases of detention, forced return or processes of irregularisation – point to the need to consider the perpetually unstable relationship between justice as a defined concept and the *struggles* that continuously redefine its meaning.

This conflictual character of justice, which is particularly evident with regard to migration, is built into the essence and materiality of the concept; it does not lie exclusively in the struggle for its definition, but in the fact that justice exists within the material process of contesting something that is perceived as *unjust* within global economic and institutional conditions that are also unstable and in continuous processes of transformation. The very idea of global justice derives from different sources of thinking, which include scholarly and political debates on the transformation of politics after globalisation *and* the definition of global movements of contestation. Hereby, 'justice' is a broad general term that encompasses more specific domains of intervention such as human rights, citizens' rights, social rights, peace and the environment, stressing their transnational character (Giugni et al. 2006; Della Porta 2018). In order to make sense of this complex term in relation to migration, an understanding of justice that recognises the need to think about justice in relation to migration beyond Westphalian narratives and their corollary counterpart, the cosmopolitan perspective, is required. While the first maintains states as the main units, the second runs the risk of bypassing the material conditions that produce justice claims as contested issues. To speak of material conditions is a way to consider what Indian thinker Ranabir Samaddar describes as the 'materiality', or the 'physicality', of politics: the practical dimension in which the 'battle of words' take the contours of physical and concrete confrontation within and against a given legal or conceptual framework (Samaddar 2007). One way to include this perspective in our discussion is to consider the nexus between an expanded conception of *mutual recognition* and what Balibar, Mezzadra and Samaddar describe as the 'other spheres of justice' (Balibar et al. 2012), namely, the space that exceeds the various conceptions, ideas and forms of

justice. In this way, contestation becomes an element that defines not just different ways of understanding justice, but justice itself as a dynamic principle.

Contesting the European approaches to migration

After the surge of arrivals in the summer of 2015, the European Union saw itself in the midst of a ‘refugee crisis’, which has been described as a ‘crisis of governance’ (Hampshire 2016), a ‘crisis of asylum policies’ (Akoka 2016), a ‘crisis of European migration policies’ (Bojadžijev and Mezzadra 2015) or even a ‘crisis of Europe’ itself (Samaddar 2016). While the numbers have significantly decreased since then, the unmanageable migration flows have continued to haunt public debates. Economic interdependence, regime change in North Africa, conflicts in the Middle East and people’s search for a better life have contributed to temporary increases and structural diversification in the numbers of migratory routes. This has posed a serious challenge both to the immigration policies enacted by states and the modern international refugee system. The very nature of Europe’s borders changed after the formation of the Schengen regime. Borders between Member States (MS) became the internal borders of the EU – and thus transformed their status as international borders – while borders of outer MS became not just state borders, but the limit between the EU and its exterior. These limits shifted together with the enlargement process. Instead of simply considering Schengen in terms of its internal implications of free circulation of European citizens between MS, critics argue that unrestricted internal circulation has created a new form of sovereignty, producing similarly exclusionary mechanisms as the nation state (Walters 2010; Cantat 2015). The figure of the ‘third country’ in migration compacts would thus represent the equivalent of ‘the figure of the foreign Other, traditionally mobilized in national identity building enterprises’ and ‘an ideological counterpoint against which what qualifies as European can be defined’, regardless of the often conflicting understanding of the EU by its different actors (Cantat 2015: 3–4). Rather than being supra-national, the EU would then actually constitute a new form of ‘hyper-nationalism’ (Ibid., see also Balibar 2009).

In the aftermath of the 2015 ‘crisis’, critical scholarship has discussed how freedom of movement within the EU has paved the way for stricter and more contested policies toward third nationals. As a case in point, EU policy makers have justified a stricter turn towards asylum seekers and non-European migrants in the name of preserving the Schengen regime (Ceccorulli 2019). As already evident after the Arab springs in 2011–2012, the increase in the number of arrivals has produced tensions among MS and the unilateral reintroduction of internal border controls (Geddes and Sholten 2016: 154). Schengen has become increasingly contested by various MS because it allows relatively free ‘secondary movement’ of third country nationals across internal borders. This has produced a de-facto distribution of asylum seekers and migrants across the EU, which does not follow the rules imposed by the Dublin regulation. Migration has thus become a structural element of the self-perceived existential euro-crisis (Bojadžijev and Mezzadra 2015). It is commonly considered that this has led to

increased securitisation of the EU's borders for the sake of 'saving Schengen'. However, researchers argue that the crisis in reality triggered a further push for implementing already agreed policies: 'measures intended to preserve the Schengen area coincided with both short-term responses to the refugee crisis as well as to a longer-term strategy for handling migration in the years to come' (Ceccorulli 2019: 317). According to these analyses, the recent securitisation merely follows a long history of EU migration and asylum policies, which is reinforced and re-legitimised in times of self-defined 'crisis' (see for example Bigo and Guild 2019).

At the same time, under the initiative of the European Union and the Member States, the process of expanding European migration policies questioned the very limits of the EU as a political actor. Together with the externalisation of European borders, a proliferation of initiatives, agreements and schemes made the EUMSG a complex matrix of policies and conflicting claims. Despite the 'fortress' simile, suggesting the closure of the European space to migrants, the EU has extended its presence in the Mediterranean and in Africa, and European policies have become increasingly flexible and multifarious (Amnesty International 2014; Akkerman 2018). Instead of simply closing its borders, European migration policies form a shifting system for governing mobility, which projects the EU far beyond its geographical borders. Studies on the EU's approach to the Mediterranean region add to this picture. Geopolitics and comprehensive agreements with third countries, struck in the pursuit of orderly mobility, have become crucial elements in the European migration governance. This contribute to forming asymmetrical power relationships between Europe and its neighbours in ways that complicate the 'old-style geopolitics of dominance' (Collyer 2016: 611).

Asylum and immigration policies have thus become part of a system of broader international engagement on the part of both the EU and its MS. At the same time, the grim tally of deadly incidents in the Mediterranean and the dramatic condition of migrants in North Africa and the Sahara show how this reconfiguration of policies is paired with much suffering. In fact, with the hardening of entry policies, illegal migration routes have become the most common way to access the EU, forcing even larger numbers of migrants to resort to smuggling networks, which in turn have become more dangerous as a consequence of criminalisation (Perkowski and Squire, 2018; Heller and Pezzani, 2017). At the same time, the attempt to transfer the responsibility for border control to third countries such as Libya, has resulted in the creation of informal camps where migrants' rights are systematically violated (HRW 2019). Both the transformation of policies and this landscape of suffering pose serious questions about the parameters and concepts we use to discuss global justice. If we consider the abovementioned dimensions of the 'materiality of politics' and the 'other spheres of justice', in fact, the question of justice is strictly related to the different concrete dimensions produced by the encounter between legal and institutional settings, and the ways in which justice-seeking subjects mobilise justice as a contentious claim to confront them.

It is within this volatile landscape in which the question of justice is being raised by different actors ranging from governments to NGOs and from social movements exposing global *injustice* to migrants' claiming the right to seek a better life. This complex reality is reflected in the various ways in which migration policies have been contested within the EU. These criticisms can be categorised in three main groups. First, the formation of the EUMSG has led to increased tensions among MS expressing different national interests. Even if the Europeanisation of migration policies has become an example of a supranational dimension in which migrants' and refugees' rights are in theory guaranteed according to international law, in fact, the same Europeanisation has produced differentiated treatment depending on the place of arrival. The Dublin regulation, indeed, allows only one asylum application per person and identifies the first country of arrival as the country responsible for processing asylum applications. This results in a double effect: on one hand, it produces a segmented and nationalised European space for asylum seekers in contradiction with the principle of freedom of movement; on the other hand, it differentiates among MS, concentrating asylum seekers in certain MS depending on their geographic position, thus jeopardising internal solidarity within the EU (Fassi and Lucarelli 2017; Ceccorulli et al. 2020). Second, European migration policies have been contested by NGOs who actively promote migrants' rights, respect for international obligations and the protection of lives across borders. NGOs have also practiced solidarity through concrete actions that have often challenged laws – for example by helping irregular migrants on their journey to their destinations, thus facing criminal charges by national laws (Webber 2019). Third, migrants have contested the EUMSG with their feet: by seeking a better life through mobility, migrants are challenging the border regime, which restricts possibilities for legal access to quotas and asylum procedures. By claiming the right to stay and organise themselves within society, migrants in practice claim not to be an object of government decisions (Stierl 2019).

Within this context, studies on the changing forms of solidarity with migrants across the EU have revealed the emergence of different challenges to European migration policies. These challenges show how migration policies have been contested from within since before the 'crisis' of 2015 (Cantat 2015). The controversy surrounding migration management across Europe have indeed changed in nature following the Europeanisation of migration policies: even though migration policies are primarily the competence of the national level, an understanding of the new transnational dimension of migration has emerged, in turn, fostering the promotion of genuinely European activist networks. This supranational engagement derives from the realisation that a European border regime and migration management is actually in place and needs to be confronted beyond the borders of single MS. Researchers argue that this engagement at the European level does not correspond to the formation of a genuinely European civil society and does not produce an identification with the European project as such, but it rather signals that activists' networks consider the EU as a critical actor in the governance of migration (Ibid: 14). This suggests the emergence of a transnational European sphere of contestation that, while it points at overcoming the national dimension and adopts critical lenses towards states' sovereignty, is difficult to

classify as being pro or against the EU but recognises the European horizon of migration policies and practices.

Besides an increased understanding of the transnational implications of migration policies within the EU, one further important feature of these movements is the shifting attitude towards migrants' political agency. Instead of simply promoting solidarity towards migrants, these movements express a growing recognition of migrants' own political subjectivity as a fundamental element of transformative politics. This in turn is the result of years of migrant-led struggles and protests within and outside Europe. In fact, while migrants have always been actors in social struggles, particularly since the 1990s, migrant-led movements such as the *sans-papier* (without documents) in France have increasingly contested the injustice of migration laws and the different forms of institutional racism they entail. The very use of the concept *sans-papier* to indicate migrants without documents – as opposed to *irregular* or *clandestine* – contains the claim that their irregular condition is a failure on the part of the state, which refuses to recognise their existence within society (McNevin 2006). Documents have thus become contested political issues and not simply bureaucratic matters.

Migrants are structurally excluded from the possibility to influence the institutional decisions that affect them. This is particularly evident in the case of irregular migrants and asylum seekers. However, this does not mean that migrants are passive subjects: they are rather actively challenging the formal constraints on their political subjectivity in ways that question the limits of justice. In this regard, scholars who study migrant activism have listed three main fields of contention: freedom of movement, the right to stay, and labour struggles (Oliveri 2016). These three fields all point to corresponding experiences of *injustice*, namely: bordering mechanisms, processes of irregularisation and economic exploitation. While these three claims are not advanced by a unified movement, critical migration scholars argue that they should not be considered in isolation from a complex reality of contested movements not just *to* the EU, but also *through* the EU, stressing the structural relationship between different dimensions of mobility, where issues of legal status, economic concerns, social conditions, race and gender interlace (Fiedler et al. 2017).

These analyses point to the complexity of the political challenge brought about by different forms of contestation enacted by migrants' movements, migrant activism and solidarity with migrants. On the one hand, migrants' own forms of participatory contestation have been considered in debates on the transformation of the concept of citizenship at large – beyond European citizenship – around differently conceived 'acts' of citizenship rather than formal citizenship (Isin and Nielsen 2008, see also Balibar 2013). On the other hand, the growing contestation of European migration policies, particularly across external and internal borders, has contributed to a different understanding of borders as conflicting zones (Hess and Kasperek 2017). Migrants' subjectivity thus emerges as a source of political and epistemic challenge to conventional ways of understanding contestation and global justice. In fact, migrants present a challenge to border regimes that is different in character from Westphalian

border disputes between nation states for a number of reasons, namely: the stark asymmetry between actors; the numbers of actors involved; the fact that at the core of this contestation is neither possession or control over bounded territories, nor the formation of supranational forums for common deliberation, but rather the access and ordering of populations and their different hierarchical positioning within societies. While nation states and Westphalian international order remain an element in contemporary global politics, the politics of migration is the angle from which to observe the limits of adopting these institutions as basic units for discussing global justice (Eule et al. 2018; Hess and Kasparek 2017: 65).

The critique of the Europeanisation of asylum and migration policies has also pointed out the shortcomings in terms of respect for international obligations and migrants' legal rights in the emerging practices within the EU (Gilbert 2004). In looking at border routines, critics observed well before the 2015 'crisis' that the new parameters emerging in practice, which were prioritising border control over human lives and respect for migrant's rights, would affect and change the legal basis of the European refugee regime (EMHRN 2014). The practices of cooperation between Italy and Libya and the 'informal operational methods' carried out in the Mediterranean Sea have been particularly scrutinised. These informal operational methods include cooperation between security forces that is not always ratified by formal agreements and in contradiction with international principles, as in the case where migrants recovered at sea have been pushed back to Libya. Critics have observed that these practices could result in the de-facto undermining and eventually abolition of the principle of *non-refoulement* – a pillar of the international protection regime that emerged after the Second World War, which states that refugees or asylum seekers must not be returned to a country where they are liable to prosecution (Klepp 2010). Migrants' experiences and studies based on forensic observations at sea have also revealed that mass pushbacks along European borders and other violations of the non-refoulement principle have become common as a consequence of undeclared operations and practices (Heller and Pezzani 2018).

The principle of 'safe third country', first introduced in 2005 by the EU Asylum Procedures Directive, has been particularly criticised as a violation of the non-refoulement principle and a de-facto denial of the right to asylum as such (AEDH, EuroMed Rights and FIDH 2016). The principle allows states to return asylum seekers to the last 'safe' country of transit without properly investigating their individual cases. But the way in which the EU and its MS have defined 'safety' has been criticised for being more geared towards justifying restrictions on migrants' mobility and stricter return policies, than towards safeguarding migrants' rights. Legal scholars have observed that the EU and its MS violate the principle of non-refoulement by drafting agreements with third countries, either asking them to block the passage of people in need or to take the responsibility of search and rescue operations. In doing so, the EU is implicitly allowing mass pushbacks of people potentially in need of international protection, as in the case of boats intercepted at sea by Libyan vessels and escorted back to North African shores (see for example ASGI 2017). These policies are being

challenged by migrants and NGOs supporting solidarity networks with refugees and in the courts. For example, pending legal cases in Strasbourg involve the interception and return carried out by the Libyan Coast Guard under the memorandum signed with Italy and with the direct assistance of the Italian authorities. The rulings in these cases will most likely have an impact on future agreements and the balance between international obligations and MS' autonomy in dealing with migration (see Ciliberto 2018). For the time being, the violations observed in the structures for the recognition of migrants (hotspots), and the different standards for detaining asylum seekers and irregular migrants observed in the MS question the capacity of the EUMSG to respect migrants' rights (Amnesty International 2016; Danish Refugee Council 2017; European Law Institute 2017; Fassi and Lucarelli 2017).

In this section, we discussed different ways in which the EUMSG is contested both in practice and in principle by different actors, exposing various forms of *injustice*. With an expanded conception of justice such as *mutual recognition* in the background, we discussed the active role of migrants as justice-seeking subjects, and the perspective of critical migration scholars denouncing the implications of European policies and informal practices in terms of violating migrants' and refugees' rights. The picture that emerges from this analysis is that of justice as a dynamic and contested principle, which is constantly being reinvented by claims against perceived *injustice*. The next section will discuss how this contested dimension is facing a new understanding of migration within the EUMSG, which considers migration and asylum management as technical issues rather than societal and political challenges and thus prevents alternative approaches to justice and migration based on an expanded conception of *mutual recognition*.

Emerging understandings of justice within the EUMSG: The case of logistification

In 2017, France, Germany and Italy released a common declaration on 'the challenge of migration'. In the document, the three MS agreed to work together with African partners and in close cooperation with the European Commission to fight 'smuggler-driven migration', deter irregular migration and promote resettlement. The same document argued that 'well-managed migration and mobility are mutually beneficial to the countries of origin, transit, and destination' (Joint Statement 2017). This statement, in line with the jargon of European institutions, suggests that while migration has been considered an existential threat to the EU, the EUMSG is searching for the right balance and tools to govern mobility rather than simply stopping it. Moving from the recognition that mobility and migration are positive and necessary social dynamics for improving the social fabric and feeding economic growth, the goal is to bring migrants' mobility back under the control of governments. The attempt to tame unregulated migration and establish mechanisms that manage mobility indicate that borders are more than simple physical boundaries separating the inside from the outside. As tools

to govern and filter migration, borders manifest themselves in ways that interweave with multiple policies and dynamics of differential inclusion (Casas-Cortés et al. 2014: 25–26). By establishing a hierarchical ranking of the different residence permits and citizen statuses, migration policies dictate the conditions of this differential inclusion, namely the way in which migrants are included within societies, rather than simply establishing who can enter a given territory. This suggests that the debates on global justice that focus on the conflict between open or closed borders should be paired with an understanding of migration policies that considers the governing logics behind them and their consequences, rather than clear-cut normative opposition.

The tensions that have characterised the EUMSG in recent years have been accompanied by signs of the formation of EU institutions and national governments' common understanding of the redefinition of migration management. One way to grasp this emerging logic is to consider the shift in language on the side of the European Commission, which in 2011 reframed its 'Global Approach to Migration' from 2005, as the 'Global Approach to Migration and Mobility' (GAMM). The GAMM includes cooperation frameworks between the EU and third countries through Mobility Partnerships and other agreements that offer various incentives and the prospect of visa facilitation in return for cooperation on border management and immigration. Even if economic, political and social circumstances have led to the fact that, 'despite the new rhetoric, the principal motivation behind the GAMM on the part of the EU, and certainly of the Council, is to prevent irregular migration to Europe', the shift in language shows that a mobility paradigm has become part of the governmental imagination (Hampshire 2016: 540). In fact, the jargon of 'Mobility partnership' differs from the simple immigration or guest worker programs of the past: it implies that different countries shall cooperate in managing peoples' mobility through a series of measures and calculations that take stock of the strategic needs of the different actors involved in the process. Migration policy should thus help to develop and manage selective and time-sensitive 'orderly and managed' mobility, based on specific procedures, needs and goals, rather than mass migration of undifferentiated individuals (European Commission 2016). In line with global trends, this holistic approach – of which the EU is considered a pioneer – sees labour mobility as linked to economic growth and migration policies as a comprehensive system of regulations in connection with other policy areas (IOM 2010). Migration corridors and measures for recognising qualifications and training schemes are some of the key elements of this approach.

However, the unpredicted situations of 2015, with increasing numbers of arrivals outside of any organised scheme, posed a different challenge to an approach that imagined migration as a manageable process – that of making governable an ungoverned situation. One can distinguish between two main dimensions of this challenge: on the one hand, the perceived 'crisis' has been used to justify emergency measures to test new ways of organising migration flows. The so-called 'hotspot approach', first introduced by the European Commission in April 2015, is a major development in this regard. Hotspots are the physical places where migrants on the

move are gathered in order to determine their identity, collect fingerprints and filter asylum seekers; however, the fact that hotspots are considered as an ‘approach’, and not simply as a piece of legislation, reveals the formation of a new operative logic in migration governance. As explained by Dimitris Avramopoulos, former European Commissioner for Migration, hotspots are indeed ‘a flexible tool that can be applied in a tailored manner’, and, thus, are instruments for an atypical kind of policy in the making, where highly dynamic solutions are created to respond to specific circumstances (cit. in Kasperek 2016: 11; State Watch 2015). Studies on the response of European institutions to the increase in migrants using the migratory route from Turkey to Central Europe across Greece and the Balkans in the summer of 2015 illustrate the organisation of controlled paths starting from unruly movements, which transformed a *route* into a *corridor*. As described by Bernd Kasperek, ‘by October, a highly efficient infrastructure of transit had been established across the Balkans, reaching from the ports of Piraeus and Thessaloniki to several regional distribution centers in Germany’ (Kasperek 2016: 6). Transit camps were set up to process migrants as rapidly as possible, and connecting lines of transport were established, thus ‘turn[ing] the active movement of people, which had constituted the route in the first place, back into a passive mechanism of being transferred’ (Ibid). The ‘corridor’ was actually suspended after the deal between the EU and Turkey in March 2016, when Turkey agreed to prevent irregular crossings into Greece and to accept returned migrants from Greek islands. However the experiment remained a landmark case for taming mobility.

Furthermore, the surge in the numbers of asylum seekers in countries such as Germany has prompted the search for new forms of integration. Contrary to the widespread narratives, focused on the idea of ‘crisis’ paired with anti-immigration sentiments, asylum seekers have been considered by governments and employers as resources in an ageing labour market. Yet, the issue has been not so much how to cope with ungovernable numbers, but how to make them positively productive. One way to grasp this new trend is to consider the role of a leading global consulting company such as McKinsey in shaping Germany’s response to the refugee ‘crisis’ and, more recently, in assisting the work of the European Asylum Support Office (EASO) in managing Greek hotspots. McKinsey’s actual role is opaque: leading newspapers argue that Germany paid McKinsey 29.3 million euro to develop an Action Plan after October 2015. Even though the details of this Action Plan are not easily accessible, we know that it follows the blueprint of the company’s previous collaboration with the Swedish government to install ‘lean management’ practices and speed up the registration process for asylum seekers, including the fast-tracking of non-eligible asylum applications outside the reception system (Bershidsky 2015; Stanley-Becker 2017). The main goal of these practices were to speed up the identification process and the operating structure of hotspots, including fast-tracking rejected applications and expelling rejected applicants (Fotiadis 2017). Other sources confirm the more recent role of McKinsey in Greece as part of the country’s cooperation with the EU and EASO. The role of McKinsey was confirmed in the agenda for EASO’s Management Board meetings in the summer of

2017, which included an item on the ‘update on the progress and achievements by McKinsey’ (EASO 2017).

It is possible to discern how McKinsey understands what is at stake in asylum management from the release of the report ‘A road map for integrating Europe’s refugees’ in December 2016. Here the consultancy argues that the Dublin Regulation and Schengen Agreement ‘were simply not designed for such a large movement of people’ as the one experienced from January 2015 to August 2016 (with more than 2.3 million asylum seekers crossing Europe in 20 months). They further claim that ‘asylum procedures can be transformed and streamlined by making them an end-to-end process that takes place under one roof and includes an effective mechanism for repatriation’ to turn integration into ‘an opportunity’ (Mattern et al. 2016: preface 1). The report is also very clear in arguing that Europe’s ‘imperative’ to invest resources into improving asylum procedures, ‘beyond the legal and humanitarian arguments [...] is in the continent’s self-interest’, given ‘a potential demographic boost that could benefit aging societies across the continent’ (ibid: 2). In the report, McKinsey describes this improvement of procedures as follows: ‘the sooner refugees know that they will be allowed to stay, the sooner they can integrate more permanently, and the sooner governments know that rejected asylum seekers have to return, the sooner the repatriation process can be started’ (EC 2016; Mattern et al. 2016: preface 3). This would ‘prevent misuse of the asylum system’ (Mattern et al. 2016: 3). This observation resonates with the concept of ‘asylum shopping’, which accuses asylum seekers of exploiting secondary movements in order to get refugee status in the most favourable MS and has by now entered the EU’s jargon on migration (EC 2008: 9–10).

Several scholars have observed the widespread use of a logistical terminology in the discourse on migration. Concepts like hotspots, hubs, platforms and corridors are manifestations of ‘a new geography and in a way a new rationality of migration management’ (Altenried et al. 2018: 294). These scholars conceptualise this profound shift in the European approach to migration in particular as the ‘logistification of migration regimes’ (Ibid: 292). The logistification of migration regimes entails the idea of governing the mobility of migrants, including refugees, according to the logistical rationale of a well-organised ‘just-in-time’ and ‘to-the-point’ mobility. This idea speaks to the needs of national and European economies, thus stating ‘the primacy of economic over humanitarian and other arguments in the discussion of migration policies’ (Ibid: 305). The concept of logistification of migration regimes, in some way, denotes that the primacy of economic concerns in governing migration goes along with other trends already observed by migration scholars. One examples is Linquist and Xian who have coined the concepts ‘logistics of migration’ and ‘migration infrastructure’, which describe ‘the systematically interlinked technologies, institutions, and actors that facilitate and condition mobility’ (Lindquist and Xiang 2014: 124). Moreover, the reference to logistics recognises the transformations in the global economy and geo-economics brought about by the diffusion of ‘supply chain capitalism’ and the ‘logistics revolution’, understood as transformations in distribution and operations management, which have made transnational integration structurally

unavoidable and the production process increasingly mobile and stretched across borders and territories (Grappi 2016). In Europe, this global process is reflected in the formation of intra-EU and transnational supply and production chains, the circulation of workers, infrastructure programs such as the Trans-European Network and the projection of the EU outside its borders through partnerships, accession agreements and infrastructural cooperation. This trend constitutes a new 'European logistics' that complicates the European space and transforms the role of mobility in it (Grappi 2017).

The discourse regarding the 'mutually beneficial' potential of well-managed mobility complements attempts to take back control of entries and organise an orderly migrant presence. In fact, along with the need to differentiate between refugees and economic migrants, European politicians are increasingly focused on establishing 'legal avenues' for economic migration on the basis that 'given [Europe's] level of development, it is in the interest of all that legal immigration is part of the social fabric and our economic structure', further arguing that 'if the European countries will need immigration from African countries, we will need to organize it together with those African countries' (Timmermans in Fubini 2017; see also European Commission 2016 and Joint Statement 2017). However, it is not only in the economic rationale behind recent developments that logistification is surfacing. The very establishment of 'hotspots' at the borders, the creation of 'hubs' on the mainland, the notion of 'relocation', the drafting of increasingly tailored agreements for high skilled workers and labour migration with third countries are all policies that follow the idea of an ordered and optimised mobility of migrants and refugees across Europe. An idea that is largely borrowed from the discourses and imagery of physical distribution associated with logistics (Cowen 2014: 23–52).

Today, this logistical approach to migration is common among governments and the EU institutions, resulting in a peculiar understanding of how mobility must be governed. It also entails a redefinition of what is 'just'. Indeed, one can consider the concept of logistification as not merely descriptive: the reference to logistics, in fact, helps us to observe an emerging conception of what is considered just in European approaches to migration, is a coupling of 'logistification' with what we call 'ethical minimalism'. One can better grasp its internal logic by remembering that logistics are associated with physical distribution and is typically described as the science of bringing 'the right thing to the right place in the right quantity and at the right moment' for the benefit of the 'firm' (or other organisations) (Allen 1997). This repetition of the word *right*, which is used in the quoted description as a synonym for *just*, reveals a normative claim that justice is related to function. As argued above, the EU likens what is just with operational efficiency, while other considerations in migration policies are disregarded on the grounds of being either marginal or pragmatically irrelevant. In practice, it is possible to summarise logistification in migration policies as follows: (1) There is a *just* distinction between 'economic migrants' and 'refugees' which must be optimally managed; (2) It is *just* to refuse migrants who do not fit the economic needs of the labour market and to strictly regulate and constantly monitor the right to stay of the 'economic migrants' to discern their fulfilment of all conditions required to remain

regular; (3) It is *just* to accept people seeking asylum; (4) It is *just* to pursue efficiency by separating the legitimate asylum seekers from the bogus asylum seekers and moving the latter to a separate line as fast as possible; (5) It is *just* for the public authorities to decide on the distribution and location of asylum seekers within the territory and consequently limit their right to mobility.

This section has analysed how the idea of orderly migration and mobility as well as experimentation with new practices after 2015, both at the borders of the EU and in the internal logic of managing asylum applications, reveals the primacy of economics and operational priorities over humanitarian or other concerns. This has paved the way for a redefinition of what is just, characterised by what we call ‘ethical minimalism’. This section has done so by introducing the concept of the *logistification* of migration, borrowed from critical migration scholars, and developing the same concept to illustrate the emergence of implicit justice claims in the European approach to migration and asylum. The next section concludes the paper by discussing the consequences of *logistification* for global justice and the possibility of employing an expanded conception of *mutual recognition* as opposed to the ethical limitations imposed by the goal of making migration into a largely controlled process that marginalises migrants as objects of governance and reduces justice to the mutual benefit of institutions and economic actors.

Conclusion

In discussing what she calls ‘structural injustice’, Iris Marion Young criticises the ‘distributive paradigm’ in debates about ethics. Young argues that each system or group administers the issue of justice in terms of its internal order and division of labour (Young 1990; 2003). This may apply to states, institutions and the international system. Each of them can create their own form of justice and solidarity and their own ‘sphere’ of justice (Walzer 1983), where the reach of justice is limited within a bounded discussion. Young then suggests to look at experiences of oppression and injustice as a way to cross those boundaries, to understand the structural character of those forms of injustice and to recognise different modes of resistance as political. A similar conception of injustice expands the concepts of *non-domination* and *impartiality* as discussed in the first section of this paper to a wider political and social critique. In fact, ‘structural injustice’ allows us to address the limitations of concepts that take the current system of states as the point of departure (*non-domination*) by revealing the inherent forms of injustice in the state centric system. As discussed earlier in this paper, this also applies to the EU if one considers that it replicates nationalism’s principles of borders in its migration policies. Moreover, considering forms of ‘structural injustice’ is also a way to overcome the limitations of *impartiality* as a ‘context-transcending principle’, which overlooks the material power relations that make migrants into differentially included subjects. It also reinforces the idea that justice is, in itself, an *equivocal* concept.

This means that it constantly shifts 'between different definitions that reflect practical necessities and constraints, for which there is no final procedure or simplification' (Balibar et al. 2012: 10). Justice is, following this line of thought, a contested concept in itself and points to an intrinsically unstable order. As discussed in the first section of this paper, an expanded conception of justice as *mutual recognition*, one which recognises the 'borderline existence' of justice and the many dimensions of political contestation, helps to grasp the processes and conditions that cause political subjectivity to emerge. This means adopting an open definition of what is 'just' and unjust with regard to migration. Rights infringements that would normally be considered an accidental deficiency of migration regimes, or would be dealt with through formal mechanisms of redress, would instead appear as elements of structural injustice, the result of dynamics that produces migration as a burden or an object to manage at will. This complicates our understanding of the issue of justice in relation to the EUMSG's approach to migration. Clearly, the processes described in the third section of this paper under the concept of *logistification* aim to erase the equivocal nature of justice in relation to migration by turning it into a technical and measurable object of governance. In this way, *logistification* is a way to get rid of the intrinsic instability brought about by migrants as *justice-seeking subjects*. Beyond the question of regulating the entry and stay of foreigners, it is important to ask what kind of prescriptions, frictions and imbalances are produced and how these affect our understanding of global justice at a time when 'it becomes apparent that Europe is not passively receiving a supposedly unstoppable human tide, but is actively reconfiguring regional relations through migration infrastructure' (Lindquist and Xiang 2014: 143). The concept of *logistification* is a way to describe some of the structural trends in this reconfiguration.

Beyond its descriptive relevance, to speak of *logistification* means in fact to recognise emerging forms of logics behind the policies and practices that at first glance appear to be scattered solutions to contingent problems. Thus, a picture emerges of justice as increasingly disjoined from the polemical and political context. Justice then becomes simply a function of policies that are considered optimal solutions to objective problems and supposedly shared social goals. Within the framework of *logistification*, political questions such as the meaning of asylum, the rights of migrants, or even the changing nature of global societies and power relations in transforming geopolitics, remain unresolved and substantially removed. However, the different forms of contestation of the EUMSG discussed in the second section of this paper show that justice as a political problem persists even beyond this reductionist understanding of justice, in a field of tension that is constantly being redefined, but never solved. This suggests the need to develop discussions about the global leading towards wider conceptions of justice where migration is considered in all its dimensions as a powerful transformative force, and not simply as an object of governance, and migrants themselves as political subjects, which constantly keep the quest for justice open beyond any reductionist understanding of justice with their justice-seeking mobility.

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