

BOOK REVIEW

***Law, Migration, and the Construction of Whiteness
Mobility Within the European Union.* By Dagmar
Rita Myslinska. New York: Routledge Press, 2024.
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In this fascinating and provocative book, Dagmar Rita Myslinska argues that European Union (EU) laws and regulations have systematically rendered EU citizens from Central and East Europe (CEE) precarious, vulnerable to labor exploitation, and subject to racialized discrimination. Drawing on critical race and critical whiteness studies, Myslinska demonstrates that these EU regulatory regimes have produced structural forms of inequality that belie the EU's formal commitments to mobility. Yet, because EU antidiscrimination directives narrowly define race and racism, CEE movers fall between the crack of existing avenues of appeal. Instead, their claims are unintelligible within existing racial equality and antidiscrimination frameworks.

The book is meticulously documented and researched. Myslinska draws on ample caselaw, qualitative and quantitative sociological evidence, legislative histories, and discourse analysis of media sources, EU documents, and political speech. The argument is also grounded in extensive statistical evidence of labor market segmentation. This body of evidence establishes the disproportionate impact of East–West migration flows on CEE domestic and regional economies. The resulting picture of structural inequality is stark. So too is the direct role that accession policies have had in shaping and perpetuating those inequalities at the individual, national, and regional levels. I particularly appreciated the timely analysis of the economic and social impact that Covid has had on already precaritized workers in health care, agricultural, and service work. Myslinska convincingly demonstrates the ways that precarity is continuously reproduced over time, sometimes through the very regulatory and legal mechanisms meant to combat it.

The book is divided into a brief introduction and conclusion and four long empirical chapters. In the Introduction and Chapter One, Myslinska argues that the position of CEE movers is fundamentally shaped by western-centric notions of racial and civilizational hierarchies. These can best be understood with a nuanced approach to differentiation *within* the category of whiteness itself. The result is that the “lived experience of second-class EU citizenship on the Member State level,” reproduces longstanding relations of geopolitical power and “ideological otherings” of Europe’s

eastern peripheries (2). Chapter Two offers an historical picture of the EU's ideological and legal foundations. It begins with a discursive analysis of policies and official rhetoric as they shape the denigration or erasure of CEE members in definitions of European belonging. The chapter then turns to an analysis of pre-accession agreements and conditionalities. These set CEE members up to join the EU on systematically unfavorable terms – conditions that were highly beneficial for western financial institutions and markets and at times devastating for CEE economies. Chapter Three focuses on the impact of these unequal structural relations on CEE movers and their experience of mobility within the EU. It examines the right to mobility in policy and practice, with a focus on the Race Equality Directive and its domestic iterations. This chapter is particularly effective at demonstrating how bureaucratic and judicial discretion and practical barriers to access result in even well-intentioned EU policies becoming sites for perpetuating hierarchies, exclusions, and vulnerabilities in practice.

Chapter Four is a detailed case study of CEE populations in the UK, pre-BREXIT. The chapter tracks the transposition of the Race Equality Directive and subsequent Equality Acts in Britain, their legislative history and case law. The analysis of the case law reveals that exploitation is linked to multivariate and intersectional causes (migrant status, gender, race, class, ethnicity, language competence, and so on). Yet judgments often focus on one feature of complex personhood to dismiss claims of racial discrimination, *per se*. Through use of narrow definitions of protected characteristics, limited comparators, and nonintersectional approaches the law renders CEE movers legally exploitable and invisible.

The book will no doubt spark debate about critical race approaches to East–West dynamics within the EU. I generally found the argument quite convincing, although at some moments the category of race obscured more than it revealed. Racialization is always both structural and relational (Omi and Winant 2014). This relationality clearly extends to CEE populations in devastating ways. But it also puts white Eastern Europeans in a complex position vis a vis the work of racial hierarchies that include the “Global East” but are not exhausted by it (Brkovic 2024; see also Baker 2018, Drazkiewicz 2020). While Myslinska acknowledges this complex positionality, I would have liked to see more nuance in the ways in which CEE labor market precarity, access to rights, and citizenship entitlements operate between full inclusion and the total exclusion of nonwhite, noncitizen populations, refugees, and undocumented people on the move. To be fair, the book cannot do everything. And even without this more nuanced comparative frame, it demonstrates the urgent need for more empirically rich research and scholarly debates about European racial formations and critical whiteness studies.

Myslinska's treatment also might have made an even more forceful contribution to theories of racial capital (Robinson 2019). The author only briefly engages the term. But as her own analysis makes clear, racist practices support racial capitalism through legal and policy regimes. Social difference becomes a systematic site of value extraction, labor exploitation and the unequal distribution of wealth, health, and well-being. In this sense, the book could serve as a critical step in modeling how we approach EU law, policymaking, regulatory regimes, and governance structures through a racial capital lens. This approach to political economy, law, and inequality is sorely needed.

Overall, this is an ambitious and important book. It deserves to be widely read, discussed, and debated. Myslinska raises important comparative questions for studies of antidiscrimination and the limits of law in making inequality and racism legible and justiciable. When discrimination and inequality become normalized and naturalized, across political, social, and economic domains, it becomes particularly difficult to render it visible and actionable within overly narrow legal frameworks. That this inequality is a feature not a bug, from the perspective of founding member states may likely be controversial. But it is an important corrective to analyses that externalize blame for the failures of economic integration to CEE states, on one hand, and CEE migrants on the other. What is clear is that racialization and precaritization of CEE movers is not a byproduct of legal and regulatory regimes, but an essential piece of their logic.

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