



# Course program and reading list

Semester 3 Year 2022

**School:** Lauder School of Government, Diplomacy & Strategy M.A

## Global Migration: Challenges and Dilemmas

**Lecturer:**

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<b>Course No.:</b>	<b>Course Type :</b>	<b>Weekly Hours :</b>	<b>Credit:</b>
24279	Lecture	2	2

<b>Course Requirements :</b>	<b>Group Code :</b>	<b>Language:</b>
Final Paper	222427901	English



### Course Description

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### Course Goals

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### Grading


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 Lecturer Office Hours

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 Tutor Office Hours


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 Teaching Assistant

Haile Zola

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 Additional Notes

*Method:* Classes are interactive. They combine lectures, discussions, and learning activities. The goal is to stimulate a debate on some of the most urgent subjects of our time. Students should come to class prepared, having completed the assignments in the syllabus and considered the guiding questions for each class. Students should regularly check ongoing updates on the course website.

*Reading Assignments:* Before each class, students will receive the reading materials as scanned files via email or the course web. On average, there will be about 35 pages per class.

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 Reading List

Section I: Global Migration

Class 1: **Global Migration Governance: A Crisis or Opportunity?**

What are the central drivers for global migration? What are the current trends in international migration? What are the main challenges and opportunities brought about by migration? Is there a global migration "crisis"? How to govern migration in international law? Is the rapidly changing reality adequately addressed by political theory and international human rights law? The first class will provide an empirical and critical overview of human movement from a historical perspective.

1. IOM, "World Migration Report 2020" (2020): 1-9.
2. "The 2018 Global Compacts on Refugees and Migration: Special Issue", *International*

*Journal of Refugee Law* 30(4) (2018) (excerpts).

3. Stephen Castles, "Why Migration Policies Fail", *Ethnic and Racial Studies* 27(2) (2004): 222-227.
4. Michael W. Doyle, "The Model International Mobility Convention", *Columbia Journal of Transnational Law* 56 (2018): 219-233.
5. Amnon Rubinstein and Liav Orgad, "Global Migration Crisis", *Justice* 62 (2018-19): 38-41.

### Class 2: **Refugee Rights and State Sovereignty: How to Reform a Broken System?**

Who are refugees? What are the legal grounds for refugee status? What is the scope of the principle of "non-refoulement"? Are there permissible grounds to refuse to accept refugees? What are the current problems with refugee policy from an ethical and legal perspective? What legal reforms are needed? This class will focus on the tensions between core human rights and state sovereignty.

1. Hannah Arendt, *The Origins of Totalitarianism Paperback*, New York: Harcourt Brace Jovanovich, Publishers, 1973, Ch. 9.
2. Alexander T. Aleinikoff and Leah Zamore, *The Arc of Protection: Reforming the International Refugee Regime*, Palo Alto: Stanford University Press, 2019, 33-53.
3. Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement*, Ithaca, New York: Cornell University Press, 2013, Ch. 1.
4. Matthew J. Gibney, "The Ethics of Refugees", *Philosophy Compass* 13(10) (2018): 1-9.
5. Peter H. Schuck, "Refugee Burden-Sharing: A Modest Proposal Fifteen Years Later?" in Anita Shapira, Yedidia Z. Stern, Alexander Yakobson, and Liav Orgad (eds.). *The Nation-State and Immigration: The Age of Population Movements*. Sussex Academic Press. 2014, Ch. 4.

### Class 3: **The Ethics of Borders: Immigrant Exclusion or Open Borders?**

The power to control the borders of its territory is one of the core features of traditional Westphalian statehood. But is it just? This class will examine whether states have the right to control borders, on what grounds such a right can(not) be justified, and the factual and normative assumptions underlying contemporary immigration regulation in international law and politics.

1. Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Border", *Political Theory* 36 (2008): 37-65, 37-39, 44-56.
2. Michael Blake, "Immigration, Jurisdiction, and Exclusion", *Philosophy & Public Affairs* 41(2) (2013): 103-130.
3. Joseph H. Carens, *The Ethics of Immigration*, Oxford: Oxford University Press, 2013, 225-254.
4. David Miller, *Strangers in Our Midst: The Political Philosophy of Immigration*, Cambridge: Harvard University Press, 2016, 57-75.
5. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*, New York:

#### Class 4: **Immigration and Populism: Demographic Threat, or Moral Panic?**

New waves of immigrants have normally been accompanied by feelings of threat to national identity and unity. Is the current case different? What are the political concerns toward migrants? What are the national policies motivated by them? Are they based on exaggerated facts and false conclusions, or solid evidence and legitimate claims? What are the normative considerations to analyze the question? This class will examine legitimate and illegitimate responses to immigration.

1. Rogers Brubaker, "Between Nationalism and Civilization: The European Populist Moment in Comparative Perspective", *Ethnic & Racial Studies* 40(8) (2017): 1191-1226.
2. David Goodhart, *The Road to Somewhere: The Populist Revolt and the Future of Politics*, Hurst, 2017, 49-80.
3. Eric Kaufmann, "Immigration and White Identity in the West", *Foreign Affairs*, September 8, 2017.
4. Liav Orgad, *The Cultural Defense of Nations: A Liberal Theory of Majority Rights*, Oxford: Oxford University Press, 2015, 51-78.
5. Liav Orgad, "Forced to be Free: The Limit of European Tolerance", 34 *Harvard Human Rights Journal* 34 (2021): 1-35.

#### Section II: Contemporary Debates

#### Class 5: **How to Select Immigrants?**

Changes in domestic law and international human rights law have restrained states' power to regulate the terms for immigration selection. States can still select immigration, but they are more limited by some base-level standards of permissible and impermissible goals, criteria, and means. This class will examine the moral limits of permissible and impermissible immigration selection.

1. Joseph H. Carens, "Who Should Get in? The Ethics of Immigration Admissions", *Ethics & International Affairs* 17(1) (2003): 95-110.
2. Sara Fine, "Immigration and Discrimination", in Sarah Fine and Lea Ypi (eds.). *Migration in Political Theory: The Ethics of Movement and Membership*. Oxford: Oxford University Press, 2016, 125-150 (hereinafter: "Migration in Political Theory").
3. Douglas MacKay, "Are Skill-Selective Immigration Policies Just?", *Social Theory and Practice* 42(1) (2016): 123-154.
4. Kieran Oberman, "Poverty and Immigration Policy", *American Political Science Review* 109 (2015): 239-251.
5. Liav Orgad and Theodore Ruthizer, "Race, Religion and Nationality in Immigration Selection", *Constitutional Commentary* 26(1) (2010): 101-153.

#### Class 6: **Integration and National Identity: How to Recreate a Political Community?**

What are the various meanings of the term "integration"? Who needs to integrate, and into what? What degree of integration may/should/must a democracy require from a person who is seeking naturalization? How legitimate is it for a political community to restrict citizenship to preserve its cultural essentials (and what does it mean)? This class will discuss how communities construct an image of "who we are" and derive restrictions on naturalization from them, and their legitimacy.

1. Irene Bloemraad, Anna Korteweg, and GökçeYurdakul, "Citizenship and Immigration: Multiculturalism, Assimilation, and Challenges to the Nation-State", *Annual Review of Sociology* 34(1) (2008): 153-179.
2. Johanna Hase, "Repetition, Adaptation, and Institutionalization: How the Narratives of Political Communities Change", *Ethnicities*, 21(4) (2021): 684-688, 691-699.
3. Will Kymlicka and Keith Banting, "Immigration, Multiculturalism, and the Welfare State", *Ethics & International Affairs* 20(3) (2006): 281-304.
4. Liav Orgad, *The Cultural Defense of Nations*, 85-112, 234-235.
5. Samuel Scheffler, "Immigration and the Significance of Culture", *Philosophy and Public Affairs* 35(2) (2007): 93-125.

#### Class 7: **Naturalization: How to Turn Immigrants into Citizens?**

Through naturalization, people are presumed to become "full" members of a political community by attaining the status of citizenship. But what is the essence of naturalization? This class will look at how naturalization policies reflect imagined communities and discuss ethical dilemmas of setting naturalization requirements and defining the "bonds" that connect individuals and states.

1. Helder De Schutter and Lea Ypi, "Mandatory Citizenship for Immigrants", *British Journal of Political Science* 45(2) (2015): 235-251.
2. Gerald L. Neuman, "Justifying U.S. Naturalization Policies", *Virginia Journal of International Law* 35(1) (1994): 237-278.
3. Andrew Mason, *Living Together as Equals: The Demands of Citizenship*, Oxford: Oxford University Press, 2012, CH. 7.
4. Liav Orgad, "The Citizen-Makers: Ethical Dilemmas in Immigrant Integration", *European Law Journal* 25(6) (2019): 524-543.
5. Ayelet Shachar, *The Birthright Lottery: Citizenship and Global Inequality*, Cambridge: Harvard University Press, 2009, 164-190.

#### Class 8: **Is Loyalty a Legitimate Requirement?**

Every citizen in the democratic world should be "loyal", yet loyalty is a vague concept. What is loyalty? Why is it justified? Why is it legitimate to require "loyalty to the law" (allegiance), as distinct from the duty to "obey the law" (obedience)? The class will discuss one of the puzzling concepts in political theory, loyalty and patriotism, in the context of immigration and citizenship.

1. Luuk van der Baaren et al., "Instrumentalising Citizenship in the Fight Against Terrorism", *The Institute on Statelessness and Inclusion and the Global Citizenship Observatory* (March 2022): 16-21.
2. Liav Orgad, "Liberalism, Allegiance, and Obedience: The Inappropriateness of Loyalty Oaths in a Liberal Democracy", *Canadian Journal of Law & Jurisprudence* 27(1) (2014): 99-122.
3. Kim Rubenstein, "Loyalty and Membership", in *Political Theory and Australian Multiculturalism*. Geoffrey B. Levey (ed.), New York: Berghahn Books, 2008, 171-187.
4. Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State*, Princeton: Princeton University Press, 2009, 137-172.
5. Robert Wolff, "An Analysis of the Concept of Political Loyalty", in *Political Man and Social Man: Readings in Political Philosophy*. Robert P. Wolff (ed.), Random House, 1966, 218.

#### Class 9: **Should Citizenship be for Sale?**

Recent years have witnessed the emergence of "citizenship-for-sale" policies in which wealthy people can "buy" citizenship by investment. What are the pros and cons of putting citizenship for sale in Western societies? Can individuals sell their citizenship? Is the case for/against selling citizenship fundamental, or a matter of degree? And are these policies lawful under international law? This class will address the laws and ethics of citizenship-for-sale policies and different forms.

1. Atossa Araxia Abrahamian, *The Cosmopolites: The Coming of the Global Citizen*, New York: Columbia University Press, 2015, 40-49.
2. Samantha Besson, "Investment Citizenship and Democracy in a Global Age", *Swiss Review of International and European Law* 29(4) (2019): 525-547.
3. Jelena Džankić, *The Global Market for Investor Citizenship*, Palgrave Macmillan, 2019, Ch. 5.
4. Javier Hidalgo, "Selling Citizenship: A Defence", *Journal of Applied Philosophy* 33(3) (2016): 223-239.
5. Ayelet Shachar, "The Marketization of Citizenship in an Age of Restrictionism", *Ethics & International Affairs* 32(1) (2018): 3-13.

#### Class 10: **Dual Nationality: Can You have a "Home" in Multiple Countries?**

The concept of dual/multiple citizenships has evolved from being socially reviled to instrumentally desirable. The new reality brings about new dilemmas. This class will examine whether multiple citizenships (*polycivitas*) resemble polygamy and polyethism, or is it more similar to multiple parental relationships? Is the problem of *polycivitas* the "poly", or the current concept of *civitas*?

1. Rainer Bauböck, "Genuine Links and Useful Passports: Evaluating Strategic Uses of Citizenship", *Journal of Ethnic and Migration Studies* 45(6) (2019): 1015-1026.
2. Linda Bosniak, "Multiple Nationality and the Postnational Transformation of

- Citizenship", *Virginia Journal of International Law* 42 (2001–2002): 979–1005.
3. Yossi Harpaz, "Compensatory Citizenship: Dual Nationality as a Strategy of Global Upward Mobility", *Journal of Ethnic and Migration Studies* 45(6) (2019): 897–916.
  4. Peter H. Schuck, "Plural Citizenships", in *Immigration and Citizenship in the Twenty-first Century*, Noah Pickus (ed.), Lanham: Rowman & Littlefield Publishers, 1998, 149–192.
  5. Peter J. Spiro, *At Home in Two Countries: The Past and Future of Dual Citizenship*, New York: NYU Press, 2016, 111–130.

#### Class 11: **Multilevel and Local Citizenship**

While citizenship is often used synonymously with nationality, its historic roots lies in cities. Today, we witness again the development of forms of citizenship beyond the nation–state, at sub– and at supranational levels. A focus is given to EU citizenship. Is EU citizenship in crisis? What are the causes for it and the normative/political consequences? This class will discuss citizenship as a multilevel concept and examine whether the future of citizenship lies beyond the nation–state.

1. Rainer Bauböck, "The Three Levels of Citizenship in the European Union", *Phenomenology and Mind* 8, pp. 66–76.
2. Dimitry Kochenov, "EU Citizenship Without Duties", *European Law Journal* 20(4) (2014): 482–498.
3. Willem Maas, "Multilevel Citizenship", in *The Oxford Handbook of Citizenship*, Ayelet Shachar et al. (eds.). Oxford University Press, 2017, 644–668.
4. Jo Shaw, "'Shunning' and 'Seeking' Membership: Rethinking Citizenship Regimes in the European Constitutional Space", *Global Constitutionalism* 8(3) (2019): 425–469.
5. Joseph Weiler, "To be a European Citizen: Eros and Civilization", in *The Constitution of Europe*. J.H.H. Weiler (ed.). Cambridge University Press, 1999, 324–256.

#### Class 12: **Citizenship Revocation: Should Terrorists be Deprived of Their Citizenship?**

In what circumstances it would be just to deprive citizenship—for what purpose and based on which procedures? Should there be a difference between natural-born citizens and naturalized citizens? This class will analyze the topic of citizenship revocation theoretically and comparatively, present recent developments in the field, and evaluate the law/ethics of current revocation policies.

1. Émilien Fargues and Elke Winter, "Conditional Membership: What Revocation Does to Citizenship", *Citizenship Studies* 23(4) (2019): 295–303.
2. Christian Joppke, "Terror and the Loss of Citizenship", *Citizenship Studies* 20(6–7) (2016): 728–748.
3. Shai Lavi, "Revocation of Citizenship as Punishment", *Toronto Law Journal* 61(4) (2011): 783–810.
4. Patti T. Lenard, "Democratic Citizenship and Denationalization", *American Political Science Review*, 112(1) (2018): 99–111.

5. Peter Spiro, "Expatriating Terrorists", *Fordham Law Review* 82 (5) (2014): 2169–2187.

### Section III: Technological Developments

#### Class 13: **Jus Algorithmi, Cybernetic Citizenship, and Social Credit Systems**

How do emerging technologies affect the institution of citizenship? What is/should be the role of technology in citizenship governance? What are the ethical problems with social credit systems? What does cybernetic citizenship mean and what are its implications? The class will explore how Western ideas of citizenship—liberty, justice, democracy—are reshaped by the digital revolution.

1. John Cheney-Lippold, "Jus Algorithmi: How the National Security Agency Remade Citizenship", *International Journal of Communication* 10 (2016): 1721–1742.
2. Henry Kissinger, "How the Enlightenment Ends," *The Atlantic*, June 2018.
3. Liav Orgad and Wessel Reijers, "How to Make the Perfect Citizen? Lessons from China's Model of Social Credit System", *Vanderbilt Journal of Transnational Law* 54(5) (2021): 1087–1121.
4. Yu-Jie Chen, Ching-Fu Lin, and Han-Wei Liu, "'Rule of Trust': The Power and Perils of China's Social Credit Megaproject", *Columbia Journal of Asian Law* 32(1) (2018): 1–36.
5. Wessel Reijers, Liav Orgad, and Primavera de Filippi, "The Rise of Cybernetic Citizenship," *Citizenship Studies* (2022).

#### Class 14: **The Dawn of Global e-Citizenship and Cloud Communities?**

What does "global citizenship" mean? Is it technologically/politically possible and normatively justified? Should international law recognize a concept of "virtual states"/"cloud communities" (deterritorialized political entities where individuals participate in global political decisions)? What concepts of sovereignty and social contract can emerge out of it? The class will look at how technology alters the way people perceive communities and identities, membership and belonging.

1. *Cloud Communities: The Dawn of Global Citizenship?* Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS 2018/28. Liav Orgad and Rainer Bauböck (eds.), 2018, 1–18, 23–24, 45–46, 67–70.
2. April R. Biccum, "Global Citizenship," in Renee Marlin-Bennett (ed.), *Oxford Research Encyclopedia of International Studies* (Oxford University Press, 2020).
3. Nigel Dower, "Does Global Citizenship Require Modern Technology?" *52 Ideas Valores* (2003).
4. Wolfgang Drechsler, "Pathfinder: e-Estonia as the  $\beta$ -version", *JeDEM* 10(2) (2018): 1–22.
5. David Miller, "The Idea of Global Citizenship", in *Varieties of Sovereignty and Citizenship*, Sigal Ben-Porath and Rogers Smith (eds.), Philadelphia: University of Pennsylvania Press, 2012, Ch. 12.