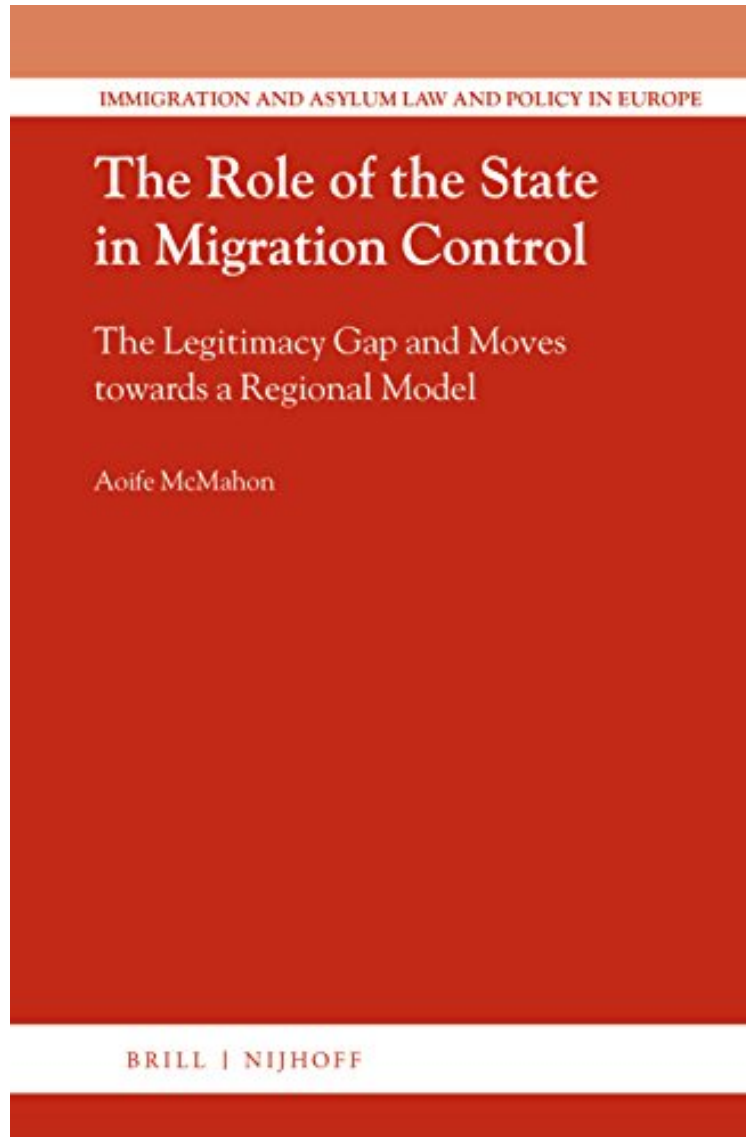


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Aoife McMahon

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This research questions the seemingly ossified premise that states have an absolute discretion to control international migration. Applying Max Weber's theories of legitimacy, it determines that while states have certain traditionally legitimate functions, migration control, as distinct from the determination of citizenship, is not one such function. Measures of migration control must thus be justified on a rational-legal basis, that is, on a minimal evidential basis. Acknowledging the many obstacles states face in carrying out this legitimising exercise, it is suggested that a supranational approach at the regional level is the most sustainable long-term model, with an ultimate aim of achieving inter-regional cooperation on migration management on the basis of equality between regions."

About the Author Aoife McMahon, Ph.D. (Trinity College Dublin), B.L., is a practising barrister who has been involved in several preliminary references made to the C.J.E.U. She has lectured and published articles in the areas of E.U. law, Administrative law and Immigration law.