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THE IMPORTANCE OF CONTEXT REVISITED, BINATIONAL HUMAN RIGHTS: THE U.S.-MEXICO EXPERIENCE

WILLIAM P SIMMONS & CAROL MUELLER, EDS, *BINATIONAL HUMAN RIGHTS: THE U.S.-MEXICO EXPERIENCE* (Philadelphia: University of Pennsylvania Press, 2014).

Andrij Kowalsky*

I. INTRODUCTION

When businessman and real estate mogul Donald Trump envisioned making “America great again” he thought politics. So, on 16 June 2015, he launched his bid to become the Republican Party nominee for the presidency of the United States of America by boldly declaring he would build a wall across America’s southwestern border at Mexico’s expense.¹ The proposal dismayed critics and attracted backers. Early in the campaign, an August 2015 CNN/ORC International Poll identified that, from a total of 466 surveyed Republican voters, forty-four percent identified Trump far and away as the candidate who they believed could best handle illegal immigration.² Similarly, a Pew Research survey of 496 registered GOP voters noted thirty-four percent supported Trump as a candidate keen on deporting all illegal immigrants residing in the United States (U.S.).³ Midway into the race, several surveys and Republican presidential state primary and caucus victories foreshadowed Trump’s rise atop the party.⁴ Ultimately, Trump’s meteoric campaign defeated Hillary Clinton and the Democrats in the 2016 presidential election by winning the Electoral College vote and the White House. President Trump’s plan for a secure America has life.

America, like Canada, celebrates its roots as a country of immigrants.⁵ Excluded from banal nation-building narratives is a history of discriminatory immigration policies that screened preferred nationalities

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¹ “Here’s Donald Trump’s Presidential Announcement Speech”, *Time* (16 June 2015) online: <<http://time.com/3923128/donald-trump-announcement-speech/>>. Trump’s other get “tough on illegal immigration” policies would triple the number of U.S. Immigration and Customs Enforcement officers, remove criminal aliens, increase penalties for visa overstayers, repeal the Fourteenth Amendment to the American Constitution that grants children born in America with citizenship regardless of their parents’ citizenship, and control the admission of immigrants, see “Immigration Reform Act Will Make America Great Again”, online: Trump Make America Great Again <<https://www.donaldjtrump.com/images/uploads/Immigration-Reform-Trump.pdf>>. Other central campaign proposals involve spurring American manufacturing by increasing tariffs on imported goods, repealing the *Patient Protection and Affordable Care Act* (“Obamacare”) and defending the rights of citizens to bear arms.

² “CNN/ORC Poll: Donald Trump on Top”, *CNN* (18 August 2015) at 11, online: CNN Politics <<http://www.cnn.com/2015/08/18/politics/cnn-orc-poll-republicans-2016-election/>>.

³ Pew Research Center, *Contrasting Partisan Perspectives on Campaign 2016* at 5, online: Pew Research U.S. Politics <<http://www.people-press.org/files/2015/10/10-02-2015-2016-release1.pdf>>.

⁴ “Suffolk University/USA TODAY Poll Shows Trump on Top with GOP Voters Nationwide” (14 July 2015) online: News Archive 2015 <<http://www.suffolk.edu/news/60431.php#.Vu9SNBHmrIU>>; Sarah Dutton et al, “CBS News Poll: Donald Trump leads GOP field in 2016 Presidential Race”, *CBS News* (4 August 2015) online: CBS News <<http://www.cbsnews.com/news/cbs-news-poll-donald-trump-leads-gop-field-in-2016-presidential-race/>>; Dana Blanton, “Fox News Poll: Outsiders rule 2016 GOP field, support for Biden nearly doubles”, *FoxNews.com* (24 September 2015) online: FoxNews.com Politics <<http://www.foxnews.com/politics/2015/09/24/fox-news-poll-outsiders-rule-2016-gop-field-support-for-biden-nearly-doubles.html>>.

⁵ In America, June is immigration heritage month and is dedicated to celebrating ethnic differences and patriotism.

to fill domestic labour shortages and culturally assimilate to the mainstream of society.⁶ For the past three decades, illegal immigration has further complicated matters. Durand, Massey, and Parrado identify a 1985 Ronald Reagan speech delivered in advance of 1986 U.S. Congressional elections as a watershed in politics that thrust border enforcement onto the centre-stage of national security.⁷ The mantra of decisive action conditioned President Reagan to authorize the *Immigration Reform and Control Act* (IRCA) on 6 November 1986. While neutral on its face, the law's pith and substance targeted unwanted migration from Mexico.⁸ The law increased the border patrol, inspection, and enforcement activities of the Immigration and Naturalization Services and other federal agencies, criminalized employers for knowingly hiring or recruiting unauthorized immigrants, and afforded undocumented aliens a stringent process for securing legal status in America. Research shows the IRCA, and the subsequent border control regime of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 did not suppress clandestine immigration.⁹ Building the border wall drew the Trump administration into a diplomatic, political, and legal quagmire.¹⁰

A "Southern Wall" would notch a high point in U.S. border securitization. Each mile of fencing sealing California, Arizona, New Mexico, and Texas from Mexico fundamentally impacts migrants on both sides of the border. Desperate travelers will use guides to ferry them across increasingly remote terrain. The crucible of the journey will not only expose them to escalating peril, but also incentivize smugglers to economically and physically exploit their human cargo. Once completed, the barricade ceases temporary work-related migration and dissuades non-citizens from returning home. A wall will not prevent foreigners from entering the U.S. using fraudulent documents, or settle by overstaying a student, visitor, or guest worker visa. New Jersey Governor and former 2016 Republican presidential hopeful Chris Christie proposed nixing the latter conduct by tracking visa holders using technology developed from international shipper Federal Express.¹¹ Then again, why stop with a Mexican wall? Fellow Republican presidential candidate drop out Wisconsin Governor Scott Walker considered a northern wall to fortify America from Canada.¹²

Politicians use pithy election rhetoric, themed slogans, and slick advertisements to sway people to vote on emotion and principle. Given the pressing need for a timely resource that cuts through the garble and provokes critical thought on conservative immigration reforms and their impact on relations between neighboring states, industries reliant on disposable labour, and the wellbeing and legal rights of

⁶ Frances Henry & Carol Tator, *The Colour of Democracy: Racism in Canadian Society*, 3d ed. (Toronto: Thomson Nelson, 2006) at 74-79; Aristide R Zolberg, "Immigration Control Policy: Law and Implementation" in Mary C Waters & Reed Ueda, eds, *New Americans: A Guide to Immigration Since 1965* (Cambridge: Harvard University Press, 2007) 29 at 29.

⁷ Jorge Durand, Douglas S Massey & Emilio A Parrado, "The New Era of Mexican Migration to the United States" (1999) 86:2 *J Am Hist* 518 at 521.

⁸ *Ibid* at 522.

⁹ Wayne A Cornelius & Takeyuki Tsuda, "Controlling Immigration: The Limits of Government Intervention" in Wayne A Cornelius et al, eds, *Controlling Immigration: A Global Perspective*, 2d ed (Stanford: Stanford University Press, 2004) 3 at 20; Wayne Cornelius & Idean Salehyan, "Does Border Enforcement Deter Unauthorized Immigration? The Case of Mexican Migration to the United States of America" (2007) 1:2 *Reg & Governance* 139 at 140.

¹⁰ Daniel J Tichenor, "Navigating an American Minefield: The Politics of Illegal Immigration" (2009) 7:3 *Forum* 1 at 2.

¹¹ Cassie Spodak & Eugene Scott, "Christie: Track immigrants like Fed Ex packages", *CNN* (31 August 2015) online: CNN Politics <<http://www.cnn.com/2015/08/29/politics/chris-christie-fedex-packages/>>.

¹² Eric Bradner & Tal Kopan, "Scott Walker: U.S.-Canada wall a 'legitimate' idea", *CNN* (31 August 2015) online: CNN Politics <<http://www.cnn.com/2015/08/30/politics/scott-walker-northern-border-immigration-2016/index.html>>. He subsequently reversed his position on the matter.

undocumented migrants, *Binational Human Rights: The U.S.-Mexico Experience*¹³ edited by professors William Paul Simmons and Carol Mueller fits the bill. The book, published by the University of Pennsylvania Press, should interest political scientists and international relations scholars focused on U.S.-Mexican affairs, human rights jurists, as well as front line practitioners and activists working with migrants. A read of the book's considerations of American policies influencing Mexican statecraft suggest cooperation between countries on the joint problem of migration control outstrips unilateral decision-making.

This essay analyzes the intellectual contributions of *Binational Human Rights* to the field of migration studies, and argues for the relevance of context in understanding the book's thesis. The remainder of the discussion unfolds over three parts. Part II of the work outlines the book review as a form of scholarship and identifies a prospective qualitative turn in the genre. In Part III, having adopted a case study approach to inform my analysis, I present the book's purpose, structure and framing theory before evaluating how its articles interlace with an overarching argument that binational and national contexts foment states of exception that reify serious human rights violations against vulnerable populations. Part IV concludes the essay.

II. THE BOOK REVIEW AS SCHOLARSHIP AND QUALITATIVE TURN

A book review is an objective or subjective essay about a book.¹⁴ The format encapsulates both the short, descriptive reporting mode, which is a 500 to 1500 word length summary, and the longer, scholarly review essay.¹⁵ Academic journals publish book reviews.¹⁶ Book reviewing offers graduate students and new faculty a foray into publishing articles and opportunity to develop a writing portfolio. Reading start-of-the-art works can inform them about a fascinating subject, instruct on a novel application of theory, or even spark the research imagination. The senior scholar writing a review can exhibit their expertise through an authoritative stamp of approval or disapproval for a work.

If only the benefits of book reviewing were better appreciated for what they are. Appraisals dismiss book reviews for not advancing academic knowledge as reviewers do not employ the scientific method, reviews are un-referred and amount to opinionated summaries, and they demonstrate poor writing and reasoning.¹⁷ Busy academics will often pass on book reviewing to pursue other, more rewarding projects. Untenured faculty may appreciate this fact the most, as many promotion committees discount book reviews for legitimizing a scholar.¹⁸ They may be unaware that promotion committees often use book reviews as independent assessments of a candidate's research and writing aptitude.¹⁹

¹³ William P Simmons & Carol Mueller, eds, *Binational Human Rights: The U.S.-Mexico Experience* (Philadelphia: University of Pennsylvania Press, 2014) [*Binational Human Rights*].

¹⁴ John E Drewry, *Writing Book Reviews* (Boston: The Writer, 1966) at 7. Historians trace modern book reviewing to the *Journal des Scavans*, which was founded in 1655 in Paris, France. Its contents were devoted to summarizing scientific and scholarly works as a way to provide an encyclopedic account of available knowledge, see Evelina Orteza y Miranda, "On Book Reviewing" (1996) 30:2 J Educ Thought 191 at 192. Among English-speaking peoples, the introduction in 1802 of the *Edinburgh Review* changed the practice of book reviewing by assessing selective publications and having the assessor provide a critical judgment of the work, see Wayne Gard, *Book Reviewing* (New York: F.S. Crofts & Co., 1931) at 14.

¹⁵ Albert J Walford, "The Art of Reviewing" in Albert J Walford, ed, *Reviews and Reviewing: A Guide* (Phoenix: Oryx Press, 1986) 5 at 5.

¹⁶ Book reviews are also indexed, see *Book Review Index Plus* (Farmington: Thomson Gale, 1965).

¹⁷ Jeppe Nicolaisen, "The scholarliness of published peer reviews: A bibliometric study of book reviews in selected social science fields" (2002) 11:3 Res Evaluation 129 at 129-130.

¹⁸ Leonard R N Ashley, "The Ethics of Academic Book Reviewing" (2002) 11:1 J Info Ethics 37 at 41.

¹⁹ Ronald W Tobin, "The Commensality of Book Reviewing" (2003) 35:1 J Scholarly Pub 47 at 48.

Several scholars are valorizing book reviews to counter orthodox critiques that lessen the discipline. Book reviewers can consult general guides²⁰ and themed sources²¹ advising on the best practices of the craft. Similarly, editors enjoy hortatory guidance on standardizing the quality of book reviews.²² Hartley surveyed 156 academics and found they believe a good book review demonstrates clear writing, an early paragraph describing the book's purpose, a critique of the argument of the book, an evaluation of the book's academic credibility, a positioning of the book in its historical context, and an opinion on the book's intended audience.²³

Others characterize book reviews as a critical medium of scholarly communication.²⁴ Zuccala and Van Leeuwen assessed the impact of book reviews from a citation perspective by studying data from the *Web of Science Arts and Humanities Citation Index* between the period of 1981 and 2009. They identified two percent of book reviews that referenced only the book being evaluated were cited by other articles, while scholarly book reviews received a citation rate of four percent in literature and eight percent in history, respectively.²⁵ Switching to an applied focus, Areni and Syafrı identified book reviewing as a pedagogical tool that develops students' critical thinking skills.²⁶ As more research legitimizes book reviews, the harder the case remains for dismissing their worth.

Methodologists are analyzing the epistemology of book reviewing to assess parallels with qualitative research. The qualitative discipline is an interpretivist approach to conducting social research that studies a phenomenon from the perspective of those who experience it. Just as the qualitative investigator is the primary instrument for collecting, analyzing and reporting data, so too does the book reviewer serve as the chief assessor of a work being evaluated. In this sense, both qualitative investigation and book reviewing are highly interpretive, reflective, and subjective exercises driven by an investigator's assumptions, beliefs, and training.

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- ²⁰ Hugh B Hammett, "How to Write a Book Review: A Guide for Students" (1973) 65:6 Soc Stud 263 at 263; Sylvia E Kamerman, "Introduction" in Sylvia E Kamerman, ed, *Book Reviewing* (Boston: The Writer, 1978) xii; James W Cortada, "Five Ways to Be a Terrible Book Reviewer" (1998) 30:1 J Scholarly Pub 34 at 37; Walter Nord, "Reviewing Scholarly Books" in Yehuda Baruch, Sherry E Sullivan & Hazlon N Schepmyer, eds, *Winning Reviews: A Guide For Evaluating Scholarly Writing* (New York: Palgrave Macmillan, 2006) 196 at 201-202.
- ²¹ For scientists see Gerald Jonas, "The Art of Reviewing Science Books" (1977) 17:5 Sciences 13; Robert A Day & Barbara Gastel, *How to Write and Publish a Scientific Paper*, 6th ed (Westport: Greenwood Press, 2006) at 147-148; librarians: Stephen Lehmann & Bob Walther, "Our View of Reviewing" (1993) 54:3 C & Res Libr 91; Steve McKinzie, "The Noble Art of Reviewing: Challenges, Rewards, and Tricks of the Trade" (1996) 3:2 C & Undergraduate Libr 91; historians: Jacques Barzun & Henry F Graff, *The Modern Researcher*, 5th ed (New York: Harcourt Bruce Jovanovich, 1992) at 220-222; graduate students: Tim Hatcher & Kimberly S McDonald, "Creating and Preparing Nonrefereed Manuscripts: How to Write Editorials and Book Reviews" in Tonette S Rocco & Tim Hatcher, eds, *The Handbook of Scholarly Writing and Publishing* (San Francisco: Jossey-Bass, 2011) 222 at 228; medical faculty: William Ventres & Cathleen Morrow, "The Joy of Reviewing: A Short Guide to Writing Book and Media Reviews" (2009) 41:7 Fam Med 492.
- ²² Gail Pool, *Faint Praise: The Plight of Book Reviewing in America* (Columbia: University of Missouri Press, 2007) at 136.
- ²³ James Hartley, "Reading and writing book reviews across disciplines" (2006) 57:9 J Am Soc'y Info Sci & Tech 1194 at 1202.
- ²⁴ Ylva Lindholm-Romantschuk, *Scholarly Book Reviewing in the Social Sciences and Humanities: The Flow of Ideas Within and Among Disciplines* (Westport: Greenwood Press, 1998) at 40; Stephen K Donovan, "The Long and the Short and the Tall" (2006) 38:1 J Scholarly Pub 36 at 36; John W East, "The Scholarly Book Review in the Humanities: An Academic Cinderella?" (2011) 43:1 J Scholarly Pub 52 at 64.
- ²⁵ Alesia Zuccala & Thed van Leeuwen, "Book reviews in humanities research evaluations" (2011) 62:10 J Am Soc'y Info Sci & Tech 1979 at 1984.
- ²⁶ Galuh Kirana Dwi Areni & Frimadhona Syafrı, "Critical Thinking in Teaching Writing Book Review", online (2015) 9:2 Language Circle: J of Lang & Lit 141 at 141 < <https://journal.unnes.ac.id/nju/index.php/LC/article/view/3704?>>.

Jones argued for correlating the fundamentals of qualitative research with the purposes of book reviewing.²⁷ Jones envisions the book reviewer as an “interpreter performer.” He argues that since a work is incomplete without facilitating an audience’s response, the reviewer should avoid criticism that interferes with establishing a dialogic relationship (as they and the reader are considered in a common journey of exploring the book together).²⁸ Jones’ presentation of the book review as a mutual learning experience reflects a phenomenological underpinning.

Similarly, Chenail recommended a qualitative emphasis in book reviewing.²⁹ He categorizes his prescriptions and procedures under eight different themes, but it his discussion on “Reviews in context” that resonates. His advice on reviewing in context invites reviewers to “step back” from their reading, and consider findings in light of their observations and of themselves.³⁰ The process involves asking holistic questions that, among other things, inquire about the book’s author, publisher, and subject area. The case study offers a handy methodology for conducting a context-sensitive book review. According to Gerring, the case study is an, “intensive study of a single unit for the purpose of understanding a larger class of (similar) units.”³¹ Case study is one of five methods associated with conducting qualitative research,³² and the mode of choice for investigating social phenomenon within context.³³ For their part, socio-legal researchers use context for conceptualizing diverse research projects. Context informed exploring connections between law and geography,³⁴ deregulated labour markets spurring exploitative temporary agency work,³⁵ and the role of practice settings in lawyers satisfying professional responsibilities.³⁶ These works illustrate context frames legal norms responsible for people’s conduct.

How, then, can reading and reviewing a book from a case study perspective unfold? The book under review is seen as a bounded case about which more information is sought.³⁷ Some of the contents being reviewed should be described,³⁸ including processes.³⁹ As for analyzing an edited volume, it can be looked at in terms of parts with each chapter being studied individually for related themes. Collective insight

²⁷ Kip Jones, “Editorial Note: The Book Review as ‘Performance’”, online: (2006) 7:2 Forum: Qualitative Social Research/ Sozialforschung 1 at 1 <<http://www.qualitative-research.net/index.php/fqs/article/view/87/182>>.

²⁸ *Ibid* at 5.

²⁹ Ronald J Chenail, “How to Read and Review a Book like a Qualitative Researcher”, online (2010) 15:6 Qualitative Rep 1635 at 1636 <<http://www.nova.edu/ssss/QR/QR15-6/readreview.pdf>>.

³⁰ *Ibid*.

³¹ John Gerring, “What Is a Case Study and What Is It Good for?” (2004) 98:2 Am Pol Sci Rev 341 at 342.

³² John W Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Traditions* (Thousand Oaks: Sage Publications, 1998) at 65.

³³ Robert K Yin, “The Case Study Crisis: Some Answers” (1981) 26:1 Admin Sci Q 58 at 59; Pamela Baxter & Susan Jack, “Qualitative case study methodology: Study design and implementation for novice researchers”, online (2008) 13:4 Qualitative Rep 544 at 544 <<http://www.nova.edu/ssss/QR/QR13-4/baxter.pdf>>.

³⁴ Jane Holder & Carolyn Harrison, “Connecting Law and Geography” in Jane Holder & Carolyn Harrison, eds, *Law and Geography* (New York: Oxford University Press, 2002) 3 at 3.

³⁵ Kendra Strauss & Judy Fudge, “Temporary Work, Agencies and Unfree Labour: Insecurity in the New World of Work” in Judy Fudge & Kendra Strauss, eds, *Temporary Work, Agencies and Unfree Labour: Insecurity in the New World of Work* (New York: Routledge, 2014) 1 at 4-5.

³⁶ Lynn Mather & Leslie C Levin, “Why Context Matters” in Leslie C Levin & Lynn Mather, eds, *Lawyers in Practice: Ethical Decision Making in Context* (Chicago: University of Chicago Press, 2012) 3 at 4.

³⁷ Robert E Stake, *Multiple Case Study Analysis* (New York: Guilford Press, 2006) at 1.

³⁸ W Gibb Dyer Jr. & Alan L Wilkins, “Better Stories, Not Better Constructs, to Generate Better Theory: A Rejoinder to Eisenhardt” (1991) 16:3 Acad Mgmt Rev 613 at 615.

³⁹ Ellen Hijmans & Fred Wester, “Comparing the Case Study with Other Methodologies” in Albert J Mills, Gabrielle Durepos & Elden Wiebe, eds, *Encyclopedia of Case Study Research*, vol 1 (Thousand Oaks: Sage Publications, 2010) 176 at 177.

about the different pieces can then pulled together to yield an overall assessment.⁴⁰ If an audience discovers new knowledge from the book review, the outcome is heuristic.⁴¹

III. BINATIONAL HUMAN RIGHTS: CONTENT AND CRITIQUE

A. *Binational Human Rights Overview*

Binational Human Rights is an edited volume consisting of ten essays divided into four parts, which are framed by an introduction that summarizes the collection, and a conclusion that assesses Mexico ameliorating its human rights crises. The articles reflect a variety of research methods such as personal reflection, participatory observation, ethnography, and interviews. Essay authors are Mexican and American professors, scholars and activists with expertise in border politics and security, human rights, social justice, social movements, immigration, and public policy. A contributors section outlines their credentials.

The intellectual puzzle drawing these researchers together is the paradox of Mexico stepping one foot forward and two steps back on its human rights record. As Simmons and Mueller's introduction notes, Mexico democratized its politics and economy, ratified every significant international and regional human rights treaty, accepted the jurisdiction of the Inter-American Court of Human Rights, established a national human rights commission and commissions operating in every Mexican state, and attracted the scrutiny of a network of domestic and international non-governmental organization (NGO) watchdogs.⁴² Nevertheless, Mexico's progress on human rights is relative to the right mix of binational and national policies fostering socio-economic prosperity, civil society, and political, judicial, and law enforcement institutions to counteract entrenched corruption, poverty, misogyny, patriarchy, drug cartels, and class divide.

Simmons and Mueller's introduction outlines *Binational Human Rights*' importance. They indicate that while other studies examine the U.S.-Mexico relationship from historical, economic, political, criminal justice, and environmental perspectives, most overlook binational relations affecting human rights.⁴³ Accordingly, *Binational Human Rights* carves out a niche in the research literature by filling a gap left by extant studies.

Simmons and Mueller lay out the theoretical framework grounding the volume's subsequent essays. They advance the concept of "localizing human rights across borders" to suggest that while human rights are localized, they must also be appreciated in a transnational context.⁴⁴ The idea is explained best using the authors' own words, "human rights may possess universality, but they cannot be divorced from, or made sense of without considering concrete conditions in specific, complex, and multifaceted contexts...the context in one country cannot be understood in isolation, without considering the actions or inactions of other states and transnational actors."⁴⁵ Another key point Simmons and Mueller make is several of the volume's authors use a "state of exception" as a principle for explaining human rights abuses.⁴⁶ In a state of exception, lawlessness and hyperlegality (ubiquity of law) embolden government

⁴⁰ Jennifer Rowley, "Using Case Studies in Research" (2002) 25:1 Mgmt Res News 16 at 22.

⁴¹ Sharan B Meriam, *Case Study Research in Education: A Qualitative Approach* (San Francisco: Josey Bass, 1998) at 13.

⁴² William P Simmons & Carol Mueller, "Introduction" in *Binational Human Rights*, *supra* note 13, 1 at 5.

⁴³ *Ibid* at 4.

⁴⁴ *Ibid* at 3.

⁴⁵ *Ibid*.

⁴⁶ *Ibid* at 6.

and non-government actors to exert unchecked power over people.⁴⁷ They inform further that each chapter builds on a central argument that a binational context, including American policies, create states of exception that antagonize existing systems of structural violence and oppression with respect to undocumented migration, Mexico's drug war, and femicides, while also stirring national and transnational activism.⁴⁸ The research question guiding the evaluation portion of this essay is to determine whether the book's chapters hit this mark.

B. Binational Human Rights Part I: Migration to the United States in Binational Context

Comprehensive American immigration reform entails polarizing policy choices over optimizing the system to recruit designer immigrants, decrease illegal migration, and normalize the status of an estimated 11.2 million unauthorized immigrants living in the country, 6.5 million of whom are Mexicans.⁴⁹ Under the Clinton administration, the initiative of preventing undocumented migration through deterrence commenced in September 1993 in El Paso, Texas, and spread to other southwestern border towns and rural corridors. Aggressively defending the border has since escalated with more money, additional personnel, advanced weaponry and airpower, and newer information technology allocated to bolstering the muscularity and efficacy of the U.S. Border Patrol (the arm of the Customs and Border Protection Services guarding America's borders).⁵⁰ It is appropriate, then, that the three essays in Part I of *Binational Human Rights* study how interdiction causes undocumented migrants, especially women and children, to suffer human rights abuses when crossing into America.

The first essay in Part I, is Escobar-Valdez's, which outlines the failure of contemporary U.S. immigration policies and efforts at reform.⁵¹ Its narrative reasoning contrasts the analytic footprint set by Simmons and Mueller's introduction. Escobar-Valdez interrogates border enforcement for creating a dragnet that pushes undocumented migrants into hazardous crossing routes. He asserts border control should be assessed in terms of its human costs. He exemplifies his argument by presenting anecdotes of female migrants perishing in Arizona's deserts, including a critical incident he experienced as a Mexican consul. Escobar-Valdez's story illustrates that personal recollection yields powerful data, as conveyed through this tragedy:

Rosalia Bazan Miranda, a single mother of thirty-three, born in Mexico City and living in Coacoalco, in the state of Mexico, accompanied by her two small children, Ana Laura and Carlos Enrique, leaves home heading for the northern border on August 2, 2000, full of dreams. She arrives at Agua Prieta, Sonora, early the next day. At midmorning she enters the United States, and that very afternoon she dies of sunstroke and dehydration in the desert west of Douglas, Arizona.⁵²

Rosalia's fate illustrates that undocumented migrants are not a homogenous mass of criminal trespassers, but commoners chancing mortality for a better future for themselves and their families. They do not have

⁴⁷ *Ibid.*

⁴⁸ *Ibid* at 19.

⁴⁹ Jeffrey S Padel & D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010* (Washington: Pew Hispanic Centre, 2011) at 9-10, online: Pew Hispanic Centre <<http://www.pewhispanic.org/files/reports/133.pdf>>.

⁵⁰ The Immigration and Custom Enforcement is another agency within the U.S. Department of Homeland Security (DHS). It is responsible for enforcing immigration laws within America.

⁵¹ Miguel Escobar-Valdez, "Reflections on Immigration, Binational Policies, and Human Rights Tragedies" in *Binational Human Rights*, *supra* note 13, 27 at 28.

⁵² *Ibid* at 40.

the financial means to legally enter the country as economic immigrants. They lack the education and training to belong to a specialized workforce with opportunities for permanent employment and a pathway to a green card. Entitlement to economic and social rights alone is not a qualifier for admission under U.S. humanitarian provisions.

Undocumented border crossing into America instigates hundreds of unnecessary migrant deaths each year. Escobar-Valdez considers such deaths as human rights violations since migrants, “who have been directed to places of high risk by unilateral immigration policies, have an inherent right to life,” so he prescribes that, “the human rights of all migrants must be recognized and respected, and unjust and discriminatory treatment rejected.”⁵³ While laudable, prescriptions humanizing immigration reform have not reversed the criminalization of irregular migration. In 2005, the Bush administration launched Operation Streamline, a program of charging undocumented border-crossers with immigration law violations adjudicated through expedited and *en masse* criminal prosecutions.⁵⁴ During its second term, the Obama administration reconciled record levels of deportations with naturalizing a specific population. In June 2012, President Obama issued an executive memorandum, the Deferred Action for Childhood Arrivals [DACA], granting undocumented residents access to renewable two-year deportation deferrals and work permits if they arrived in America before the age of sixteen, lived in the country for a period of five years, and achieved a high school diploma or joined the U.S. military.⁵⁵ One year later, the American Senate passed the *Border Security, Economic Opportunity, and Immigration Modernization Act of 2013*.⁵⁶ The law creates a framework for undocumented people living in America to receive permanent status and eventual citizenship, beefs up border security with more personnel and additional surveillance equipment, and adds resources for processing more border-crossing prosecutions.⁵⁷ The Republican-controlled House of Representatives’ apathy on voting for the bill left the law in limbo, thereby shifting the fight for legalization as a contest between the executive and judicial branches of government. In November 2014, President Obama addressed the standstill by announcing his Immigration Accountability Executive Action. The initiative expands the terms of eligibility under DACA, and introduces the Deferred Action for Parents of Americans and Lawful Permanent Residents, which exempts the undocumented parents of American born children from deportation for a three-year period and allows them work authorizations. In a four-to-four decision, the U.S. Supreme Court was deadlocked on the legality of amnesty measures after twenty-six states won an injunction—upheld by the 5th U.S. Circuit Court of Appeals—restraining the federal government and the DHS from implementing deferral guidelines.⁵⁸

⁵³ *Ibid* at 34.

⁵⁴ Joanna Lydgate, *Assembly Line Justice: A Review of Operation Streamline* at 1, online: Chief Justice Earl Warren Institute on Law and Social Policy <https://www.law.berkeley.edu/files/Operation_Streamline_Policy_Brief.pdf>.

⁵⁵ William P Simmons, “Conclusion: Multiple States of Exception, Structural Violence, and Prospects for Change” in *Binational Human Rights*, *supra* note 13, 221 at 222.

⁵⁶ For an overview of the political process leading to immigration reform legislation see Tony Payan, “Introduction” in Tony Payan & Erika de la Garza, eds, *Undecided Nation: Political Gridlock and the Immigration Crisis* (Berlin: Springer, 2014) 1 at 4-7.

⁵⁷ Gonzales questions the law’s purpose, concluding that it inhibits people from utilizing its ameliorative provisions and expands the reach of the homeland security state, see Alfonso Gonzales, *Reform Without Justice: Latino Migrant Politics and the Homeland Security State* (New York: Oxford University Press, 2014) at 159.

⁵⁸ *State of Texas, et al v. United States, et al*, No. 1-14-CV-254 (SD Tex 2015) *aff’d*; Kevin Johnson & Richard Wolf, “Obama administration appeals immigration ruling to Supreme Court” *USA Today* (20 November 2015) online: USA Today <<http://www.usatoday.com/story/news/politics/2015/11/20/obama-administration-appeals-immigration-ruling-supreme-court/76103084/>>; Muzaffar Chishti & Faye Hipsman, “Supreme Court DAPA Ruling a Blow to Obama Administration, Moves Immigration Back to Political Realm” *Migration Policy Institute* (29 June 2016) online: MPI

For readers wanting to learn about immigration control by studying context, Dunn's article would have nicely dovetailed with Simmons and Mueller's piece had it been the first, instead of third, chapter in Part I. Dunn develops and applies a competing citizenship/national sovereignty and human rights framework to assess U.S. southern border enforcement.⁵⁹ In doing so, he uses a variety of empirical (interviews and fieldwork) and secondary data sources (government documents, news media, and human rights reports) that instruct about developments. For example, he reports that after President Bush signed into law the *Secure Fence Act of 2006*, over 900 miles of new fencing were erected along America's 1,900-mile southwestern border.⁶⁰ While a small observation, in and of itself, this is the type of information that stirs captious thinking about the political expediency of campaigning for greater border protection. The consideration deepens given that since 2007, undocumented migration from Mexico has plummeted, is around or below net zero, and should remain at low rates for the immediate future.⁶¹ Reading Dunn list several Universal Declaration of Human Rights articles impacted by U.S. border enforcement, underscores the multitude of basic entitlements migrants' illegal status jeopardizes.

Another social research study in Part I of *Binational Human Rights* is Simmons and Téllez's qualitative investigation that explores the sexual abuse of women and children while migrating from Mexico to Arizona. Their research finds exploitation, often in multiple and repeated forms, is more of a condition of migration than an event.⁶² The authors use data from fifty interviews to reconstruct the trek migrants undertake and the junctures where victimization occurs. The cycle can be summarized as follows: (1) migrants from rural Mexico or Central America flee penury; (2) they travel through Mexico by bus, train, or as stowaways; (3) near, and when crossing the Mexico-U.S. border, the risk for abuse amplifies from *coyotes* (guides who lead migrants across the border) *bajadores* (groups of armed bandits who ambush, rob, and sexually exploit women and children by forcefully separating them from coyotes or travelling groups) or even U.S. border guards who have arrested migrants using excessive force; (4) once in America, familial, smuggler or criminal accomplices shuttle migrants to drop houses in Tucson, Phoenix, or other locales in Arizona. In Phoenix, their journey either ends, continues to another place, or takes a turn for the worse, if criminal syndicates intervene; and (5) injured parties have little recourse against perpetrators.⁶³

It is difficult to remain detached from Simmons and Téllez's narrative detailing the sordid abuse of women and young females. Their analysis typifies yet another consequence of a militarized border creating a lawless vacuum. This void makes undocumented migrants subordinates of mercenary guides because of their complicity in criminal activity. Women come out worse for the wear when casting their lot with smugglers who follow their own moral compass when providing passage. The authors estimate that thousands of migrants annually suffer from sexual violence, which are numbers warranting corrective action. Simmons and Telléz's essay exposes a gendered human rights abuse and identifies these acts as human trafficking and possibly crimes against humanity.⁶⁴ Their data allows for a program of increased

<<http://www.migrationpolicy.org/article/supreme-court-dapa-ruling-blow-obama-administration-moves-immigration-back-political-realm>>.

⁵⁹ Timothy J Dunn, "Immigration Enforcement at the U.S.-Mexico Border: Where Human Rights and National Sovereignty Collide" in *Binational Human Rights*, *supra* note 13, 68 at 69.

⁶⁰ *Ibid* at 73.

⁶¹ Andrew Selee, "Declining Mexican Migration to the United States" in Douglas J Besharov & Mark H Lopez, eds, *Adjusting to a World in Motion: Trends in Global Migration and Migration Policy* (New York: Oxford University Press, 2016) 112 at 112.

⁶² William P Simmons & Michelle Téllez, "Sexual Violence Against Migrant Women and Children" in *Binational Human Rights*, *supra* note 13, 44 at 45.

⁶³ *Ibid* the process is set out at 50-59.

⁶⁴ *Ibid* at 58-59.

public awareness and education to dispel the lack of knowledge or indifference female migrants hold to the risks of undocumented migration.⁶⁵

Taken together, the introduction, and essays in Part I of *Binational Human Rights* inform that an accessible border, economic malaise, and political instability are push factors just as jobs, family reunification, and desire for a better future are pull factors activating south-to-north undocumented migration. These influences stem from a historical and contemporary socio-economic context reinforcing one another that the articles either skim in their analyses or infer as frames of reference.⁶⁶ To clarify underlying theories of Mexican-U.S. migration required consulting extrinsic sources.⁶⁷

C. *Binational Human Rights Part II: The Mexican Drug War in Binational Contexts*

On 1 December 2006, Mexican President Felipe Calderon declared in his inaugural address that restoring public security and legality was one of three government priorities.⁶⁸ The announcement was a call to arms against the drug cartels. Olson and Wilson indicate that shortly after taking office, the president mobilized 45,000 troops.⁶⁹ In October 2007, Calderon's crusade was backed by the Bush administration launching the Mérida Initiative: a three year, bi-lateral anti-drug program committing \$1.5 billion worth of funds, arms, and intelligence to Mexico and Central America. As a striking example of transborder cooperation, the partnership intended to suppress the cartels from using Mexico as a pipeline for importing cocaine, marijuana, methamphetamine, and heroin into America.⁷⁰ Six years into a stalemated battle responsible for 60,000 deaths, Mexico's new president, Enrique Peña Nieto's security policy shifted from cartel combat to measures reducing violence.⁷¹ Analyzing Mexico's drug wars and its impact on the country's human rights profile is a central theme in Part II of *Binational Human Rights*, which Murphy Erfani and Arriola Vega's essays each address.

War—whatever shape or form it takes—attracts supporters and detractors. Murphy Erfani is leery of the Mexican drug war. She indicts both government and non-government actors for atrocities. The wide sweep of culpability implicates the cartels for waging turf battles with one another; the U.S. government for arming Mexico; and Mexican officials, the military, and police for their complicity with the gangs.⁷² The rule of law is subverted when, as Murphy Erfani suggests, according to the theory of necropolitics

⁶⁵ Increased migration in a globalized world has propelled the health of migrants into a pressing human rights concern, see International Organization for Migration, *International Migration, Health and Human Rights* (Geneva: International Organization for Migration, 2013), online: IOM <https://publications.iom.int/system/files/pdf/iom_unhchr_en_web.pdf>

⁶⁶ But see Simmons & Mueller, *supra* note 42 at 12-14 who address the confluence of historical and economic factors in relation to transnational activism, democratization and human rights in Mexico.

⁶⁷ I referred to Armando Navarro, *The Immigration Crisis: Nativism, Armed Vigilantism, and the Rise of a Countervailing Movement* (Lanham: Altamira Press, 2009) at xxxiii-xxxviii. Navarro's discussion identifies neoliberalism for impoverishing fifty-three million Mexicans, some of whom flee the hardship. I also reviewed Nicole W Green, *Immigration* (Washington: CQ Press, 2002) at 176-178. Green's summary of network theory, cumulative causation theory, and migration systems theory rounded out my appreciation of social theories elucidating cross-border migration. For a critique of conventional explanatory theories of international immigration and areas requiring further research see Joaquín Arango, "Explaining Migration: A Critical View" (2000) 52:165 *Int'l Soc Sci J* 283.

⁶⁸ Felipe Calderon, "Presidential Inauguration" (Address delivered at the National Auditorium, Mexico City, 1 December 2006) at 15:56-16:05, online: CSPAN <<http://www.c-span.org/video/?195603-1/mexican-presidential-inauguration>>.

⁶⁹ Eric L Olson & Christopher E Wilson, *Beyond Merida: The Evolving Approach to Security Cooperation* at 3, online: Wilson Center <<https://www.wilsoncenter.org/sites/default/files/Beyond%20Merida1.pdf>>.

⁷⁰ U.S. Department of Justice Drug Enforcement Administration, *National Drug Threat Assessment 2013* at 1, online: Resource Center <<http://www.dea.gov/resource-center/DIR-017-13%20NDTA%20Summary%20final.pdf>>.

⁷¹ Simmons, *supra* note 55 at 225.

⁷² Julie A Murphy Erfani, "Politics of Death in the Drug War: The Right to Kill and Suspensions of Human Rights in Mexico, 2000-2012" in *Binational Human Rights*, *supra* note 13, 91 at 92-93.

(politics of death), U.S. and Mexican governments having both directly and indirectly armed the cartels empowered them to act like paramilitaries with the sovereign right to kill.⁷³

Drug trade organizations [DTOs] are difficult to investigate first-hand. One way to inferentially study criminal syndicates is to explore their interactions with other groups. Arriola Vega focused on one such DTO, the Zetas, and their flourishing drug and human smuggling operations at the Mexican-Guatemalan border.⁷⁴ The qualitative dimension of the study describes the process of migrants circulating across the Tabasco-Petén corridor using data from interviews and direct observation (though how many interviews the author conducted for the study seemed unclear.) Given the dearth of literature on the topic, had Arriola Vega expanded this component of the study, the analysis would have functioned as a highly informative case study. The depiction of migration flows illustrates the dynamic of a porous border drawing transients to Mexico, and across Zeta controlled territory where they fall prey to the gang. Arriola Vega critiques externalized U.S. security interests preoccupied with a protected Mexican southern perimeter for working in the favour of the DTOs. He prescribes a human security paradigm to afford abused migrants justice.

D. Binational Human Rights Part III: Structural Violence and Civil Society in Ciudad Juárez

Similar to the design of Part II, Part III of *Binational Human Rights* contains two essays with a combined page count in the low thirties. Mueller and Jusidman's articles each investigate femicide in Mexico by focussing on the epicenter of these heinous crimes – Ciudad Juárez, a border town of 1.5 million inhabitants that straddles the banks of the Rio Grande River and stands across from El Paso, Texas. Since 1993, over one thousand five hundred females were murdered in Ciudad Juárez.⁷⁵ By comparison, in Canada, from 1980 to 2012 estimates show 1,017 Aboriginal female homicides, with some 164 Aboriginal women missing.⁷⁶ Mexico is legally responsible for protecting females from recognized harm. The Inter-American Court of Human Rights in *González et al. ("Cotton Field") v. Mexico* held the state negligent for not investigating the deaths of three young women. Consequently, the government was held to account with reparations for breaching its international human rights obligations.⁷⁷

Mueller's essay on femicide in Ciudad Juárez links history (rise of maquiladoras), contexts (gendered factory employment, law enforcement, drug cartels, and U.S. drug consumption) and locality (U.S.-Mexico border town) to explain the city's development into one of the most dangerous places in the world for young women.⁷⁸ The focus of her binational narrative on the "what," "why," and "how" of femicide suggests a processual analysis.⁷⁹ Furthermore, Jusidman's essay identifies Ciudad Juárez's failure to contain corruption and drug cartels along with its corrosive maquiladora industry for destabilizing local security.⁸⁰ She describes a network of civil society organizations providing basic human services in place of an incapable government. These lay groups developed from the desperate need to monitor and publicize

⁷³ *Ibid* at 93. The process of Mexican drug gangs arming themselves is set out at 96-99.

⁷⁴ Louis Alfredo Arriola Vega, "Migration, Violence, and 'Security Primacy' at the Guatemala-Mexico Border" in *Binational Human Rights*, *supra* note 13, 112 at 112.

⁷⁵ Simmons & Mueller, *supra* note 42 at 1.

⁷⁶ Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: A National Operational Overview* at 7, online: RCMP <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf>>.

⁷⁷ Inter-Am, HR (ser C) No. 205 (16 November 2009). For academic commentary on the case see Ruth Rubio-Marin & Clara Sandoval, "Engendering the Reparations Jurisprudence of the Inter-American Court of Human Rights: The Promise of the *Cotton Field* Judgment" (2011) 33 Hum Rts Q 1062 at 1077-1089.

⁷⁸ Carol Mueller, "The Binational Roots of the Femicides in Ciudad Juárez" in *Binational Human Rights*, *supra* note 13, 129 at 144.

⁷⁹ Andrew M Pettigrew, "What is Processual Analysis" (1997) 13:4 Scand J Mgmt 337 at 339.

⁸⁰ Clara Jusidman, "Reflections on Antiviolence Civil Society Organizations in Ciudad Juárez" in *Binational Human Rights*, *supra* note 13, 146 at 156.

the femicide and other violence, assist victims pursue justice, prevent crime, defend labour rights, and address inequality by advocating progressive public policies. Clearly, prosperity from the influx of foreign direct investment in labour and capital intensive industries has not trickled down to raise the welfare of deprived neighbourhoods shrouded in the shadows of Ciudad Juárez's factories.

E. *Binational Human Rights Part IV: Transnational Activism and Human Rights*

Still on the topic of Mexican femicide, Staudt's chapter on transnational activist networks and femicide could have slotted with the other essays in Part III of *Binational Human Rights*. Her work, along with Anaya Muñoz and Meyer's essays comprise Part IV of the book. Staudt explains femicide exists because of: (1) subnational government institutions being indifferent to the situation, (2) transnational activists adopting different causes, and (3) Mexico prioritizing the drug war over femicide.⁸¹ Staudt's, like Mueller's essay, underscores the use of context to inform analysis and rhetoric. Her article relies on context as a mode of inquiry to study the language of human rights organizing and its discourses, as well as premising an argument on strengthening transnational activism in ways that concentrate on law enforcement, binationalism, and patriarchy contexts in Mexico.

Anaya Muñoz also studies Ciudad Juárez's femicides, the state's handling of the 2006 Oaxaca protests, and its cartel drug war to analyze whether these three, high-profile matters triggered transnational advocacy for human rights protection in Mexico.⁸² His research finds these issues were a flashpoint for NGOs (e.g. Amnesty International and Human Rights Watch), intergovernmental entities (human rights organs of the United Nations and the Organization of American States), and European countries exerting transnational pressure against sitting governments. Muñoz's analysis illustrates how NGOs advance their human rights agendas by monitoring fluid situations, publishing reports on suspected activities, calling on, and using the voice of human rights dignitaries and government actors to raise attention, and turning to adjudicative bodies for declaratory rulings, albeit with mixed results.

One state holding another accountable for stemming human rights abuses is one way to influence conduct. For fiscal year 2008, the U.S. Congress used provisions of the *Supplemental Appropriations Act* to tie American funding under the Mérida Initiative to Mexico complying with vital human rights and anti-corruption requirements. Meyer's chapter describes U.S. and Mexican human rights organizations partnering to monitor and report Mexican police and military human rights abuses, and found that, while limited, the strategy holds promise for indirectly pressuring Mexico to improve its human rights standing.⁸³

F. Analysis

The authors in *Binational Human Rights* expose the dichotomy between Mexican and American lawmakers heeding human rights obligations, and an absence of their application in policies addressing complex social realities that demand life, liberty, and security protections for marginalized groups. They scrutinize U.S. and Mexican policymakers' decisions and indecisions for permitting states of exception which distort legal norms and aggravate vulnerabilities based on gender, class, race, age, and poverty. In theory, human rights equip individuals with positive and negative rights that should compel a state to

⁸¹ Kathleen Staudt, "The Persistence of Femicide amid Transnational Activist Networks" in *Binational Human Rights*, *supra* note 13, 165 at 168.

⁸² Alejandro Anaya Muñoz, "Transnational Advocacy for Human Rights in Contemporary Mexico" in *Binational Human Rights*, *supra* note 13, 181 at 182.

⁸³ Maureen Meyer, "Restrictions on U.S. Security Assistance and Their Limitations in Promoting Changes to the Human Rights Situation in Mexico" in *Binational Human Rights*, *supra* note 13, 202 at 219.

resolve an offending state of exception. In practice, for example, America skirts its responsibility to protect migrants' rights by categorizing them at law as "illegals,"⁸⁴ while in the case of femicide in Ciudad Juárez, Mexico turns a blind eye to the problem. Overall, the essays in *Binational Human Rights* demonstrate a state of exception as a useful construct for identifying and describing the manifestations of harsh immigration controls and security policies, and in this regard, confirm Simmons and Mueller's characterization of it as a common theme binding the volume.

The essays in Parts I and II of *Binational Human Rights* highlight the need for evaluating governments constraining the spillover of national and binational policies spurring behaviours inimical to state interests. One can see Mexico-U.S. cooperation on battling drug cartels in black and white terms and understand that enlisting the army was reasonable considering the ineptitude of local police. Perceptions can change after reading Murphy Erfani's essay.

Mexico's war against the cartels implicated the government in sustaining a state of exception. Dunn's, Mueller's, Jusidman's and Staudt's essays each confirm the deleterious outcomes of President Calderon deploying the army to quell the Sinaloa and Juárez cartels' turf war.⁸⁵ The triumvirate of combatants perpetuated disorder that blurred the lines between violence stemming from the drug wars, rampant crime, and femicide in Ciudad Juárez. The city was one of many sites where violence escalated after the army intervened.⁸⁶ Across Mexico, the military is suspected of committing over two hundred grave human and civil rights violations by torturing and eliminating civilians tied to criminal syndicates.⁸⁷ Few, if any, criminal cases brought against army personnel proceeded to a military tribunal. The Mexican army waging the drug war effected crisis-inspired governance during Calderon's six-year administration.

There are no quick fixes or easy solutions for solving Mexico's human rights problems. The essays on transnational activism in Part IV of *Binational Human Rights* demonstrate the tough slog of advocates pressuring Mexico to think twice about directives that perpetuate human rights abuses. What about other approaches? In his conclusion, Simmons affirms the essays in *Binational Human Rights* offer a "sobering outlook" on the means for rectifying Mexico's problems.⁸⁸ As a start, the essays of Escobar-Valdez, Dunn, Murphy Erfani, and Arriola Vega propose alternative policy prescriptions. Jusidman's micro-level description of grassroot mobilization in Ciudad Juárez shows that if a vanguard can rise to improve the quality of life in one city, then other groups can follow suit elsewhere. What seems apparent after reading *Binational Human Rights*, however, is that progress on the human rights front cannot occur without macro-level binational policies reflecting the mutual political will and intent of Mexican and American governments reducing the structural conditions that foster states of exception. Such transformations do not occur overnight. Thus, as Simmons notes, Mexico's troubling succession of human rights dilemmas will continue, and even increase, before possibly stabilizing.⁸⁹

IV. CONCLUSION

Binational Human Rights is an excellent resource for learning how illegal migration, cartel drug wars, and femicide pertain to human rights abuses experienced by Mexicans, and the strategies intervenors adopt to limit incidences. The articles are well-written, of reasonable length, and not theory dense, which makes

⁸⁴ Nicholas De Genova, "The Legal Production of Mexican/Migrant 'Illegality'" (2004) 2:2 *Latino Stud* 160 at 168.

⁸⁵ Dunn, *supra* note 59 at 82; Mueller, *supra* note 78 at 138; Jusidman, *supra* note 80 at 158; Staudt, *supra* note 81 at 172.

⁸⁶ Nathaniel P Flannery, "Calderón's War", online: (2013) 66:2 *J Int'l Aff* <<http://jia.sipa.columbia.edu/calderons-war/>>.

⁸⁷ Human Rights Watch, "Mexico: Widespread Rights Abuses in 'War on Drugs'" (9 November 2011), online: News <<https://www.hrw.org/news/2011/11/09/mexico-widespread-rights-abuses-war-drugs>>.

⁸⁸ Simmons, *supra* note 55 at 221.

⁸⁹ *Ibid* at 232.

them an accessible read. The specialized topics addressed in the essays suggest some background knowledge on the history and causes of Mexican immigration to America, the United Nations human rights programme, and the Inter-American Court of Human Rights would help the reader digest more content. As such, the book is not an introductory study about U.S.-Mexican relations or a comparative analysis of the human rights situation in both countries. Other sources will assist in providing a broader picture on American criminal justice and deportation regimes operating at the expense of migrant human rights.⁹⁰ Likewise, migrants living without status in America is a fascinating theoretical and empirical question that is explored elsewhere.⁹¹ Finally, anti-immigration initiatives by U.S. states add another layer of complexity to immigration control that other works address.⁹²

Unlike previous studies, *Binational Human Rights* expands understanding of Mexico's fluid human rights situation by looking at binational and national contexts. The book's study of interrelationships is similar in approach to other works in the field that explore intersecting paradigms, such as human rights and border enforcement.⁹³ It is not the first edited volume that examines American policies on immigration control, free trade, drug trafficking, and national security affecting the human rights of migrants.⁹⁴ The purposeful selection of studying less, albeit linked phenomena, however, differentiates *Binational Human Rights* from other edited volumes on U.S.-Mexican relations that adopt a plurality of disciplinary methodologies, perspectives, and topics as their distinguishing characteristic.⁹⁵ In sum, U.S. and Mexican immigration policies, increased enforcement at America's southern border, militarized drug war, transborder arms dealing, extra-territorial U.S. security interests, foreign-owned maquiladoras, American consumer demand for drugs, Mexican political and police corruption, and international and domestic human rights advocates all effect Mexico's human rights situation. *Binational Human Rights* identifies that changes affecting any one of these diverse variables offers the necessary evidence for judging whether Mexico is improving its human rights record.

⁹⁰ Christine GT Ho & James Loucky, *Humane Migration: Establishing Legitimacy and Rights for Displaced People* (Sterling: Kumarian Press, 2012) at 89-94. For research on the experiences of undocumented migrants interacting with law enforcement see David C Brotherton, Daniel L Stageman & Shirley P Leyro, eds, *Outside Justice: Immigration and the Criminalizing Impact of Changing Policy and Practice* (New York: Springer, 2013).

⁹¹ Cecilia Menjivar & Daniel Kanstroom, "Introduction – Immigrant 'Illegality': Constructions and Critiques" in Cecilia Menjivar & Daniel Kanstroom, eds, *Constructing Immigrant "Illegality": Critiques, Experiences, and Responses* (New York: Cambridge University Press, 2014) 1 at 4.

⁹² Gabriel J Chin & Carissa B Hessick, "Introduction" in Carissa B Hessick & Gabriel J Chin, eds, *Strange Neighbors: The Role of States in Immigration Policy* (New York: New York University Press, 2014) 1 at 3.

⁹³ See Kathleen Staudt, "Violence at the Border: Broadening the Discourse to Include Feminism, Human Security, and Deeper Democracy" in Kathleen Staudt, Tony Payan & Z Anthony Kruszewski, eds, *Human Rights Along the U.S.-Mexico Border: Gendered Violence and Insecurity* (Tucson: University of Arizona Press, 2009) 1 at 25.

⁹⁴ See Samuel Martinez, ed, *International Migration and Human Rights: The Global Repercussions of U.S. Policy* (Berkeley: University of California Press, 2009) at 3.

⁹⁵ Edward Ashbee, Helen B Clausen & Carl Pederson, "Introduction" in Edward Ashbee, Helen B Clausen & Carl Pederson, eds, *The Politics, Economics, and Culture of Mexican-U.S. Migration: Both Sides of the Border* (New York: Palgrave Macmillan, 2007) 1 at 2.