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**Book Review**

**Fareda Banda (2020). *African Migration, Human Rights and Literature*.**

**Hart, Oxford, UK and New York, USA.**

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1. **Introduction**

*African Migration, Human Rights and Literature* (Hart, 2020) by Fareda Banda, Professor of Law at the School of Oriental and African Studies, University of London, is a scholarly book and also a deeply moving one. The book explores the interaction between African migration and human rights through the lens of narratives primarily told by African authors, often in the first person, and at times artists. The author recounts what literary narratives tell us about human rights, and how literature can be used to advance human rights causes. The book is divided into two parts. Part I discusses African migration from the perspective of the relation between law, justice, and literature more broadly. Part II concentrates on the narrated experiences of migrant women, migrant children, and LGBTI migrants, occupying overlapping axis of identification and potential discrimination. It is a book that is attentive to disparities between human rights rhetoric and the realities of hostile immigration policies, including in their lasting impact on post-migration life (p. 3). Concerned with ‘artivism,’ the use of the arts in human rights activism (p. 27), the publication can be seen as part of this tradition itself.

1. **Migration and Human Rights**

An important stance taken early in the book is the rejection of the notion that ‘economic migrants’ are fundamentally different from asylum-seekers, therefore not bearers of the same (legal and moral) rights that asylum-seekers hold, in theory if not in practice. The interrelationship between migration and asylum is clearly stated, with a tightening scope for documented migration affecting both overlapping groups. While reminding the reader that African migration to Europe pre-dated colonialism, indeed pre-dating the arrival of the English in Britain (p. 21), Banda also adopts Achiume’s decolonisation thesis: historical bonds, including the involuntary bonds of colonialism and slavery, create a modern basis for co-sovereignty between residents of former colonies and ‘motherlands’ in the Global North. Citizenship should rightly be available in these cases.

Another important stance taken throughout the book is one of solidarity with migrants, including those who take extra-legal self-help measures in response to hostile, often unlawful, immigration and asylum policies that stand between them and their human rights. The author explores this stance through a number of narratives of migration. Shahram Khosravi’s auto-ethnography, *Illegal*, drawn, among other sources, on the author’s undocumented travel from Iran to Sweden, where he was eventually granted asylum (p. 13), is paradigmatic in this sense. Hostile immigration policies degrade and endanger migrants with a lasting impact on post-migration life. In an European context, Banda documents the tragic results of the abandonment of international law and cooperation in favour of NIMBY approaches to immigration control, leaving coastline-bearing countries of arrival to manage migration to the continent without shared responsibility. In the case of *Hirsi Jamaa and Others v Italy[[1]](#footnote-1)* (pp. 93-92) Italian authorities forcibly returned Somali and Eritrean migrants to Libya in violation of international and EU laws and resulting in at least two deaths (p. 94).

All of the above is worth reiterating in a xenophobic political climate. At the same time, this eclectic book does not shy away from more complicated stories of post-migration life. Many of the encounters described are between migrants and reflect gradations of trust, help and exploitation between migrants. The author uses the term ‘status fracture’ to describe the widespread African migrant experience of working jobs below their training and abilities (p. 22), occupying social positions inferior in status to ones left behind in countries of origin. This is captured with notable sensitivity in literary narratives, including Chimamanda Ngozi Adichie’s *Americanah*,[[2]](#footnote-2) in which Ifemelu, an Igbo woman living in Princeton, nervously contemplates taking a taxi (p. 149):

She hoped her driver would not be a Nigerian, because he, once he heard her accent, would either be aggressively eager to tell her that he had a master’s degree, the taxi was a second job and his daughter was on the dean’s list at Rutgers; or he would drive in sullen silence...nursing humiliation.

‘Status fracture,’ an experience shared by migrants of many backgrounds, deserves attention as an important dimension of migration experiences, and as a potential source of political solidarity across migrant groups of many backgrounds.

1. **Stratified Identifications**

Citing Penelope’s wait for Odysseus, lasting seventeen years, Banda recalls that it has historically been women’s role to wait (p. 163). At the same time, she notes that women move across borders in large numbers. Indeed, between 2013 and 2017, women made up 42 per cent of the total migrants (p. 165).[[3]](#footnote-3) The author emphasises that for many of these women, post-migration life does not represent gender liberation but a deeper relegation to harmful gender stereotypes. ‘When women travel in their own right,’ Banda writes, ‘they often come to do “women’s work”’ (p. 165), including care work and sex work. The reality of this (body) work belies the human rights rhetoric in the Global North that promotes gender equality and non-discrimination as a key difference between ‘us’ and ‘them.’ Gender discrimination is shown to be a global phenomenon. Banda’s book does not tell a single story,[[4]](#footnote-4) however, recognising that even though women share experiences of gender discrimination, differing identities, socio-economic statuses, and life circumstances (p. 188) create differentials of power, vulnerability and scope for exploitation. Women harm other women, including in violation of the human rights of other women, through racism, forced labour and other harms.

In the chapter on LGBTI migrants, Banda evokes strong images of abnegation, rejection, and persecution, but also of love, pleasure, and freedom. There is again no posited unity of purpose or perspective (p. 211). The author is aware that gender pluralism is a challenge for legal protections. Different people fall under the LGBTI acronym, with different interests and strategies for challenging discrimination. At the same time, hope permeates in the chapter in discussion of recent developments in the recognition of intersex people (p. 240), in the repeal of laws criminalising same-sex relationships in many countries, and in the increasing visibility of LGBTI people in literary and popular discourse (p. 202).

Narrative is an important part of refugee status decision-making: applicants may be disbelieved without a coherent story of their reasons for seeking asylum (p. 119). Decision-making in asylum cases relies on evidence that the applicant bears the onus for providing (p. 233). In theory, EU law offers protection for asylum seekers using this kind of sensitive data.[[5]](#footnote-5) Even so, proving one’s homosexuality with documents such as cards, letters and other written or photographic evidence, is difficult, if not impossible, for those coming from a country in which homosexuality is criminal or met with social hostility. In this context, the author might have included more consideration of the requirement - often a mantra in the Global North discourses - to be ‘out’ in order to qualify for asylum on sexual orientation grounds, a difficult demand for the exact group ostensibly under protection.

Children, a group representing up to a third of migrants arriving in the EU since 2015,[[6]](#footnote-6) have rights of protection under EU and international law. When children who migrate alone do not receive these legal entitlements, they enter a ‘state of liminality’ in which they are forced to assume adult roles, including navigating hostile legal systems (p. 254). Hopefully, Banda suggests that literature might help to foster a human rights culture in compliance with the United Nations Convention on the Rights of the Child[[7]](#footnote-7) in the form of stories – written by adults or children – that educate children and adults about their rights and the rights of others (p. 244).

1. **Conclusion**

‘Few African lawyers write about literature and few books and articles in Western law and literature look at books by or about Africans’ (p. i). *African Migration, Human Rights and Literature* is valuable not only for this reason, but also for the author’s sensitive attention to a plurality of voices in recounting journeys with human as well as literary and legal dimensions. The result is a nuanced account of what pushes people to leave their countries of origin, a range of journeys to countries of arrival, in which expectations often go unmet, and a range of experiences of post-migration life. The book is written in an accessible style that communicates that human rights share a realm with everyday realities and demand to be spoken in plain, if also precise, language.

While focused on African migration to continental Europe, the United Kingdom and to a lesser extent the United States, the book describes challenges applicable to any number of migrant groups. It offers value to a broad range of possible readers, including activists, lawyers, scholars of literature, law and/or migration, and general readers interested in the intersection of literature, human rights, and migration. Fareda Banda offers a journey with an enduring impact for its readers.

1. European Court of Human Rights (Grand Chamber), *Hirsi Jamaa and Others v Italy*, Application No 27765/09, Judgment of 23 February 2012. [↑](#footnote-ref-1)
2. Adichie, N. C. (2014). *Americanah*. Fourth Estate, London, UK. [↑](#footnote-ref-2)
3. ILO. (2018). *ILO Global Estimates on International Migrant Workers: Results and Methodology.* ILO, Geneva, Switzerland. [↑](#footnote-ref-3)
4. Adichie, C. N.. (2009). ‘The danger of a single story’ (TEDGlobal 2009). <<https://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story/transcript?language=en>> last accessed, 4 June 2021. [↑](#footnote-ref-4)
5. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, para. 27. [↑](#footnote-ref-5)
6. EU Fundamental Rights Agency (2017). ‘European legal and policy framework on immigration detention of children’, p.3 <https://fra.europa.eu/sites/default/files/fra\_uploads/fra-2017-immigration-detention-children\_en.pdf> accessed 4 June 2021 [↑](#footnote-ref-6)
7. Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3. [↑](#footnote-ref-7)