

Hunter College, CUNY
Prof. Carol Gould
PHILO 39486
Fall, 2016
Mondays 4:10-7:00
Roosevelt House, rm. 3.04

Immigration, Human Rights, and the Nation

Course Description

This upper-level seminar will address the hard theoretical questions that arise from the pervasive distinction between citizens and aliens, especially with regard to the exclusion of immigrants from liberal democratic states and the subsequent treatment of the undocumented within them. What is the significance of external borders, as well as of internal boundaries between groups? What is involved in membership in a nation? We will take up the much-debated ethical questions concerning the rights of states to exclude and the rights of people to migrate, whether as political, religious, or climate refugees, or due to poverty, unemployment, or other immiserating conditions. A central focus will be the human rights of migrants, including rights to freedom of movement, to freedom from persecution, and to economic rights to resources for satisfying basic needs. We will also examine the potentially conflicting rights of citizens, e.g., to freedom of association, or the self-determination of national groups. The implications of justice—both domestic and global—will need to be considered, both for immigration and for the treatment of migrants already present within contemporary societies. Do powerful states have remedial responsibilities arising from historical injustice or from the structural inequalities within the contemporary political economy? Throughout the course, our discussion will bring feminist theory to bear in regard to the differential impacts of migration and immigration restriction on women and children.

Key Learning Goals:

- To analyze central concepts and theories that philosophers and political theorists have advanced to understand the rights to immigrate and the treatment of migrants.
- To understand the range of background concepts and political theories relevant to addressing these questions adequately, including notions of citizenship, nationality, self-determination and borders, as well as alternative national and cosmopolitan theories of justice.
- To develop an understanding of human rights, including the range of political, social, and economic rights and to apply them to the problems of migration and the treatment of refugees.
- To apply ethical theories concerning immigration to contemporary practical problems.
- To criticize ethical analyses in a constructive way

- To advance in the ability to carefully read and analyze philosophical texts
- To further cultivate skills of original analysis and argument in both written and oral forms.

Books and articles:

Required: Joseph Carens, *The Ethics of Immigration* (Oxford University Press, 2013).

All other course materials will be available on BB, or at the websites indicated.

(Note: the occasional “recommended” readings that follow the listings below are entirely optional suggestions for further reading.)

Course Requirements:

1) Oral presentation (20% of the grade):

Analysis and critique of the central argument in a single course reading, using PowerPoint or Prezi. The presentation should be limited to 10 minutes, followed by class discussion.

2) Research and analytical paper (45% of the grade):

On a topic of the student’s choice related to the course themes. Students are encouraged to write on a matter of research significance to them from within or outside the course. The paper is expected to display good acquaintance with the relevant literature and to develop an original argument. Creativity in the selection of topics and in the execution of the paper is expected. Approximately 10 pages (including notes).

A one-page proposal stating problem to be addressed and provisional thesis, with an appended bibliography is due on or before November 14th. (Students are encouraged to submit this considerably before the final deadline.) The paper is due on December 12th at the start of class.

The proposal and the paper should be submitted by email as attached word documents as well as in hard copy (double-spaced with 1” margins, 12 pitch font). University of Chicago Manual of Style social sciences format is preferred (endnotes and bibliography), but any recognized and consistently applied style and reference format is acceptable.

3) Attendance and participation (15% of the grade):

Attendance: Mandatory for all course registrants. If medical or serious family issues warrant an absence (which will be excused in that case), please notify the professor by email, if at all possible in advance of the class meeting. Also, please inform the professor

of any anticipated absences due to religious observance as close as possible to the start of the semester (also by email).

Participation: Students are expected to have read all assigned materials for each seminar meeting and to participate fully in the discussions. If a student does not have adequate opportunity to make a point in class, posting on our Blackboard Discussion Forum will count toward the participation portion of the grade. Note that the oral presentation alone does not satisfy the requirement for participation.

4) Final Exam (20% of the grade): In-class or take-home to be determined.

Additional Requirement: Please maintain a functioning email address through blackboard and check it regularly for communications from the professor. Also please check Blackboard frequently to keep up to date with messages and discussion board posts.

Additional course requirements for Honors Students:

1) Research and analytical paper—As above, except that the paper should be approximately 15 pages (maximum of 25 pages).

2) Required interventions on the BB Discussion Board—at least one substantial comment/discussion participation weekly.

3) Students are required to meet with the Professor (during office hours or by appointment) to discuss their proposed paper topic and how best to develop it, and to consider its potential contribution to their overall course of study and their major academic interests.

Policies:

Academic integrity and originality: The single most important criterion for excellent performance in the course is originality in conception and execution. Students are expected to maintain the highest standards of academic integrity at all times, and to cite or otherwise give credit for material used from all sources. Please note that these expectations apply to the oral presentation, as well as to all written requirements, and also to class participation and blackboard interventions.

Disability policy: This course is open to all students who meet the academic requirements for participation. Any student who has a need for accommodation based on the impact of a documented disability should contact the instructor privately to discuss the specific situation as soon as possible.

Policy on screens: Laptops, tablets, or phones are to be used only if required for note-taking and their use requires the express permission of the instructor. Texting, gaming,

shopping, or other nonacademic activities are not permitted during the class period and will lead to a low participation grade.

Provisional course outline:

August 29th: Introduction to the issues of and plan of the course. Assignment of oral presentations and discussion of course requirements.

September 5th: Basic questions for the ethics of migration:

Jonathan Seglow, "The Ethics of Immigration," *Political Studies Review* 3 (2005): 317-334.

Sarah Fine, "The Ethics of Immigration: Self-Determination and the Right to Exclude." *Philosophy Compass* 8/3 (2013): 254-268.

Douglas Massey, "Why Does Immigration Occur? A Theoretical Synthesis." in *The Handbook of International Migration: The American Experience*, 34-52.

Recommended:

Alejandro Portes and R. Rumbaut, *Immigrant America: A Portrait*, pp. 12-34.

Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015), Introduction and Conclusion

UN Human Development Report 2009, *Overcoming Barriers: Migration and Mobility*, ch 2, "People In Motion," 21-46.

September 12th: Borders, Boundaries, and Territory

John Torpey, *The Invention of the Passport*, pp. 4-20, 57-92, 111-121.

Etienne Balibar, "What is a Border?" in *Politics and the Other Scene* (Verso, 2002), chapter 4.

David Miller, "Territorial Rights: Concept and Justification," *Political Studies* (2012)

Mathias Risse, "Taking Up Space on Earth: Theorizing Territorial Rights, the Justification of States and Immigration from a Global Standpoint," Harvard Kennedy School Faculty Research Working Paper, February 2014.k

Recommended:

Anna Stilz, "Nations, States, and Territory," *Ethics* (2011)

Linda Bosniak, "Being Here: Ethical Territoriality and the Rights of Immigrants," *Theoretical Inquiries in Law*, (2007).

September 19: Nations, Self-Determination, and the Requirements of Global Justice

Avishai Margalit and Joseph Raz, "National Self-Determination," *Journal of Philosophy* (1990)

David Miller, *On Nationality*, (1995), chapter 4.

Eric Cavallero, "An immigration-pressure model of global distributive justice." *Politics, Philosophy and Economics* 5/1 (2006): 97-127.

Andrew Altman and Christopher Heath Wellman, *A Liberal Theory of International Justice* (2009), chapter 2.

Recommended: Ryan Pevnick, *Immigration and the Constraints of Justice*, (2011), chs. 2-3.

September 26th: Birthright Citizenship

Joseph Carens, *The Ethics of Immigration*, chapters 1-2, pp. 1-44.

Linda Bosniak, "Citizenship," Oxford Handbook of Legal Studies ed. M. Tushnet and P. Cane, (Oxford University Press, 2005).

Ayelet Shachar and R. Hirschl, "Citizenship as Inherited Property," *Political Theory*, (2007), 253-287.

Gary Becker, "The Challenge of Immigration—A Radical Solution," London: Institute for Economic Affairs (2011), pp. 19-49.

Recommended: Ayelet Shachar and R. Hirschl, "On Citizenship, States, and Markets," *Journal of Political Philosophy* (2014), 231-257.

October 6: Temporary and Permanent Residents

Joseph Carens, *Ethics of Immigration*, chapters 3-8, pp. 45-169.

David Miller, 'Immigrants, Nations and Citizenship', *The Journal of Political Philosophy*, (2008).

Samuel Scheffler, "Immigration and the Significance of Culture," *Philosophy and Public Affairs*, 2007.

Recommended:

L. Bosniak, *The Citizen and the Alien* (2006), selections.

October 17 and 24: The Case for Open Borders

Joseph Carens, *Ethics of Immigration*, chapters 11-12, pp. 225-287 and "Appendix."

Kieran Oberman, "The Human Right to Immigrate," in *Migration in Political Theory: the Ethics of Movement and Membership*, ed. Sarah Fine and Lea Ypi (Oxford University Press, 2016).

Chandran Kukathas, "The Case for Open Immigration," in *Contemporary Debates in Applied Ethics*, ed. Andrew I. Cohen and Christopher Heath Wellman, (2005), pp. 207-220.

David Miller, "Immigration: The Case for Limits," in *Contemporary Debates in Applied Ethics*, ed. Andrew I. Cohen and Christopher Wellman, (2005).

David Miller, "Is There a Human Right to Immigrate?" in *Migration in Political Theory*:

The Ethics of Movement and Membership.

A. Stiliz, "Is There an Unqualified Right to Leave?" in *Migration in Political Theory: the Ethics of Movement and Membership.*

October 31st and November 7th: Arguments for Restricting Immigration; the Right to Exclude

Michael Walzer, "Membership," from *Spheres of Justice* (1983), 31-63.

Michael Blake, "Immigration, Jurisdiction, and Exclusion," *Philosophy and Public Affairs* (2013).

Christopher H. Wellman, "Immigration and Freedom of Association," *Ethics* 119, 1 (2008): 109-141.

Samuel Huntington, *Who Are We?*, (2004), chapters 4, 8.

Will Kymlicka and K. Banting, "Immigration, Multiculturalism, and the Welfare State," *Ethics and International Affairs* (2006).

Recommended:

Sarah Fine, "Freedom of Association is Not the Answer," *Ethics* (2010).

Stuart White, "Freedom of Association and the Right to Exclude," *Journal of Political Philosophy* (1997).

J. Hidalgo, "Self-determination, Immigration Restrictions, and the Problem of Compatriot Deportation," *Journal of International Political Theory* (2014)

November 14th: Democracy and Boundaries

Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory*, (2008).

Arash Abizadeh, "On the Demos and its Kin: Democracy, Nationality, and the Boundary Problem," *American Political Science Review*, (2012).

Frederick Whelan, "Prologue: Democratic Theory and the Boundary Problem," in *Liberal Democracy: Nomos 25* (1983).

Robert Goodin, "Enfranchising All Affected Interests, and its Alternatives," *Philosophy and Public Affairs* (2007).

Recommended:

David Miller, "Why Immigration Controls are Not Coercive: A Reply to Arash Abizadeh," *Political Theory* (2010).

Arash Abizadeh, "Democratic Legitimacy and State Coercion: A Reply to David Miller," *Political Theory*, (2010).

November 21st: Guestworkers and Irregular Migrants

Patti Lenard and Christine Straehle, "Temporary Labor Migration, Global Redistribution, and Democratic Justice," *Politics, Philosophy, and Economics* (2012).

Rhacel Salazar Parreftas, *Servants of Globalization: Migration and Domestic Work*, second edition, Stanford University Press, 2015), chapter 1.
Linda Bosniak, "Amnesty in Immigration," *Critical Review of International Social and Political Philosophy* (2013).
Joseph Carens, "The Case for Amnesty," *Boston Review* (2009).

Recommended: Kristin Surak, "Guestworkers: A Taxonomy," *New Left Review* 84 (Nov-Dec 2013): 84-102.
Robert Mayer, "Guestworkers and Exploitation," *Review of Politics*, Vol. 67, no. 2 (spring, 2005): 311-334.

November 28th & December 5th: Refugees

Joseph Carens, *The Ethics of Immigration*, chapters 9-10.
Matthew Gibney, *The Ethics and Politics of Asylum* (2004), chapters 7-8.
Chandran Kukathas, "Are Refugees Special?" In *Migration in Political Theory: The Ethics of Movement and Membership*.
Hannah Arendt, "The Decline of the Nation-State and the End of the Rights of Man," *Origins of Totalitarianism* (New York: Harcourt, Brace, 1966), chapter 9.
Hannah Arendt, "We Refugees," in *Altogether Elsewhere: Writers on Exile*, ed. Marc Robinson (Boston: Faber & Faber, 1994).
Giorgio Agamben, "We Refugees," *Symposium: A Quarterly Journal in Modern Literatures*, 49:2 (1995): 114-119.

Recommended: Andrew Shacknove, "Who is a Refugee?" *Ethics* (1985), Vol. 95, No. 2 (Jan., 1985), pp. 274-284.

December 12th: Concluding Discussion