

Book review

Myslinska, D. R. (2024). *Law, Migration, and the Construction of Whiteness: Mobility Within the European Union*. Routledge: London.

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Abstract

Myslinska's Law, Migration, and the Construction of Whiteness is an important contribution to critical whiteness studies. Focusing on the EU's commitment to freedom of movement, Myslinska illustrates how Central Eastern European (CEE) migrants are devalued, disempowered and discriminated against by the EU. Using a critical legal methodology, this book adds an important legal weight to growing discussions on this racialisation of CEE migrants. While there may be space in this field to also discuss how CEE are recalcitrant and resistant to these processes, this book provides a robust foundation for further research.

Emerging at the tail end of the 20th century, the field of critical whiteness studies has become essential to interrogate the construction of whiteness, with scholars critiquing the normativity, invisibility and ubiquity of white privilege. While much of the original literature discusses the binary of whiteness vs. non-whiteness to expose this privilege, some unpick the endogenous divisions within whiteness itself.

Myslinska's *Law, Migration, and the Construction of Whiteness* is an important contribution to this latter discourse surrounding the fracturing of 'whiteness'. The book's core thesis: the EU's identity as humanitarian, equitable, and fair is undermined by its own actions which serve to devalue, disempower, and discriminate against Central Eastern European (CEE) states. Focusing on one of the EU's tenets, the right to free movement, Myslinska explores how this pan-EU right has fallen short of egalitarianism, reinforcing, rather than alleviating, the East-West European divide. While other recent criticisms of the EU's freedom of movement have perhaps tended towards blaming EU competence for its obstacles, Myslinska argues that it is the racialisation of CEE migrants that complicates their right to unrestricted mobility.

In line with a growing interest in the racialisation of CEE migrants in Western Europe this book uses a critical whiteness studies framework to explore how the privilege of phenotypical 'whiteness' is not afforded to all. Myslinska's aim is illuminate the ways that CEE migrants' whiteness impedes their access to anti-discrimination protections. Applying this critical whiteness lens, the book's five chapters argue that CEE migrants are 'racialised' as "not quite white" (Myslinska, 2024, p. 4), revealing "intra-white fractures" (p. 21) intersecting across ethnicity, nationality, class and culture. While these fractures are acknowledged as being articulated and exacerbated through a combination of EU policy, law, media and popular discourse, the analysis focuses particularly on legal frameworks.

This critical legal methodology is integral to the novelty of Myslinska's approach; other similar research on the racialisation of CEE migrants in the EU has explored interview data from migrants themselves (e.g., Narkowicz, 2023; Shankley, 2024) or using political discourse analysis (e.g., Lewicki, 2023). As Myslinska identifies, "explorations of how laws and legal discourse approach CEE nationals' mobility have been rare, discrete in scope" (p. 5), thus her macro- and micro-scale analyses of both hard and soft law are a necessary contribution to this conversation.

Using content analysis to explore hard and soft law through both pan-EU and at a case-by-case level, Myslinska demonstrates how EU laws and discourses have created a system that disadvantages CEE migrants. In chapter 2 Myslinska analyses Eastern Enlargement policies and argues they are driven by EU-15 economic interests, rather than for the holistic benefit of the CEE region. Chapter 3 considers the way that the EU's freedom of movement has not been applied equitably across all Member States for all members, particularly given the increased limitations applied to the right around the time of the accession of many CEE states. Chapter 4 then zooms in to specifically consider the experience of CEE nationals in the UK, going into more granular analysis of discrimination cases brought under the Equality Act 2010 and to the Employment Tribunal.

One of the themes Myslinska returns to throughout her book is that the equality and anti-discrimination framework in the EU is not fit for purpose, or specifically that it does not accommodate for claims from CEE migrants experiencing what Myslinska argues is racial discrimination. The value of the critical whiteness framework is demonstrated clearly in this thread of critique, illustrating through recurrent analysis that "not all groups of Caucasians are able to fully benefit from their phenotypical whiteness" (p. 38).

There was perhaps space in this book for voices of CEE migrants themselves, for them to illustrate the ways they are recalcitrant and resistant to their racialisation. In recent years the fields of irregular and forced migration have begun embracing the Autonomy of Migration (AoM) thesis to reconfigure perceptions of migrants not simply as subjects of bordering and migration control practices but instead conceiving them as recalcitrant and resistant to those practices (e.g. edited collection by De Genova, 2017), and this thesis could be further extended to other fields of migration. Under the lens of critical whiteness studies in particular, focusing more on the AoM can open frames for us to understand CEE migrants not always as victims of racialisation and marginalisation, but to instead understand how they actively engage with and resist these processes. This would provide an intersectional insight into the fracturing of whiteness, opening up discussion for both the privilege whiteness affords and the restrictions and limits on that privilege.

In challenging the supposed monolith of 'whiteness', critical whiteness research serves broader discourses on racism, since it uncovers the fiction of discrete racial identities themselves. From deconstructing the 'myth' of Europe as a continent of freedom and prosperity, to outlining the inaccessibility of anti-discrimination protections for a Bulgarian hotel cleaner working in England, through five chapters Myslinska paints a clear picture of the positioning of the CEE region and its people within the EU, or more specifically, within Western Europe. This contribution adds an important legal weight to the existing literature on the racialisation of CEE migrants in Europe and furthers a critical legal methodology for exploring the fracturing of whiteness. While there is

space for more nuanced explorations of critical whiteness, that may be enhanced through an AoM lens, this book provides a robust foundation for future research under this umbrella.

References

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