

International Journal for Crime, Justice and Social Democracy**Book Review**

Katja Franko (2019) *The Crimmigrant Other: Migration and Penal Power*. Abingdon: Routledge

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In this much-anticipated book, Katja Franko consolidates and develops earlier work that analysed the production and surveillance of 'crimmigrants' within Europe (Aas 2011), examined processes of 'bordered penalty' in Norway (Aas 2014) and explored normative tensions between humanitarianism and border control in Europe's externalised border zone (Aas and Gundhus 2015). Legal scholar Juliet Stumpf (2006) first coined the term 'crimmigration' to describe trends in the convergence of immigration and criminal law and procedure in the United States. Franko has developed this terrain within European border criminology, broadening the focus of analysis to include the subjects of penal power whom she calls crimmigrants.

Despite its title, *The Crimmigrant Other* is not exclusively about the discursive creation of this label. It also provides a comprehensive, empirically grounded and critical analysis of crimmigration practices and their normative implications. At the core of the book is the assertion that an interrogation of 'immigrant criminality' is crucial to understanding the capacity of governments and populations to harden their hearts, and then their borders, against unwanted outsiders while still laying claim to a humanitarian reputation:

Immigrants are no longer people in need of protection, or a potential source of labour; they have been turned into rule-breakers and criminal offenders, or what can be termed 'crimmigrant others'. Their presence is associated with illegality and crime. This book documents how this change has come about. (p 3)

Moreover, while penal power and criminality are primary themes, the author explains that 'it is above all a book about social inequality and the contested nature of membership in contemporary societies' (p 10).

The first chapter revisits the first tranche of Franko's earlier work to trace the construction of the crimmigrant other as the subject of 'justified social exclusion'. She identifies multiple layers to this

process beyond discursive practices, detailing the technologies used to control crimmigrant bodies and render them deportable. ‘Bordered penalty’ is discussed in chapter two, which includes a critical discussion of Stumpf’s crimmigration thesis. Franko notes that the crimmigrant other is both punishable and deportable—likely to be excluded rather than reformed—concluding that bordered penalty ‘represents a shift from a panoptic to a banoptic penalty’ based on membership status (p 70).

The operation of bordered penalty is explored in more depth in chapter three, which presents empirical research examining the dynamics of in/exclusion in Norway. Franko notes that:

The control of the crimmigrant other, therefore, creates the paradox of social exclusion in an inclusive society. By undermining its inclusive nature, it sets the society at odds with its own self-narrative, whether this concerns its commitment to human rights and a reintegrative prison system or to a police force that is committed to serving the general public. (p 111)

The contours of a compromised and often morally ambiguous humanitarianism in the militarised European borderlands are the subject of chapter four. Franko demonstrates how the spectre of the crimmigrant other galvanised EU member states into a collective effort rarely seen in other policy areas, resulting in the establishment of an increasingly autonomous agency, Frontex, tasked with defending Europe’s external borders. At the coalface, where border officials must navigate the contradictions of care and control in encounters with the suffering of irregular migrants, we see that the notion of the crimmigrant other is malleable, with people smugglers most likely to be cast in this role. Beyond this, the imperative to enforce border controls creates tensions which the crimmigrant other label helps resolve by enabling judgements about ‘good’ and ‘bad’ migrants.

Chapter five consolidates Franko’s contention that penal power used against crimmigrant others is a moral force, rather than an instrumental one: ‘The book’s main contribution is to show how the social production of the crimmigrant other serves to turn issues of global privilege into issues of morality and the maintenance of the moral order’ (p 19). Franko contrasts the emotive and morally judgemental underpinnings of humanitarianism with the aspirational universalism of human rights, noting that the adoption of the discourse of the crimmigrant reinforces conditions of global inequality.

In the conclusion, Franko examines the power of the ‘metanarrative’ of the crimmigrant other, revealing that what is at stake goes beyond the confines of penal populism or border control, calling into question the very survival of a European ideal based on the upholding of human rights.

One question that could be raised about Franko’s analysis is who, exactly, is the crimmigrant other? As Lucia Zedner (2020) has pointed out, only a minority of non-citizens are labelled as crimmigrants. This point is suggested, but possibly under-developed, in Franko’s discussion of moral judgements about ‘good’ and ‘bad’ migrants. Indeed, Franko contends that a certain malleability may be productive: ‘Although shaped by bureaucratic and legal processes that give it concrete substance and anchorage, the figure of the crimmigrant other is also *marked by vagueness* and possesses almost mythical and haunting qualities’ (p 197, emphasis added). On the other hand, one might also question whether, in adopting David Garland’s position that penalty has little to do with crime, there has been sufficient interrogation of actual immigrant criminality.

The author points to historical patterns of colonialism and race as the main determinants of the othering process, and a further criticism might be that these significant themes are insufficiently developed in the book. Colonial relations are often raised by other authors as mediating factors in the migration of previously colonised peoples to former colonial powers. Another fruitful area for further exploration within settler societies is the extent to which the processes identified in this book have parallels in the governance of Indigenous peoples, for whom the full expression of citizenship has been similarly denied.

The Crimmigrant Other consolidates the trajectory of Katja Franko's highly original theorising and meticulous research on the response to unwanted migrants in Europe, spanning at least the last decade. For those who have followed her work, this will be more than enough reason to read the book and reflect on it. Others may be discouraged by the intensely European focus. However, the author's sustained engagement with globalisation means that this work can be interpreted more broadly as a metaphor for the unequal and conflicted relationship between the Global North and South. This interpretation is reflected in the author's own words:

Through the control of the crimmigrant other, contemporary modalities of penal power are a central mechanism for guarding the boundaries of citizenship. They mobilise notions of innocence, goodness, right, and wrong in the processes of the making and unmaking of contemporary membership and belonging. The growing use of penal power at the border speaks of the increasingly contentious and privileged nature of Northern citizenship and residence rights in a deeply unequal global order. (p 198)

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