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The so-called European ‘migration crisis’ became headline news in 2015. On 19th April there was an incident in which more than 800 migrants died in the central Mediterranean between Libya and Malta. In November 2015, the UNHCR reported nearly 3,500 dead or missing across the entire region (UNHCR, 2015). The final death toll for 2015 was estimated at over 3700 (IOM, 2016). Indeed, a relatively sudden increase of unauthorised migration from the Middle East via Turkey to Greece and through the Balkans provoked disarray in established mechanisms for managing migration across the EU. These developments were met by polarised political and public responses. On the one hand, borders closed and an emergent anti-migration position became increasingly prevalent. This was evident in the closure of the Balkan route, and in statements made by leaders such as the Hungarian Prime Minister Viktor Orban about the need to prevent migration to the EU. On the other hand, concerns over the humanitarian plight of refugees and migrants became increasingly significant. This was evident in the increasing levels of volunteer activism across Europe as well as in the public outcry that emerged when pictures of the body of drowned toddler Aylan Kurdi went viral in September 2015.

In this context, terminology reflects polarised positions. Phrases such as ‘illegal migration’ and the ‘migration crisis’ often imply an anti-migration response, while terms such as ‘forced migration’ and the ‘refugee crisis’ are often associated with a humanitarian alternative. This article rejects the normative and political terms of this debate and refers instead to ‘unauthorised migration’ as a phenomenon that emerges through the relation between migratory forces and forces that render these ‘illegal’ or irregular (Squire, 2011). However, it does so in terms that seek neither to overlook nor to assume what is often referred to as ‘migrant agency’ (Squire, 2015a). As Cetta Mainwaring has more recently suggested, paying attention to the “agency used to negotiate mobility” is to look at the “intersection between migrant agency and sovereign power” in terms that demonstrate migrants are not “victims or villains” (2016: 5-6). Indeed, an emphasis on migrant agency has become increasingly prominent in literatures in the field of migration and border studies, precisely in order to challenge oversimplified conceptions of people on the move either as victims of violence and exploitation, or as villains who commit crimes (Anderson, 2008; Sharma, 2003; Squire, 2009). In this context, Brigit Anderson and Martin Ruhs argue that “theorising migrant agency is of crucial importance”, because migrants “interact with and help shape policy, which is itself reactive to migrants as well as to broader political and economic climate” (2010: 178).

This article draws on the critical insights of scholarship that emphasises how migrant agency, subjectivities and practices are dimensions that are often lacking from analyses of unauthorised or irregular migration (see also Squire 2011).<sup>1</sup> Yet in taking seriously Anderson and Ruhs’ suggestion, it also seeks to contribute to such literatures by interrogating the concept of ‘migrant agency’ in further detail. In particular, the article interrogates the structure/agency debate in social science as a means to highlight the analytical *and* normative importance of exercising care in engaging the concept of ‘migrant agency’.<sup>2</sup> The so-called European ‘migration crisis’ does not only raise questions for policy-makers and

for European politics more broadly. So also does it raise questions about how a critical analysis of the politics of unauthorised migration can effectively proceed in both analytical and normative terms. How to develop analysis that fosters full understanding of the dynamics of unauthorised migration, yet in a way that can shift the terms of a debate which has become worryingly polarised? More precisely, how to do so in a way that does not perpetuate broader assumptions about people on the move as being victims of circumstance and/or culpable for their situation?

In reflecting on such questions, this article considers what the most appropriate conceptual tools are by which to develop an analysis of 'unauthorised migration'. It asks: Is 'migrant agency' an effective critical concept in the context of a so-called European migration 'crisis'? How helpful are the social scientific concepts of structure and agency for critical scholarship in the field of border and migration studies? By considering different positions in the structure/agency debate and focusing in some detail on Colin Hay's influential discussion of this debate, the article suggests the need for caution in engaging structure-agency as a conceptual frame by which to examine the politics of unauthorised migration. Such a frame is both analytically problematic in its simplification of processes of subjectivity formation, as well as normatively and politically problematic in the context of debates around unauthorised migration. Given that discussions of structure-agency can easily slip into the legitimisation of wider assumptions about the culpability and/or victimhood of people on the move, I do not re-adopt the language of structure/agency in critical terms (Mainwaring, 2016) but rather I suggest that alternative conceptual tools are crucial. The article thus goes on to highlight the significance of Michel Foucault's theorisation of subjectification for critical scholarship in the field, and elaborates the alternative concepts of acts, interventions and effects that emerge from this literature. It suggests that these concepts are better attuned than structure/agency to the dynamics of power-resistance, which are integral to the politics of unauthorised migration in the context of a so-called 'migration crisis'.

## **Structure and agency**

This article will first consider how conventional positions within the structure-agency debate involve the framing of subjects in simplistic terms as more or less intentional, rather than as constituted through processes of subjectification that are embedded in dynamics of power-resistance. The relationship between structure and agency has long been a concern for social scientists and for scholars within the field of Politics and IR in particular. In his influential review of different positions on structure/agency, Colin Hay (2002) defines the debate as concerned with explanation of a social or political outcome. To understand how unauthorised migration emerges as an outcome in this regard, the frame can be approached in relation to two broad positions: structuralist and intentionalist.

While structuralists refer predominantly to structural or contextual factors in the process of explanation, intentionalists refer primarily to agential or conduct-

orientated factors (Hay, 2002, pp. 93-5, 97, 101-112). As Hay notes, highlighting these oppositional positions within the structure/agency debate enables appreciation of the differences between structuralist and intentionalist accounts of social and political phenomena. Generally, structuralist approaches are orientated toward order and continuity over time (Hay, 2002, p. 95). By contrast, intentionalist approaches tend to develop a presentist and particularist focus, and do not focus so much on putting cases in wider historical and political context (Hay, 2002, p. 112). This is because the latter reflects a concern with an agent's capacity to realise their intentions (Hay, 2002, pp. 94-5).

Let's first turn to consider how structuralists might explain unauthorised migration. Structuralists are more likely to focus on longer-standing drivers of migration, such as established social and economic inequalities or conflict in countries of origin. In classical migration theory, such 'push' factors are also examined in relation to 'pull' factors in host countries, most notably labour market opportunities but also social networks and family ties (see Castles and Miller, 2008). In order to explain the phenomena of unauthorised migration from a structuralist perspective, a combination of factors would therefore be important to understand migration flows on the macro-scale as relatively sedimented over time. In addition, an appreciation of institutionalised factors such as visa regimes would be important in providing explanation for the distinctly *unauthorised* character of migration. After all, without such mechanisms, the process of migration would not involve the routes and methods that render it unauthorised.

A structuralist orientation can in this sense be helpful in pointing to the conditions under which unauthorised migrations occur, both in terms of structural inequalities driving migration as well as the institutional mechanisms through which migration is 'made irregular' (De Genova, 2002). Nevertheless, there is a tendency in structuralist explanations to overlook the significance of 'migrant agency' within such a process, because the intentions of people on the move are precluded by conditions related to broader structural factors. If migrant agency exists in the structuralist approach at all, it is only a constrained form of agency as intentionality. This intentionality simply reflects broader structural factors pushing and/or pulling people to migrate.

By contrast, an intentionalist orientation provides for an alternative explanation, which emphasises the decision of migrants to migrate as key to explaining the emergence of unauthorised migration. Attention here would be paid more to the capacity of those migrating to act in ways that are not constrained by wider structural inequalities and existing institutional or contextual factors, such as restrictive visa regimes. A decontextualized intentionalist reading of migration in this regard would approach the decision to migrate in relation to a liberal subject who is free to choose. This overlooks the insights of a structuralist approach, but also has some similarities given the mutual emphasis on agency as confined to intentionality.

Going beyond this liberal intentionalist position, a more critical reading of migrant agency can be identified in analyses inspired by autonomous Marxism.

This approach does not overlook structural inequalities, but nevertheless privileges migrant autonomy as a critical tool by which to analyse the subjective dimension of migrant decision-making over structural and institutional forces (e.g. Mezzadra and Nielsen, 2003). On this reading, the very presence of unauthorised migration within a privileged and heavily policed EU can be interpreted as evidence of the autonomy or agency of those migrating and thus of the limitations of structural inequalities and institutionalised mechanisms of control. These works highlight what might be described as the critical potential of an agency-oriented approach, whereby migrants become viewed as actors generating change.

A clear difference is evident here between liberal and autonomous Marxist accounts of migrant agency. The latter 'autonomy of migration' approach is significant in shifting from the misunderstanding of a freely choosing subject. However, this difference is one that is often overlooked in the use of the term autonomy more broadly, as we will see later. Moreover, what is of note for now is that both approaches lie in contrast with a structuralist reading, the latter of which focuses on the dominating tendencies of embedded social, political and economic structures that constrain the capacity of migrants to effect change. Autonomy is thus often associated with the freedom of choice and action in this regard, and as we will see can often be used interchangeably in debates of structure/agency.

In sum, social scientific conceptions of structure and agency as manifest in the conventional distinction between structuralism and intentionalism provide explanation of unauthorised migration in terms that are overly simplistic. Though a review of structuralist and intentionalist positions provides important insights into how unauthorised migration can be explained, these approaches view subjects as more or less intentional rather than as formed through dynamics of power-resistance. They thus fail to explore more fully how the assumption of an intentional subject involves struggles to legitimize and delegitimize different forms of subject formation. In other words, the concepts of structure and agency can be problematic because they can disregard practices of governing that divide 'good' from 'bad' subjects. A shift to autonomy over intentionality may in part help to shift the focus to a subject that contests power. Yet if 'migrant agency' is simply assumed to be an alternative starting point to the analysis of structural inequalities and institutionalized mechanisms of control, the relation between power and resistance is not properly accounted for. It is thus to relational approaches to structure-agency that we will now turn.

### **Structure-agency**

As we have seen, the core of the structure-agency debate refers to the question of whether or not – or to what extent – the choices and conduct of actors are conditioned by contextual factors, such as established patterns of interaction and organisation (see Hay, 2002, pp. 89-134). Nevertheless, and as the discussion above already partly hints at, the opposite extremes of structuralism and intentionalism have been subject to significant critique over recent years (Hay, 2002, pp. 101-112, 117). That is, scholars tend to concur that both structural and

intentional or agential factors need to be taken into consideration when providing a political explanation of specific outcomes and effects. Hay suggests that this can be understood in relation to a longer tradition, exemplified in the work of Marx, who in the opening passage of *The Eighteenth Brumaire of Louis Bonaparte* declared that: “men make their own history, but not of their own free will; not under circumstances they themselves have chosen” (cited in Hay, 2002, p. 118). In other words, and as indicated in the discussion of critical analyses of unauthorised migration above, from this perspective both structural *and* intentionalist or agential factors are important for understanding the contemporary phenomena of unauthorised migration.

This insight about the relational character of structure-agency is one that is also embedded in the structuration theory of Anthony Giddens (1984), which has been highly influential in challenging the dualism of structure and agency. Giddens makes the case for what he calls the *duality* of structure. Structure for him is understood both as the medium for conduct, and as the outcome of conduct (thus forming a duality). Structuration thus refers to the ways that social relations are structured across time through this duality (Ibid: 374-6). Giddens in this regard seeks to render structure and agency ontological equals rather than privileging one over the other. This facilitates an analysis that considers how each is mutually implicated in, or mutually constitutive of, the other. For Giddens, structure refers to rules and resources that are embedded in the memory traces of agents. In other words, structure is implicated in the formation of an agent and in the social practices of agents, and is thus integral to the dynamic formation of social order. Yet agents are not only bounded within structure, but also act with reflexivity by monitoring their own actions. In this regard both agential and structural dimensions are important in Giddens’ structuration theory, which involves a processual analysis that focuses on the dynamism of social and political relations (see also Hay, 2002, pp. 118-121).

The critical realist scholar, Margaret Archer, has also examined structure and agency in their relationality. By contrast to Giddens, however, she stresses the importance of *distinguishing* structure from agency. Archer views structure and agency as interacting rather than as mutually constitutive, and thus approaches structure and agency as analytically incommensurable (Archer, 1995). What is distinctive about her approach is the suggestion that structure should be understood as analytically prior to, and even temporally preceding, agency. Hay summarises:

Archer insists that structure and agency reside in different temporal domains, such that the pre-existence of structure is a condition of individual action: structures (as emergent entities) are not only irreducible to people, they pre-exist them, and people are not puppets of structures because they have their own emergent properties which mean they either reproduce or transform social structure, rather than creating it.

(Hay, 2002, p. 125)

Archer thus points to the possibilities as well as the difficulties for agents to

change structures. For her, structures are always more than simply the collation of the conduct of agents, yet given their sedimentation over time structures are also difficult to penetrate for individual agents. Interestingly, Archer's work on the temporal privileging of structure here lies in tension to the autonomy of migration approach, briefly discussed above, whereby the subjective decisions of migrants are addressed as temporally preceding operations of control (see Mezzadra, 2004). Neither autonomy of migration nor Archer's approach in this sense address the dynamics of power-resistance as equivalent relational terms. We will come back to examine the autonomy of migration approach later; for now, let's consider further variants of critical realism, beyond the work of Archer.

Hay, who is critical of Archer's approach, provides an alternative approach to the structure-agency relation, which grants more effectiveness to agents without overlooking the importance of addressing contextual constraints. He suggests that the problem with Archer's approach is that she does not view structure and agency beyond the perspective of an individual or particular agent. That is, she fails to acknowledge the *mutuality* of structure and agency. Hay here not only draws on the critical realist approach of Roy Bhaskar who is influential to the work of Archer (Hay, 2002, pp. 122-7), but also on the work of critical realist Bob Jessop, in order to outline a strategic-relational approach to structure and agency. He says:

Starting with structure and agency, a pairing which seems automatically to invoke a conceptual dualism, Jessop seeks to bring agency into structure – producing a structured context (an action setting) – and to bring structure into agency – producing a contextualised actor (a situated agent). In moving to this new pairing of concepts, the conceptual dualism has been partially overcome. Yet Jessop does not stop here. A repeat move – bringing the situated actor back into the structured context and the structural context to the situated actor – yields a new conceptual pairing in which the dualism of structure and agency has been dissolved. Jessop now identifies a strategic actor within a strategically selective context.

(Hay, 2002: 128)

Hay points here *not* to the determinacy of particular conducts by context, as a more structuralist reading would. Instead, he points to the ways in which specific outcomes are more or less likely, dependent on the strategic selectivity of the context and the strategies that agents deploy. This involves what he calls a dynamic social ontology, in which both structure and agency are integral, yet through which the dualism (as well as the duality) of structure-agency is rejected through the preferred emphasis on strategic context and strategic action (see also Hay, 2001).

These various elaborations on the complexity of structure-agency beyond the dualism of structure/agency are important. A relational approach potentially facilitates a consideration of unauthorised migration as emerging through dynamics of power-resistance, which are not separable but intertwined or co-constitutive. However, a question remains as to whether subjects remain as

simply more or less intentional in the approaches reviewed thus far, rather than as constituted through processes of subjectification that involve struggles over the de/legitimation of different forms of subjectivity. For example, do structure and agency really 'dissolve' in their multiple cross fertilization, or does Jessop and Hay's fractioning of the terms condition their return in a more complex formation? To what extent does the individual intentional subject effectively recede in such an approach? And to what extent can such an approach move beyond the assumption of subjects as culpable or innocent, evident in recent debates around the so-called 'migration crisis'? It is here that I want to explore further the limits of structure-agency both as an analytical framework and in terms of the normative implications that it brings to bear in its connection to the liberal conception of a (more or less) freely choosing subject (see also Mainwaring, 2016). I will do so with specific reference to the work of Hay, given limitations of space.

### **The limits of structure-agency**

As the above review of selected relational accounts of structure-agency indicates, the structure/agency frame offers various ways of conceptualising the significance of 'migrant agency' in relation to the question of how unauthorised migration has emerged as a political phenomenon or outcome. Beyond the structuralist and intentionalist extremes highlighted in the first section, 'migrant agency' can be understood as a medium and outcome of conduct, which occurs under conditions of constraint that are not fixed but constituted dynamically through the very process of unauthorised migration itself (Giddens). 'Migrant agency' can also be viewed in terms of the conduct of people on the move, who either reproduce or transform structures that pre-exist them and that constitute their movement as unauthorised (Archer). Furthermore, 'migrant agency' can be understood as a strategic action within a strategically selective context, with unauthorised migration more or less successful in transforming the conditions under which it is constituted as such (Hay).

Nevertheless, a question arises here about the analytical appropriateness of structure and agency as terms that can capture the dynamics of power-resistance effectively. Moreover, a question also arises about whether engaging 'migrant agency' and undertaking an analysis of unauthorised migration within the frame of structure-agency is critically effective under conditions marked by a so-called 'migration crisis'. Despite the sophistication of these various approaches, are discussions about reflexive conduct, pre-existing structures and strategic action effective in addressing the complex and diverse formation of subjects under dynamics of power-resistance? Moreover, are they helpful in a context marked by a debated polarised between exclusionary and humanitarian extremes? Given the limits of space I will focus here a more careful reading of Hay's work, which I suggest can shed light on the problems of structure-agency as a frame for 'migrant agency'. While approaches that move further away from the language and conventional framework of structure/agency might effectively destabilize the intentional subject within which the debate is grounded (e.g. Mainwaring, 2016), I question the extent to which a critical realist approach does so through further examining the work of Hay in particular.



It is my contention that the grounding of structure/agency in discussions about the intentionality of subjects is only partially occluded in a shift of focus to a strategic actor in a strategic context. It is worthwhile returning here to Hay's discussion of the intentionalist conception of agency, to use this as a point of comparison for the notion of agency Hay later goes on to develop from a critical realist perspective. He says:

Agency refers to action, in our case to political *conduct*. It can be defined, simply, as the ability or capacity of an actor to act consciously and, in so doing, to attempt to realise his or her intentions. In the same way that the notion of structure is not an entirely neutral synonym for context, however, the notion of agency implies more than mere political action or conduct. In particular, it implies a sense of *free will, choice or autonomy* – that the actor could have behaved differently and that this choice between potential courses of action was, or at least could have been, subject to the actor's conscious deliberation. In this sense, the term agency tends to be associated with a range of other concepts, notably reflexivity (the ability of the actor to monitor consciously and to reflect upon the consequences of previous action), rationality (the capacity of the actor to select modes of conduct best likely to realise a given set of preferences) and motivation (the desire and passion with which an actor approaches the attempt to realise a particular intention or preference).

(My emphasis, Hay, 2002: 94-5)

So how does a critical realist emphasis on strategic actors in a strategically selective context compare to the intentionalist focus on conscious, free, reflexive, rational and wilful actor that Hay describes here? Let's shift to Hay's discussion of strategic actors now:

Actors, as discussed above, are presumed to be strategic – to be *capable of devising and revising means to realise their intentions*. This immediately implies a relationship, and a dynamic relationship at that, between the actor (individual or collective) and the context in which she finds herself. For, to act strategically, is to project the likely consequences of different courses of action and, in turn, to judge the contours of the terrain. It is, in short, to orient potential courses of action to perceptions of the relevant strategic context and to use such an exercise as a means to select the particular course of action to be pursued. On such an understanding, the *ability to formulate strategy* (whether explicitly recognised as such or not) is the very condition of action.

(My emphasis, Hay, 2002: 132).

By contrast to the intentional actor, the strategic actor is here presented as one that is constrained or enabled by a strategically selective context and adapts their conduct accordingly. This is important in bringing to bear the decision-making capacity of people on the move, and in understanding how people who migrate without capacity are not simply victims or criminals but complex strategic actors who make decisions and negotiate conditions that are far from

easy (Mainwaring, 2016).

However, a question arises here as to how far Hay's strategic actor differs from the intentional actor that he seeks to move away from. Both the intentional and the strategic actor are characterised by their ability to make decisions, and by their ability to be in some sense motivated and rational as agents with a reflexive form of intentionality. The key difference appears to lie in the level of consciousness implied, and the contextual constraints to which a critical realist position pays greater attention. For Hay, the strategic actor is not necessarily fully cognizant of structuring conditions and his or her driving motivations. Nevertheless, the potential for rational and reflexive action appears to remain integral to his approach, indicative of some significant similarities between the liberal intentional actor and the strategic actor. Indeed, the assumptions of a dynamic relational approach to structure-agency are in this sense perhaps not so far from intentionalist assumptions than might initially appear to be the case. Even Hay's relational approach involves a simplification of processes of subjectivity formation, because the agent or actor is presented as an actor with qualities that are pre-defined in particular terms (as individualised and strategic, if not fully intentional). Indeed, on this basis Hay' approach can easily slip into the legitimisation of wider assumptions about the culpability and/or victimhood of people on the move, because the strategic actor is the given unit of analysis rather than that which is unpacked analytically as undergoing a process of formation. Returning to structure and agency, even in a more complex formulation, thus presents some significant risks – particularly when addressing a sensitive issue such as unauthorised migration.

### **Beyond structure-agency?**

If the dynamics of power-resistance through which processes of subject formation are to be taken seriously, then the strategic actor needs to be analysed not simply in terms of a strategic context but in terms of the onto-politics that this implies. One of the critical arguments put forward by Hay relates to the non-empirical nature of any position on structure and agency. He claims that rather than providing an empirical assessment of a given phenomenon, any position in the structure-agency debate it is ultimately an ontological one related to the question of what constitutes an adequate political explanation of a given phenomenon.<sup>3</sup> Hay thus suggests that ontological assumptions shape political explanation and that outcomes therefore cannot simply be assessed on the basis of empirical data alone (2002, pp. 90-4). Going further, we can say that there is an onto-politics to the process of analysis, which can be exposed in part with reference to the position on structure-agency. This of course is not to say that empirics are simply defined by analysis or that empirical analysis is simply political. Instead, it is to say that the production of knowledge about a given phenomenon can also play a role in the constitution of a phenomenon in specific terms, and that such a process also has political implications.

The political dimensions of this have been further highlighted by William Connolly. He (1995) has emphasised the multiple ways in which being can be

posed or to the multiplicity of ontological claims, therefore highlighting the ways in which any ontological claim to what exists also involves political assumptions. This not only means that we need to pay attention to the way in which ontological assumptions condition our interpretations of political phenomena such as unauthorised migration, but also that we need to pay attention to the political implications of our epistemological and ontological interpretations of empirical data. Conceptual interventions have analytical and normative effects, to put it another way. This is particularly important for the analysis of unauthorised migration in the context of a so-called 'migration crisis'. For example, analysing migration as a 'threat' can also lead to its experience as such, through the development of policies that become self-fulfilling in their very production of unauthorised movement (see Squire, 2009). Both Hay and Connolly's insights are therefore important when applied to this field of analysis, because they enable consideration of the political dimensions of different analyses or interpretations of unauthorised migration.

If we consider Hay's approach in this light, addressing the question of 'migrant agency' in terms of strategic actors orientates analysis both toward assessing the capacities and actions of unauthorised migrants within a strategically selective context, as well as toward assessing the effects of such actions on a structured context. This may shed some light on the issue of unauthorised migration, but can also risk further perpetuating politically problematic and often highly gendered conceptions of unauthorised migrants as either having excessive and problematic agency, or as victims who do not qualify as subjects with agency at all. As Alexandra Innes highlights in her discussion of forced migration: "The binary of structure and agency posits the refugee as a victim of structure and the illegitimate asylum seeker as an agent intent on exploiting the system" (Innes, 2015: 64). Far from simply assessing migratory strategies in relation to particular political outcomes, the frame of structure-agency in this sense risks affirming wider assumptions about some forms of migration as being illegitimate. Moreover, when addressing a sensitive issue such as unauthorised migration, exposing the 'weapons of the weak' (Scott, 1987) may play into a politics of control (Scheel, 2013a). Structure-agency in this regard is not only analytically problematic in its grounding within questions of intentionality and its constraints, but can also become politically or normatively problematic when engaging in sensitive and contested issues such as unauthorised migration.

So if the frame of structure-agency is more radically put into question, where does this leave the theorisation of 'migrant agency' as suggested necessary by Anderson and Ruhs? Much critical scholarship does not address unauthorised migration directly in terms of 'migrant agency', but rather engages in analysis that has implications for what might more generally be understood in terms of the structure/agency debate. Two approaches stand out as important here: first, works inspired by Giorgio Agamben that lean toward the more constraint- or context-oriented side of the debate and, second, works already mentioned that lean more toward the intentionality- or strategic action- side of the debate by engaging the concept of autonomy.

Works that inspired by Giorgio Agamben tend to examine unauthorised

migration primarily within the context of sovereign power or violence (e.g. Vaughan-Williams, 2008, 2012). Here, 'migrant agency' arguably risks becoming lost or denied, particularly under the influence of Agamben's (1998, 2005) theorisation of 'bare life' as a form of life through which political subjectivity is refused. There are dimensions of Agamben's approach that could be interpreted as invoking structuralism, such as the relatively ahistoricity of his analysis (Huysmans, 2008) and the relatively consuming conceptualisation of power that he appears to present (Squire, 2015b).<sup>4</sup> However, his work also sits within a wider poststructuralist theoretical tradition, which problematises the ahistorical assumptions of fixity associated with structuralist scholarship (see Aradau and van Munster, 2010; Campbell, 2006). Moreover, Agamben's work has been drawn upon by a range of critical scholars who seek to draw out elements associated with 'migrant agency' precisely within the context of sovereign power and biopolitical violence (e.g. Doty, 2011; Edkins and Pin-Fat, 2005; Perera, 2002; Rajaram and Grundy-Warr, 2005). This has nevertheless led to questions about how such an approach risks performatively reducing 'migrant agency' through the analytical abjectification of unauthorised migrant subjects (McNevin, 2014; Squire 2011, 2015b; Walters, 2008).

By contrast, the autonomy of migration approach introduced earlier highlights the failure of power to domesticate autonomous migrant subjects (see Mezzadra, 2011; Nielsen and Mezzadra, 2013), and focuses on resistances that 'precede power' (Papadopoulos et al, 2008). As noted previously, this body of scholarship is distinctly *autonomist* rather than intentionalist. Influenced by autonomous Marxism, the autonomy of migration approach does not assume that the action of unauthorised migrants is simply will-full or autonomous in the sense of implying a pure form of freedom or ability to choose. Rather, such an approach conceptualizes migration as a 'social movement' that has the capacity to enact change (Mezzadra and Nielsen, 2003). The more overtly Marxist strands of this body of scholarship focus attention on the importance of labour power, with Nicholas de Genova (2011) theorising living labour as the grounds of migrant autonomy. In this regard the agential dimensions of unauthorised migration might be understood as fixed, even conceptually pre-determined, though in terms that are distinct from the liberal choosing subject. There is also a move in this body of critical scholarship that conceptualises migration as preceding exploitation and control, or as excessive of this (Scheel, 2013). As noted earlier, autonomy can be understood in this approach as privileged over, even prior to, systemic or structural exploitation (Mezzadra, 2004). The autonomy of migration literature therefore can be understood as offering an interpretation of migrant autonomy that exceeds the frame of structure-agency, and that seeks to emphasize the capacity of migrants to effect change (see Nyers, 2015).

A brief review of these two broad trends in critical border and migration studies indicates that each approach emphasises the importance of relations of power-resistance in different ways. Though neither approach revolves around an explicit discussion of 'migrant agency', there has been a growing emphasis over recent years on the importance of effectively accounting for the role that people migrating play in "negotiating" power relations and practices of governing or managing migration (Mainwaring, 2016; Mainwaring and Brigdon, 2016), and

thus in interfering in “attempts” to enforce power (Vaughan-Williams, 2015). These interventions are important, because they question some of the early tendencies in critical border and migration studies to assume migrant agency as simply given or denied (see Squire, 2015a). In so doing, these works reflect efforts by scholars of critical citizenship and migration studies who have examined processes of subjectification in relation to dynamics of power-resistance. This is an important shift, and one which I argue raises more problems than answers for scholars seeking to provide an alternative account of ‘migrant agency. In order to highlight why this is the case I will briefly discuss Michel Foucault’s conception of subjectification, before highlighting alternative conceptual terms that have come out of literatures inspired by this concept.

### **Subjectification**

As the discussion thus far implies, structure/agency is not the only frame through which questions of explanation and change can be addressed. Moreover, *explanation* does not need to be our frame of reference either. A focus on explanation overlooks different framings of social science and political research, namely those orientated more toward a hermeneutical tradition that focuses on developing understanding over providing explanation (see Howarth and Glynos, 2007). An important alternative in this regard emerges from the work of Michel Foucault, whose work challenges explanatory social scientific frameworks along with the assumptions on which the structure/agency debate relies. Rather than taking ‘structure’ and ‘agency’ for granted, and instead of examining these in their relation with one another, a Foucauldian approach focuses more detailed attention on processes of subject formation. In particular, an emphasis on *subjectification* involves unpacking how subjects are constituted through relations of power-resistance, and in this regard problematizes the idea of ‘agency’ more fundamentally.

For Foucault there is not a free intentional agent nor a strategic actor – instead the individual subject is instead understood as an effect of power (Foucault, 1982, p. 781). What this means is that rather than conceiving individuals as reflexive actors capable of strategic action, a Foucauldian approach explores the ways in which subjects are constituted as such, particularly through processes of self-governing that involve capabilities such as autonomy and enterprise (Rose, 1999). This is not to a structuralist account, since processes of resistance are inseparable from power in Foucault’s work: ‘where there is power, there is resistance’ (Foucault, 1984). In other words, the negotiation of power is integral to rather than separate from Foucault’s concept of subjectification (see Aradau, 2008). Yet neither is it an intentionalist account, since Foucault clearly problematizes such renderings of the individual subject. Leaning neither toward the more constraint- or context-oriented side of the debate nor toward the intentionality- or strategic action- side of the debate, Foucault presses us to find a new language and approach to the question of unauthorised migration.

A Foucauldian approach can be interpreted as implying what might be called a dynamic and relational social ontology. In these terms, such an approach is not

wholly dissimilar to that of Hay. However, a Foucauldian approach also exceeds the frame of structure-agency, while providing critical insights that resonate with many of the critical works discussed in the previous section. Far from emphasising the (conscious or unconscious) capacity of unauthorised migrants to act in a strategic way (cf. Hay, 2002, p. 132), analyses that take a Foucauldian approach as a point of departure tend to consider how unauthorised migration is produced as such through operations of power. This is important, given the ease by which one might slip from an analysis of 'migrant agency' toward assumptions that lead to the attribution of responsibility to migrants for particular political outcomes. In relation to unauthorised migration, responsibility is often attributed to those migrating through processes of criminalisation, and/ or denied through processes of victimisation (see also Squire, 2009, 2015a). By contrast, the drawing of lines between harmful and harmless migrants on the basis of their perceived agency, or lack thereof, is a subjectification process that the analyses inspired by Foucault have subjected to sustained critique (e.g. Aradau, 2008).

Importantly, critical scholarship in this area also examines contestations or processes of resistance that challenge assumptions about the agency of unauthorised migrants as either assumed or denied (e.g. Johnson, 2014; Nyers, 2006; Rygiel, 2010; Squire, 2011). In this regard, a Foucauldian analysis of subjectification has been complemented by scholarship drawing on a range of conceptual sources as a means to highlight the 'irregular' (Nyers, 2011) and 'contested' (McNevin, 2011) subjectivities that are put into motion by people on the move (Nyers and Rygiel, 2010). It is through alternative concepts initiated by such works that the interventions of people on the move can be engaged in terms that effectively *exceed* the limitations of the structure-agency frame and the problematic assumptions to which it can easily succumb. Yet while some critical scholars (Innes, 2016; Johnson, 2015; Mainwaring, 2016; Mainwaring and Brigden, 2016) have sought to refine the concept of 'migrant agency' in terms that emphasise important issues related to the negotiation of power through everyday practices of resistance, I want to emphasise the significance of engaging alternative terms as an intermediary step by which to further refute the political and analytical misunderstandings that can arise from the use of such a term. It is with this in mind that I will now elaborate the categories of *acts*, *interventions* and *effects* as alternative conceptual tools that can be engaged to undertake a critical analysis of unauthorised migration beyond the frame of structure/agency.

### **Acts, interventions, effects**

The categories of acts, interventions and effects that I elaborate here are influenced by scholarship in the field of critical migration studies. Specifically, I focus on those that have drawn on the work of Engin Isin, who in particular has engaged Austin's speech act theory as a means by which to develop an analysis of enactment or 'the act' (Isin and Nielsen, 2008; Isin and Saward, 2013). An act is defined by Isin as occurring when established scripts and subjectivities are disrupted, thus creating a new script and bringing into being political subjects that did not previously exist (Isin, 2008). Acts can be more or less purposive, and

are conceptualised as such in terms of their political implications or *effects*, rather than in terms of the choices, strategies or willful actions of those involved. Which agents (bodies or agencies) can enact an act is not predefined in this approach. Indeed, while acts involve actors they do not in any sense rely on a particular conception of what an actor is or does. Rather, a focus on acts resonates with the work of Michel Foucault in considering how particular subjects are constituted at concrete sites, and come into being as such through dynamics of power-resistance.<sup>5</sup>

An analytics of acts is an important alternative to the frame of structure/agency for at least two reasons. First, the notion of the act does not rely on a conception of a strategic or intentional actor in any straightforward way. Particular actors or bodies may act in strategic terms, but they are not pre-defined as such (see also Isin, 2013: 23). Like Hay, the focus is not simply on conscious or purposive action. Yet beyond Hay, neither is the focus straightforwardly on strategic action, meaning more or less reflexive situated actions that operate within a strategic context. In analysing the political significance of bodies crossing borders without authorisation, for example, an analytics of acts does not focus on identifying unauthorised migration as a strategic action or on assessing its effectiveness as such within a strategic context. Rather, the focus is on exploring how far and in what ways crossing borders without authorisation disrupts existing ways of being and in so doing produces new subjects with new scripts (see also Isin, 2012). Paying attention to positionality and context is critical here, as is paying attention to the ways in which the production of knowledge about migration can have disciplining effects (Garrelli and Tazzioli, 2013). With this in mind, unauthorised migrants such an approach does not assume those migrating without authorization as the only bodies capable of effecting change, though they can be particularly important in so doing within the context of a so-called 'migration crisis'.

This highlights a second difference between an analytics of acts and the frame of structure/agency. Hay's strategically selective context is approached along the lines of a structured situation, within which strategic action is placed and on which strategic action works. However, such an approach lends itself more to a focus on how effective unauthorised migration is in redressing the difficulties experienced by those otherwise constrained by a context such as political and/or economic insecurity. By contrast, an analytics of the act involves a focus on much more fundamental transformations to the very onto-political foundations within which structured contexts and strategic actors are grounded. This leads to analyses that draws attention to how crossing borders without authorisation can disrupt the very ways in which political life is arranged along the lines of nations and states, and which can more fundamentally be understood as conditioning the insecurities experienced by many people on the move whose citizenship status is put under question (e.g. Johnson, 2015; McNevin, 2006; Nyers, 2006, 2008, 2015; Rygiel, 2010; Squire, 2009; Stierl, 2016). The act of crossing international borders without authorisation is in this sense understood as politically significant, but this is not to say that those migrating without authorisation are necessarily held up as exemplary political subjects in and of themselves. As Stephan Scheel (2013b) argues in relation to the autonomy of migration

approach, the situated practices of particular migrants can importantly exceed practices of governing borders, but this is not to romanticize such subjects.

Isin's approach not only provides the conceptual tools by which to address the critical significance of unauthorised migration in relation to existing political arrangements and subject positions. It also distances itself from approaches that assume either sovereign power *or* migrant autonomy as dominant frames by which to understand unauthorised migration. The concept of acts instead resonates more closely with Foucault's emphasis on the dynamics of power-resistance, since it refuses any approach that assumes the predominance of either power or its resistance and contestation (see also Squire, 2011, 2015b). Indeed, an analytics of acts remains attuned to the dynamics of power-resistance across concrete sites, and pays attention to how far interventions by bodies in action effect a transformation in being through producing new subjects and scripts. In highlighting Judith Butler's theorisation of performativity, Isin highlights how the significance of an analytics of acts lies in their reflection of a "moment in which a subject – a person, a collective – asserts a right or entitlement to a liveable life when no such prior authorisation exists" (Butler cited in Isin, 2013: 24). It is in this sense that unauthorised migration can directly be interpreted as a political intervention (or potential act) that involves the assertion of the right to move and to make claims that are not authorised in advance. Those migrating without authorization are not isolated in this endeavor, but do occupy a critical position. For example, in his analysis of the WatchTheMed activist movement's documentation of and demand for an effective institutional response to people stranded in boats in the Mediterranean Sea, Maurice Stierl (2016) points to the way in which 'international citizenship' is formed through this 'contentious politics' (see also Ataç, Rygeil and Stierl, 2016). The actions of WatchTheMed are critical here, but can only be understood as such in terms of an act in solidarity with those who have undertaken an act of unauthorised migration.

An analytics of acts or interventions thus facilitates appreciation of the political significance of bodies in action from the perspective of their effects within a specific context:

...making rights claims are heterogeneous and transformative acts that bring subjects into being by their performative force. Whether their effects are submissive to existing practices or subversive to them *cannot be determined in advance but only through the effects of these acts.*

(my emphasis, Isin, forthcoming, p. 8).

While there are some complexities to the concept of act and the theorisation of citizenship that are beyond the scope of the discussion here, important for us is that such an approach provides a frame by which to analyse unauthorised migration as an *intervention* of political significance, which involves *effects* that potentially initiate new onto-political ways of being. An act here is seen as differing from an intervention in terms of the extent to which it involves a successful generation of new scripts or new ways of being. In the case



documented by Stierl, this might thus be understood in terms of the formation of new scene and script of international citizenship subjectivity. By examining this case in terms of the framework of acts rather than agency, assumptions about who has the power to effect change here are less in focus than the effects of the specific intervention in practice. Notably, this example thus draws attention to the political significance of unauthorised migration, yet without implying purposiveness or even strategic action on the part of those migrating in the sense that is suggested by Hay.

Let's briefly consider another example that emerged under conditions of the so-called European 'migration crisis' during 2015, when people were walking through Europe in order to claim asylum within central or northern states of the European Union. To what extent did this involve a fundamental onto-political change through the enactment of new subjects and scripts? Were the European bordering practices that are designed to prevent unauthorised migration effectively *disrupted* through such an intervention? Was this simply an *intervention* that engaged and *potentially* disrupted existing political arrangements and relations, or did it in effect form an *act* that successfully constitutes a new onto-political reality or realities? In other words, did these bodies in action *effectively transform* the conditions under which unauthorised migration occurred, or did they remain as an intervention that fell short of constituting new subjects and scripts? More specifically, did this intervention challenge dominant scripts that constitute unauthorised migrant subjects either as involving excessive criminal agency (the anti-migration response), or a reduced victimized agency (the humanitarian alternative)? These are the kinds of questions that an analytics of acts prompts. While they clearly require further unpacking than is possible here, it is worth considering them in a little more detail in order to emphasise the critical significance of such an approach.

Crossing the Aegean or Mediterranean Sea by boat, arriving without authorisation on a Greek island, being transported to mainland Greece and then travelling along the Balkan route – often by foot – to central or northern EU states to claim asylum emerged as a widespread action in 2015. Indeed, the sudden increase of bodies in action on this route could be interpreted as a visible manifestation of unauthorised migration as a social movement of the kind theorised by scholars of the autonomist Marxist tradition, discussed earlier. Yet returning to the analytics of acts proposed in this article, we can view walking across Europe by foot as an intervention that involves claims to rights that may be embedded within international law (e.g. the right to claim asylum), but which have been undermined by European bordering practices that externalize controls to keep people at bay (e.g. see Üstübcici, 2016). In this sense, the intensification of border checks and closures that such an intervention provoked, the abandonment of people to harsh terrains that work against their capacity to enact change (cf Squire, 2015a,b) as well as the polarised anti-migrant and humanitarian responses already discussed, can be understood both as conditions *and* effects of the collective intervention to walk across Europe.

The act of asserting “a right or entitlement to a liveable life when no such prior authorisation exists” appears at first as a momentary intervention, and some

might argue that such collective acts have been closed down before new subjects and scripts emerged. However, I would argue that this intervention precisely created multiple openings for new subjects and scripts to emerge.<sup>6</sup> For example, *Clandestina* activists walking in solidarity with people on the move claimed to reclaim their humanity through an action that took as its slogan: “In a bosses’ world, we are all strangers”.<sup>7</sup> Moreover, actions by groups such as *Caravane Migranti*, composed of the families of those disappearing across the Mexico/US border as well as from across the Mediterranean also emerged in this context to provide new scripts and subjects of solidarity across borders.<sup>8</sup> Yet these acts of demonstration (Walters, 2008) are inseparable from the everyday – often banal – acts (see also Huysmans, 2011). Through these, people on the move and settling anew negotiate power-resistance in much less spectacular terms, at the “intersections where contestations and ambivalence prevail” (Mainwaring, 2016: 6). It is here that the development of resources, skills and networks by people on the move (see Üstübcü, 2016) can be important in the formation of a political act. Focusing on the effects of interventions as these relate to the formation of subjects and scripts sheds light on the ambiguities and messiness of acts that involve the dynamics of power-resistance. It also highlights the critical potential of interventions and acts that can be overlooked if the focus remains on the success of strategic actions within a strategically selective context.

## Conclusion

This article has emphasised the limitations of the frame of structure/agency for the critical analysis of unauthorised migration, and has instead proposed an analytics of acts, interventions and effects as a means to unpack the political significance of people migrating without authorisation. Specifically, the article has pointed to the ways in which structure/agency is analytically reductive, and can be employed in terms that feed into processes of criminalisation or victimisation based on assumptions about the excessive or reduced agency of unauthorised migrants. The article first unpacked the structure/agency debate in terms of a focus on intent and its constraint, before showing how intentionalist and structuralist approaches have been challenged by a range of more dynamic relational approaches that challenge the duality and dualism of structure-agency. It went on to examine in more detail Hay’s critical realist emphasis on strategic action in a strategically selective context, highlighting the limitations and risks of such an approach from a Foucauldian perspective.

Foucault’s work is important, the article has argued, because it emphasises the dynamic formation of subjectivities and recognises both power and resistance as integral to such processes. Instead of emphasising the autonomy of migrants or the dominance of sovereign power, a Foucauldian approach examines the dynamic relation of power-resistance in terms that demand a more nuanced analysis attuned to the often ambiguous effects of particular interventions. An analytics of acts draws on this insight while also providing for a consideration of how interventions can have a more fundamental transformative effect on political arrangements and subjectivities that predominate within a given context. By reflecting briefly on the collective act of walking without

authorisation through Europe in this light, the article has argued that an analytics of acts is important for assessing the effectiveness of unauthorised migration in disrupting existing onto-political arrangements that divide migrating subjects into criminals and victims and deny their political being. Such insight can easily be overlooked if the focus remains bound to a frame of structure-agency and concerned with the success of strategic actions within a strategically selective context.

Despite the sophistication of many relational accounts of structure-agency, the grounding of this framework in questions of intentionality and strategic action risk reproducing assumptions about subjects whose decision to migrate is more or less free from constraint. In sum, the article argues that such assumptions are analytically problematic, because they involve a simplification of processes of subjectivity formation. Moreover, it also argues that they are they normatively and politically problematic in the context of debates around unauthorised migration, because discussions of structure/agency can easily slip into the legitimisation of wider assumptions about the culpability and/or victimhood of people on the move. By drawing out the significance of Michel Foucault's theorisation of subjectification and Engin Isin's analysis of acts for critical scholarship on unauthorised migration, the article has proposed several alternative concepts that reject intent/constraint as a grounds for analysis. An analysis of acts, interventions and effects, it has argued, are better attuned to relations of power-resistance and are thus critical to the analysis of the politics of unauthorised migration in the midst of a so-called 'migration crisis'. While critical reformulations of 'migrant agency' are important, this article proposes as an intermediary step the use of alternative concepts as a means to reject the analytical and political misunderstandings – or indeed the political misuse – of such terminology.

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## **Biography**

Dr [Vicki Squire](#) is Reader in International Security at the Department of Politics and International Studies, University of Warwick. Her research cuts across the fields of critical citizenship, migration, border and security studies. She is author of [The Exclusionary Politics of Asylum](#) (Palgrave, 2009) and [Post/Humanitarian Border Politics Between Mexico and the US: People, Places, Things](#) (Palgrave, 2015), and Editor of [The Contested Politics of Mobility](#) (Routledge, 2011). She is

Co-Editor of [International Political Sociology](#). Dr Squire is contactable by email at [V.J.Squire@warwick.ac.uk](mailto:V.J.Squire@warwick.ac.uk) and by twitter @vidkowiaksquire

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<sup>1</sup> Though this article is informed by fieldwork (observations and interviews) for my Leverhulme and ESRC projects, it does not draw directly on these as this is primarily a conceptual piece. At the time of publication interview transcripts from these projects were not publicly accessible as this is a sensitive area and care regarding anonymity and other ethical issues is paramount.

<sup>2</sup> While there is much to be said about the problems of both of these terms, this article does not focus so much on the problems of engaging the term ‘migrant’ here as it does of engaging the term ‘agency’.

<sup>3</sup> This is exemplified with reference to Marxism. A Marxist approach claiming that a political and cultural superstructure replicates and reflects an underlying economic structure or base involves an ontological assumption regarding the structural conditioning and functionality of political, social and cultural institutions. Rather than a theory that emerges from an empirical analysis of the operation of such institutions, Hay suggests that such a theory posits ontological statements as truths and assesses political effects in line with these basic assumptions. In other words, Hay argues that ontological assumptions shape political explanation in ways that cannot simply be assessed on the basis of empirical data (2002, pp. 90-4).

<sup>4</sup> Agamben (1998) engages with the work of Foucault, yet in contrast to Foucault he argues that sovereign power has been implicated ‘from the start’ with biopower (i.e. power over life). For Agamben (2005), biopower is therefore understood in relation to the power of the sovereign to declare a ‘state of exception’, which does not imply a straightforward relation of exclusion but rather a relation of abandonment (or ‘the ban’) as an ambiguous ‘zone of indistinction’.

<sup>5</sup> In particular, it develops an analysis of the constitution of actors as political subjects through exploring processes of rights claiming, or what Isin (2008) and others refer to as the claiming of a ‘the right to have rights’ (Nyers, Isin and Turner, 2010; see also XXXX and, 2014).

<sup>6</sup> These can be examined at various levels and in various ways, but here I will focus on some of the most visible mobilisations for the purposes of fostering understanding of the broad argument.

<sup>7</sup> “Understanding the Balkan Route: An interview with Clandestina”, December 2015, <https://rabble.org.uk/understanding-the-balkan-route-an-interview-with-clandestina-migrants-network/> (accessed 23.04.2016)

<sup>8</sup> See <http://carovanemigranti.org> (accessed 23.09.2016)