15 *Shifting Borders, Shifting Political Representation*

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How can we rethink contemporary border politics from the perspective of democratic theories of political representation? As Kimberly Smith writes, "[l]ike any good magic trick, political representation is achieved through artifice, it takes clever institutional design, a rich tradition of political practices, and some imagination and creativity" (Smith, 2011: 102–103). The guiding idea of this chapter is that the "magic" lens of political representation can help us in analyzing and evaluating the normative ambivalences of border politics. Political representation can be deterritorialized and reterritorialized, it can be transformative and dynamic, it can be symbolic, expressive, inspiring, but also exclusionary, disempowering, and desperate.

States now use a number of policy instruments and soft laws to remake their border regimes (Shachar, 2020b). If border politics is informalized, it becomes more difficult for citizens to shape such regimes politically. It often requires legal knowledge and takes time to even follow recent migration and asylum policy. The global reach of many border policies and the confusing variety of instruments make it difficult to identify, contest, and intervene in the formulation of specific norms (Owen, 2014). It is no surprise then, that scholars refer to the global border regime as a shape-shifting "beast" (Fine, 2020: 109; Shachar, 2020b).

How should democratic theorists react to these developments? There is a long-standing and growing debate about refugee agency and self-representation (Boudou, 2023; Malkki, 1996; Schmalz, 2020; Walia, 2022). On the one hand, the inclusion of migrants and refugees in political decision-making seems crucial to ensure that their voices are not ignored. On the other hand, there is the "risk of burdening the most vulnerable with their own defense" (Benhabib, 2018: 120). This echoes the fundamental dilemma identified in migration studies between migrants' vulnerability and agency, that is, between the imperative to highlight the vulnerable status of migrants

without ignoring their (potential) role as autonomous political agents (cf. Lenette et al., 2020).

In this volume, we find different strategies to deal with this fundamental problem. Frédéric Mégret aims to show how the border regime undermines refugee agency in choosing where to claim asylum (Mégret, Chapter 5) and Eva-Maria Schäfferle discusses models for including migrants in migration governance and proposes a demoicratic approach (Schäfferle, Chapter 16).

My starting point is recent political practices and claims for political inclusion and representation by refugees and migrants. "Nothing about us without us" has long been the slogan of refugee and migrant self-organization in border politics. In recent years, refugees have been recognized as "stakeholders" in a variety of forums (Harley, 2021; Harley & Hobbs, 2020; Schmalz, 2020). Refugees do not only get a "seat at the table" but self-organize in a variety of spaces. Consider the 2018 Global Summit of Refugees self-organized by refugees, which included seventy-two refugee participants from twenty-seven host countries. The Summit was the "the first ever international gathering of refugee by refugees" (Global Summit of Refugees, 2018) and it recommended a new "international platform for refugee participation and self-representation […] made up of a representative network of refugee community organisations, initiatives and change-makers from around the world" (Global Summit of Refugees, 2018). The question I want to pursue is: How can we take these developments seriously, and examine their emancipatory potential, without ignoring the continuing political domination of refugees and migrants?

I argue that a critical analysis of contemporary border politics should focus on the plurality of representative practices that have emerged in its context. Specifically, I argue that scholars in the tradition of reconstructive critical theory could benefit from insights of the recent constructivist turn in representation theory for diagnostic purposes, yet should not follow this literature's antinormative streak. I start with the idea of reconstructive migration theory (Section 1) before providing a short overview of the recent debate on political representation in political theory (Section 2). Subsequently, I highlight three ways in which insights from representation theory can improve reconstructive migration theory (Section 3). Finally, I turn to the normative pitfalls of seeing "political representation" everywhere (Section 4).

1 Reconstructive Migration Theory

The current European border regime systematically undermines human rights and the Refugee Convention (Benhabib, 2020; Shachar, 2020b). In a recent statement, the United Nations High Commissioner for Refugees (UNHCR) condemns the "increasing number of incidents of violence and serious human rights violations against refugees and migrants at various European borders, several of which have resulted in tragic loss of life" (United Nations High Commissioner for Refugees, 2022). In a similar vein, scholars report on the "entrenched and pervasive nature of human rights violations in the context of migration control," such as "beatings of irregular migrants by state security services and private militias; arbitrary deprivation of liberty in inhuman and degrading conditions; deliberate family separation; detention and other mistreatment of children" (Costello & Mann, 2020: 311). Refugees are prevented from claiming their rights to asylum and pushed back to transit states, or left to drown in the Mediterranean Sea. Refugees suffer brutal treatment by border guards, while European governments condone or overlook abusive border policing.

The current political context challenges critical theory's commitment to reimagining political norms and institutions based on a reconstruction of the emancipatory potentials hidden in established practices. Does it still make sense to look for emancipatory potentials in times of fundamental political regression? Reconstructive approaches in migration theory, such as those applied by Seyla Benhabib and Ayelet Shachar, turn to recent legal and political developments not only as starting points for a thorough critique of changing border politics, but also to highlight emancipatory practices, moments of rupture, and countermovements (Benhabib, 2011: 138; Shachar, 2020b, 2022b). I call this methodological approach, which they both to some extent share, "plural reconstruction." This approach moves beyond the opposition of ideal and nonideal theory and provides a path for connecting critique of politics with proposals for new (and better) institutions. What is important is that plural reconstruction takes a plurality of perspectives into account. It does not build on a single participant's perspective but reconstructs different perspectives. Such a reconstructive method has advantages in the context of newly emerging and deeply contested practices such as global border politics where other

reconstructive approaches, such as Habermas' method of rational reconstruction, cannot do their work (Ahlhaus, 2022).

Aiming to resist regressive border politics, especially in times of shifting borders and new sovereigntism, reconstructive approaches proceed in four steps (Ahlhaus, 2022: 713). First, they provide a critical remapping of the current political landscape by redescribing and framing the changing political context. Here, we can think of Shachar's idea of the shifting border as a critical concept to understand the changing nature of borders and boundaries, or Benhabib's diagnosis of a "dual movement of *deterritorialization* and *territorialization*" (Benhabib, 2020: 78; emphasis in original). The second step involves the reconstruction of the normative meaning of a practice from different perspectives. Instead of focusing on migration from the perspective of "the state" or of citizens of receiving states, Shachar proposes a "migrant-and-mobility-centered perspective" (Shachar, 2020b: 16) and Benhabib offers a critical cosmopolitan perspective that shows why "'seeing like a state' is not the sole perspective when thinking about the refugee problem" (Benhabib, 2020: 95). In the third step, the method of plural reconstruction involves the reconstruction of emancipatory potentials in existing practices. As Shachar writes, contestations "erupt from cracks in the machine, seeping through its fault lines of injustice and inequality" (Shachar, 2022b: 617). We are looking for the "tools of resistance [which] are in part contained in the practices that sustain the shifting border's amorphous form of unmoored power" (Shachar, 2022b: 617). For Benhabib, the concept of 'democratic iterations' has descriptive and normative functions. Here, the concept captures emancipatory elements in political practices, describing how new political subjects enter the political stage and claim a say, or novel ways in which democratic communities collectively reinterpret human rights (cf. Ahlhaus, 2022; Benhabib, 2011; Volk, 2022).

In the fourth step, plural reconstruction systematizes the emancipatory elements in existing practices, with the goal of proposing new democratic institutions, reimagining the division of labor between theorists and citizens. If we look at Benhabib's and Shachar's works on border politics, differences emerge in terms of how they understand their constructive contributions, that is, the final step of plural reconstruction. Both see theorists and (non)citizens alike as important agents in rethinking border politics. In Shachar's words, "today's explorers of law, politics, and human geography – academics and

migrants alike – are encountering new and increasingly sophisticated methods of re-bordering and imagining novel forms of resistance" (Shachar, 2020b: 217). Yet, while Benhabib proposes a democratic procedural path forward involving the normative idea of fair, just, and inclusive "democratic iterations" (Benhabib, 2011), Shachar points to policy innovations that would change the access to rights for migrants (Shachar, 2020b).

The method of plural reconstruction serves both to criticize existing political conditions and to sketch ways in which they can be overcome by the participants themselves. However, it often remains open how we can get from emancipatory potentials to transformative change. In the following, I aim to show that recent developments in representation theory can provide conceptual resources for reconstructive migration theory.

2 Political Representation in Recent Democratic Theory

Political representation is a key concept in political theory and political science (Urbinati & Warren, 2008). In recent years, the scholarly discussion has moved away from the so-called standard account according to which political representation is "understood as a principal agent relationship, in which the principals – constituencies formed on a territorial basis – elect agents to stand for and act on their interests and opinions" (Urbinati & Warren, 2008: 389). Since the early 2000s, the idea of "representative claims" has taken a central place in the debate (Saward, 2010). The key idea is that political representation is the "contingent product of 'representative claims,'" which means that representation arises in contexts where "myriad actors make claims to speak for others (and for themselves)" (Saward, 2019: 278). Many representation theorists argue that we should separate the descriptive and normative dimensions by first asking if this is (a case of) political representation. And only then, is this adequate, successful, good, or legitimate political representation? This enables us to analyze actions and claims as "political representation" without automatically granting these practices the status of "democratic" or "legitimate" representation (Rehfeld, 2006). Constructivists follow this idea but make two more fundamental claims.

First, constructivists argue that political representation is "constitutive" and "mobilizing" in the sense that representative claims create

constituencies and their interests – contesting the prevalent assumption that representatives identify preexisting interests of groups, which are then "represented" in parliament (Disch, 2021). Constructivist scholars "hold that political representation evokes the represented, shapes social conflict, and escapes the discipline of election" (Disch, 2019: 178). Second, political representation is a dynamic practice. Saward has developed the idea of a shape-shifting representative as a "political actor who claims (or is claimed) to represent by shaping (or having shaped) strategically his persona and policy positions for certain constituencies and audiences" (Saward, 2014: 723). This idea refers to individual leaders and their patterns of changing positions and claims, but Saward also proposes the more general idea of "liminal representation" that includes the changing character of political representation, between electoral and nonelectoral, formal and informal, institutional and noninstitutional (Saward, 2019: 279–280). The idea is that theorists "can productively *embrace* representation's liminality, developing fruitful analyses that *track* its changeable character" (Saward, 2019: 276; italics in original).

The standard account of political representation asks questions about authorization, accountability, and responsiveness. Constructivists propose to widen our perspective and to "embrace the enigmatic and sometimes troubling" features of political representation (Saward, 2014: 735). From the perspective of democratic theory, this is an ambivalent project. It enables a broader analysis of representative practices and allows, for example, to understand migrant protests, advocacy nongovernmental organizations (NGOs), and symbolic campaigns as representative politics. In addition, it opens the analysis for contexts beyond the state and beyond territorially bounded constituencies. On the other hand, this analytic richness seems to go along with normative deficits, especially if we accept the claim that we should overcome a "selective normative-led picture" (Saward, 2019: 285) of political representation. As Sofia Näsström points out, "[e]lection is territorially confined, whereas representation is everywhere. The question is whether this asymmetry constitutes a problem for democracy" (Näsström, 2011: 508). I will turn to the normative problems later (Section 4), and will first look at border politics from the perspective of constructivist representation theory. The aim is to see how the constructivist perspective on political representation can strengthen reconstructive migration theory.

3 Shifting Political Representation in Border Politics

How can reconstructive migration theory benefit from recentering the concept of political representation? If we follow the constructivists' analytic (i.e., nonnormative) perspective on political representation, a number of practices and claims come into focus that we would not have seen as political representation on the standard account. To look beyond elections, principal–agent relationships, authorization, and accountability enables us to see a more diverse set of practices, including different spaces, subjects, and demands.

a Spaces

If we want to paint a picture of the variety of representative claims by refugees and noncitizens in border politics, we can start by distinguishing different spaces at different levels. There are representative practices at the local level (e.g., when refugees criticize their housing conditions in receiving states), at the national level (demanding access to parliament), at the supranational level (e.g., contesting EU policies), or at the global level. At the global level, the 2016 UN Summit on Refugees and Migrants as well as the two Global Compacts in 2018 and the Global Refugee Forum 2019 are the most recent attempts to change the global migration regime (Schmalz, 2020: 151). The 2018 Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration include "refugees themselves" among the stakeholders.

On all of these levels, representative practices take place in weak and strong public spheres. Some scholars use the distinction between "invited" and "invented spaces of participation" to discuss the different modes of action for refugee inclusion.[1] Invited spaces of inclusion

[1] The distinction between "invented" and "invited spaces of citizenship" was developed in feminist theory (Miraftab, 2004) and has been applied to the context of migration politics in different ways (Ålund & Schierup, 2018; Bisong, 2022; Rother, 2022; Rother & Steinhilper, 2019). Originally, Miraftab introduced the conceptual distinction between invented and invited *spaces of citizenship* to refine the feminist discussion of informal politics (Miraftab, 2004: 5). Grassroot activism by the same groups can take place in both invited spaces (official channels) as well as invented spaces. According to Miraftab, feminists should not overlook the practices of insurgency and resistance in invented spaces.

encompass all political forums where refugees gradually gain a "seat at the table" and are invited to advocate for their interests and present their perspectives. Refugees do not themselves set the agenda or organize the political forum. Invented spaces of inclusion, by contrast, describe refugees' self-organized political forums. Refugees meet in informal and often temporary political assemblies where they control the agenda and terms of the debate. Invited spaces ask refugee representatives to adapt to the specific agendas and rules to count as representatives. In invented spaces, by contrast, the same individuals and groups can raise different representative claims.

Consider the first "Refugee Parliament" (*Geflüchtetenparlament*) that took place in June 2021 in Switzerland. This assembly differed from similar institutions in its high degree of organization and detailed policy work. Refugees joined different policy committees (health, housing, political rights, etc.) and participated in four online meetings before joining the (unofficial) parliament. The Refugee Parliament passed a thirty-page document with demands which were presented to members of the (official) Swiss parliament. This Swiss forum builds on a long history of refugee assemblies and parliaments as invented spaces of inclusion (Ataç, Rygiel, & Stierl, 2016). There are countless cases of refugee self-organization and self-representation. In their "Manifesto," a group called "Refugees in Libya" described how they applied for asylum individually but after raids, evictions, and detentions in October 2021, "we understood we had no other choice than start organizing ourselves. We raised our voices and the voices of the voiceless refugees who have been constantly silenced. We cannot keep on going silent while no one is advocating for us and our rights. Here we are now to claim our rights and seek protection" (Refugees in Libya, 2021). In 2017, the Network for Refugee Voices was established to challenge the "Refugee Representation Gap" (Network for Refugee Voices [NRV], 2022) in policymaking on issues of forced migration (UNHCR, 2017).

Invented spaces of inclusion are self-organized political forums for and by refugees. Self-organization describes the practice and "the idea of building resistance, political events, and initiatives based on the condition of a social group affected by specific structures of power and domination" (Odugbesan & Schwiertz, 2020: 150). Invented spaces are often created when affected groups are misrepresented or ignored. An advantage of invented spaces is that they provide

opportunities for community-building. Owing to the nature of forced displacement, self-organizing is a challenge for refugees (because of limited time and resources, unsafe housing, or competing political priorities). Such assemblies provide spaces for encounters among refugees to share their stories and to discuss potential policy goals (Odugbesan & Schwiertz, 2020). They debate and formulate their demands and present them to the wider public. As refugees themselves set the agenda, they can freely choose their topics and the style of their contributions.

A limitation of these spaces (and a major difference from at least some of the invited spaces) is that they are situated outside strong public spheres. The energies and resources necessary to organize a refugee parliament should not be underestimated, but they are hardly recognized by decision-makers. Advocacy in invented spaces often leads to calls for improved invited spaces. The Global Summit of Refugees, for example, demanded that "Refugee-led organisations and networks must be guaranteed *a seat at the negotiation table at all levels* (local, state, regional and international) to raise the concerns of affected population in policy and decision-making fora relating to forced displacement" (Global Summit of Refugees, 2018, emphasis added).

In both types of spaces, refugees take on the roles of activists or members of civil society organizations or NGOs who self-advocate for refugee interests. The same individuals and groups can join invited and invented spaces of inclusion. They are included in formal institutions such as consultations in international organizations, but they also organize bottom-up spaces of self-representation.

b Subjects

Political representation is practiced by different subjects. There are modes of self-representation, of self-appointed representatives, or advocacy groups acting for refugees, and a number of NGOs and solidarity movements who interact in specific contexts. Migrants and refugees are an extremely heterogeneous group (based on nationality, race, class, gender, religion, political conviction, etc.). One idea we can take from constructivist scholarship is that representative claims *bring about* specific constituencies. Of course, there "are" migrants and refugees even if nobody claimed to speak or act for them, but as a

political group, refugees are formed through claims of representation. Representative claims can be mobilizing; they invite identification and contestation. If we go back to the idea of the "magic trick," this seems to be one of the key moments. Representing noncitizens creates a new constituency. Consider the example of the blog "Detained Voices": "We are the freedom to move, to settle down to act. We will take it as our right. In the name of all those who did not make it here, and to save ourselves, and for all those who want to make it out here" (Detained Voices, 2019). In this example, the "gilets noirs," a group of undocumented refugees in France, create a constituency of those who managed to cross the border and those "who did not make it here," but also "those who want to make it out here." The community is expansive; it is a group of people with a shared experience of moving and crossing: "There are no names for those they deport; they bear all of our names" (Detained Voices, 2019).

Representative claims create different constituencies. Consider the struggle against different legal categories for groups of refugees in Germany in 2018. There are a number of different legal categories for refugees and asylum-seekers in the German legal system, depending on the individual's nationality, their arrival, their current housing situation, and so on. As Perolini shows, "externally assigned categories and exclusive identities can provide opportunities for oppressed groups, including migrants with precarious legal status, to mobilize collectively and to disrupt some aspects of the status quo" (Perolini, 2022: 2). Different grassroots activist groups challenged the legal classifications assigned to them and collectively identified as "refugees" instead. Although they did not frame it in this way, we could say that they created a new constituency crossing different legal status ascriptions, creating a new collective of refugees that goes beyond the legal category of refugee. As Disch describes, such a process of creating a new constituency and mobilizing a new group is at the heart of political representation (Disch, 2021; Perolini, 2022). In the example, the group is characterized by a shared experience within the German asylum system that they consider arbitrary and unjust. Based on this shared experience, the new constituency identifies with demands such as equal access to social and political rights irrespective of an individual's specific legal classification. As Steinhilper shows, some years earlier, in the same political context, refugees contested the shared identity as "refugees" and instead self-identified as "noncitizens" who do not have

the same legal rights as recognized asylum-seekers (Steinhilper, 2021: 138). In short, constituencies constructed through political representation can adapt to changing legal and political circumstances.

c Demands and Perspectives

As the distinction between spaces has shown, speaking and acting for refugees and advocating for their rights and interests can take place in different settings – but it also differs in style. The representative repertoire is diverse and encompasses disruptive moments of intervention as well as constructive proposals for changing specific legal norms. Refugees write manifestos, call to action, build networks, and demand access. They occupy squares and buildings (on the occupation of Oranienburger Platz in Berlin, see Steinhilper, 2021), they march (Celikates, 2022). Migrant self-organizations change their policy demands, their register, and their appearance according to different representational spaces. Claiming legal status is not the "end point" of struggles; instead, often the deeper political imaginary points to a community beyond legal citizenship and belonging (Celikates, 2022; Genova et al., 2022).

On the one hand, the demands vary – they are specific (against *Residenzpflicht*) or general (no borders), they harbor radical visions of other possible ways of political organization (King, 2016; Walia, 2022). An episode described by Picozza illustrates this point: When volunteers were starting to set up camp beds in a new accommodation facility for refugees in Hamburg, they were criticized by refugees who were refusing to enter the new space and were planning a hunger strike. A protesting refugee told a volunteer: "Now you're decorating the *Lager*, while we want no *Lager*!" (Picozza, 2021: 54, italics in original). As Steinhilper shows, "'[p]recarious migrants' claims range from respect for human rights, freedom of movement, access to labor markets, a liberalized asylum process to critiques of deportation [and] migrant death at borders" (Steinhilper, 2021: 13).

On the other hand, there seems to be a *shared perspective* on border politics informed by the experience of mobility and domination by specific legal norms. This means that political representation has to move "beyond a political mobilisation on behalf of voiceless victims" (Perkowski, 2021: 160–161). Instead, refugees claim a status as political agents and as experts on refugeehood and migration:

"Nobody is more expert than us. I lived it [my life on the move] for nine years, and somebody come in Europe and sit in Norwegian parliament and says that he knows better than me about migration … I don't think so. I don't think so. (MAL1.26, man from Ethiopia, Skype interview)" (Squire, Perkowski, Stevens & Vaughan-Williams, 2021: 75). As Celikates argues, taking the migrant standpoint into account involves "a kind of epistemic reversal: it is often precisely those who are subjected to social oppression and thereby epistemically marginalized who turn out to be epistemically privileged with regard to identifying crises for what they are" (Celikates, 2022: 100).

This lens of migrant perspectives and expertise is crucial when analyzing representative practices. The connection between descriptive and substantive dimensions of political representation is important. Demanding a seat at the table or a say in policymaking goes beyond the idea of including refugee *interests* in decision-making. Instead, activists call for *descriptive* self-representation of refugees. Even if we might say that there is a shared experience of mobility and migration, we should not underestimate the difference within the heterogeneous group of noncitizens. If we are interested in plural perspectives on border politics, gaining a seat at the table is insufficient. The variety of demands and positions needs to be reflected in the representative structures.

This is why some measures that are supposed to overcome the exclusion of refugees are instead criticized as window-dressing, tokenism, or cooptation of critical voices (Rother & Steinhilper, 2019). These terms describe variations of the claim that political inclusion might follow dubious intentions when decision-makers want to make their decisions more attractive (window-dressing) by including individual representatives based on specific criteria (tokenism), which can lead to a delegitimation of an institution that merely aims to pacify critical voices (cooptation). All cases describe strategies in which individual noncitizens are invited to participate, but this does not include "meaningful participation." Not all modes of political inclusion help to overcome political domination; some remain merely symbolic.

In some cases then, it might even be preferable for certain groups to contest an institution instead of being included. This is why there are a number of counterspaces contesting official institutions for border politics. As Rother shows, many activist groups engage in an

"inside–outside strategy," participating in invited and invented spaces of inclusion – while others reject invited spaces, or even more established invented spaces of inclusion, leading to the creation of "counter-events to counter-events" (Rother, 2022: 103).

Having discussed different spaces, subjects, and demands, let us return to the overall question of how the constructive approach to political representation could enrich our critical analysis of border politics. It shows the plurality of representative practices by and for refugees. Border politics becomes a precarious laboratory for contestatory representative practices. Looking at these practices from the perspective of political representation, rather than voice or agency, highlights the institutional and structural aspects of these practices. We see institutional innovations such as refugee parliaments that do not only enable voice and agency, but also create new constituencies – who can in turn contest representative claims and challenge specific demands or events. Looking for the shape-shifting and constitutive dimensions of political representation shows the plurality of practices that exist simultaneously in border politics. The variety of subjects adapt their policy demands and political visions; they change when, where, and how they demand political change.

4 Is Everything Political Representation? The Democratic Legitimacy Problem

But isn't there a risk in mapping the variety of ways in which refugees and migrants are *already* politically represented? The demand for political inclusion and democratic representation might lose its normative force if we argue that refugees and migrants are already politically represented in a number of ways. If we follow the proposal to distinguish representation's descriptive and its normative dimensions, however, such a worry seems unwarranted. Instead, we have to reformulate the problem. The objection is rather that if we understand representation this broadly, everything and nothing is political representation – and that this is analytically and normatively problematic. Analytically, the problem is that there might be a number of practices that should be analyzed as something else – as voice or protest, for example – while, normatively, the problem is that it becomes more difficult to identify criteria for legitimate, desirable, or democratic political representation.

How do constructivists react to this challenge? According to Saward, political representation can be evaluated from two perspectives. We

can focus on specific relationships between representatives and represented, asking whether there is a "sufficient degree of acceptance by the appropriate constituency" and whether the acceptance is open and uncoerced (Saward, 2014: 733). The second perspective is systemic. It looks at the interplay of political representation using "plurality, equal access, variability, and reflexivity" as normative criteria (Saward, 2014: 734). The latter criteria do not focus on individual relationships between the represented and their representatives but rather evaluate the representative system based on the "plurality of sites, moments, or opportunities for representative claim-making and reception" or the "extent of openness to different sorts of claims, by different sorts of claimant" (Saward, 2014: 734). According to Saward, a system of representation has a "greater prospect of democratic legitimation of a system of representation" if it includes many claimants and diverse representative claims (Saward, 2014: 734). As his model relies on the *acceptance* of representative claims by citizens, it is ultimately up to the constituency to decide whether representative claims are legitimate (Saward, 2014: 295 fn. 8). In a similar vein, Disch argues that we should not focus on the question of legitimacy but rather on *hegemony* (Disch, 2019: 179). For Disch, the questions associated with hegemony are: "What is this struggle to which I commit myself? Who or what is my opponent? Who might be an ally?" (Disch, 2019: 179). Both Saward and Disch commit to a "citizen standpoint" from which to evaluate representative practices.

From the perspective of reconstructive critical theory, however, this appears insufficient. We need to be able to criticize the legitimacy of existing border regimes and to propose changes. Several authors have argued that constructivist representation scholars risk remaining "unable to scrutinize and potentially challenge the background conditions […] preventing the inclusion and empowerment of many" (Brito Vieira, 2020: 987; Wolkenstein, 2021). We have to be clear about the background conditions for political representation of refugees: Refugees and noncitizens are structurally dominated and lack institutional avenues to shape and contest their political status (Owen, 2014). Migrant and refugee representation takes place within a space of precarity (Steinhilper, 2021) and structural domination. Within this context of political domination, refugees find a variety of ways to mobilize, make their claims, and create new constituencies. For critical theorists, however, it is crucial not to glorify refugee representation as this mode of

shape-shifting might be a desperate move to use all remaining leeway for political change. On the other hand, the literature on the "autonomy of migration" reminds us that refugee agency is not only reactive but proactive. It is not merely a reaction to shifting borders, but sometimes the border shifts owing to refugee agency. We should neither glorify nor underestimate political agency in instances of structural domination.

Let me describe a strategy for reconstructive migration scholars to build on the insights of constructivist theories of political representation without accepting their normative assumptions. Reconstructive migration scholars should not exclusively focus on the most visible practices of emancipatory forms of agency. Instead, it might be helpful to follow those theorists who focus on silence and absence as important elements of political representation (Brito Vieira, 2020; Dovi, 2020). As Dovi argues, most contemporary theories of political representation "assume that increasing a group's presence in representative processes always improves the quality of its representation" (Dovi, 2020: 559). Against this assumption, she argues that political science requires a more nuanced view of *political absence* to "understand and evaluate" political representation (Dovi, 2020: 559). For example, some groups "use their absences as a way to protest certain policies, protect the represented, and/or create more independent and autonomous political spaces" (Dovi, 2020: 559). A different approach treats "silence as the site of a potential presence" (Brito Vieira, 2020: 987). These are two strategies within representation theory to theorize absence and silence as politically relevant categories. For refugees in precarious contexts, silence and absence are sometimes the only attractive political strategies. Refugees refuse to participate, they stay silent. Refugee advocates recently staged a "walk-out" of a meeting with the US administration:

> "We will not engage with the administration around conversations on how to make [this practice] a palatable form of inhumanity," the advocates said. "Representing all five border welcoming regions and the suffering migrants who should be at this table, we now ask all our partners and colleagues to stand in solidarity with those we serve by respectfully walking out of this meeting." (Flores, 2021)

The distinction between strategic silence and involuntary exclusion is crucial when evaluating emancipatory potentials. To distinguish such instances requires a clear understanding of the political context and the background conditions for refugee agency. Here, political theorists

can build on the empirical and especially ethnographic research in migration and border studies.

Conclusion

In this chapter, I have argued that democratic theory on border politics could benefit from recentering the concept of political representation. As the recent constructivist turn in representation theory has shown, political representation goes beyond a formal and static idea of "speaking for others." Instead, constructivists see political representation as shape-shifting and constituency-mobilizing. I have tried to show how this perspective changes long-held assumptions about spaces, subjects, and demands articulated in representative practices by refugees. At the same time, the representative perspective loses its normative bite when it becomes unable to criticize the legitimacy of existing representative systems.

Does this mean that we should "take off our representation-colored glasses and look anew," as Jennifer Rubinstein asks democratic theorists to do (Rubenstein, 2014: 230)? Clearly, not all political phenomena should be evaluated and analyzed as political representation – and we should not lose sight of alternative conceptual tools. But for the moment, I want to suggest that political theorists in the tradition of reconstructive migration theory can benefit from this perspective. The idea of a "citizen perspective" as a standpoint to evaluate representative practices is a case in point. From the perspective of reconstructive critical theory, this seems attractive – but insufficient. What would it mean to take citizen – and noncitizen perspectives – seriously in their plurality (Genova et al., 2022)?

What is important from the perspective of reconstructive critical theory is that border politics becomes more obscure for citizens *and* noncitizens. The plurality of tools and legal instruments and the reduced contestatory space from below turns the shifting border into a fundamental democratic problem. Constructivists challenge democratic theory's assumptions about political representation, but the deficiencies of the "standard account" do not just arise for specific marginalized groups. The idea that representation is shape-shifting and constitutive of changing constituencies is not only relevant for refugees, but also changes our perspective on the ordinary representation of citizens.