Immigration and Citizenship:  
Contemporary Challenges and Dilemmas

Liav Orgad

Summer 2021
Class (Zoom); August 9-12, 17:30-22:30

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Overview
Global migration yields demographic shifts of historical significance—as shown by the “refugee crisis” in Europe, the rise of white nationalism in the United States, and the spread of populism in the West. Migration is one of the defining issues of the 21st century, challenging the fabric of societies, remodeling the essence of sovereignty, and changing the way we think of borders and boundaries. The course contains three parts. The first part examines the causes of migration and the transformations it is undergoing; topics include global migration governance, immigration and populism, refugee rights and state sovereignty, and the ethics of borders. The second part analyzes contemporary debates in a theoretical and comparative perspective: topics include admission and discrimination, integration and identity, naturalization and citizen-making, dual nationality, EU citizenship, loyalty and patriotism, birthright citizenship, citizenship revocation, and “citizenship for sale.” The third part explores how emerging technologies reshape the concepts of migration and citizenship: should migrants be selected by AI and machine learning? Can Blockchain technologies lead to the creation of digital identity and global citizenship? Is citizenship becoming cybernetic? And how can predictive technologies affect global migration?

Grade
In advance of each class, please read the reading assignments prescribed in the syllabus. Students should come to class prepared, having completed the readings and considered the guiding questions for each class. Students should regularly check ongoing updates on the course website.

Final Paper: The assignment should be done in pairs (10 pages, not including a cover page and bibliography) and focus on one of the course topics. It must include a research question, literature review, and a thesis. Students should send to the TA the chosen topic and an abstract no later than August 14. Students cannot write on a topic that has been already chosen; the selection will be based on “first come, first served”. Students should submit the paper no later than September 2.

Simulation: There will be a “debate” on some of the class issues on August 10-12. Students can work in pairs or individually. Students must sign up for a topic on Moodle before the first class (August 9). Students should prepare and present a 10-minute opening speech supporting their claim (“for” or “against”) based on the class readings, after which there will be a class discussion.

Grade: (1) Paper: 80%; (2) Class Participation (10%); (3) Class Simulation (10%).
SECTION I: GLOBAL MIGRATION CRISIS?

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 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 provides an empirical and critical overview of human movement in a historical perspective.


CLASS 2: Refugee Rights and State Sovereignty

Who are refugees? What are the grounds and characters of refugee law? 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 law from an ethical and legal perspective? What reforms are needed? This class focuses on the tensions between core human rights and state sovereignty.

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 examines 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.


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 this question? This class examines legitimate and illegitimate responses to immigration.

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 examines the limits of permissible and impermissible immigration selection.


CLASS 6: Integration and National Identity

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 an immigrant who is seeking entry/naturalization? How legitimate (and effective) is it for a political community to restrict migration to preserve its cultural essentials (and what does it mean)? This class provides an overview of cultural restrictions on immigration/naturalization and analyzes their legitimacy.

CLASS 7: Naturalization: How to Turn Immigrants to 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 looks at how naturalization policies reflect imagined communities and discusses ethical dilemmas of setting naturalization requirements and defining the “bonds” that connect individuals and states.


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 discusses one of the puzzling concepts in political theory, loyalty and patriotism, in the context of citizenship and immigration.


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 addresses the laws and ethics of citizenship-for-sale policies and different forms.
CLASSE 10: Dual Nationality: Can You have a “Home” in Multiple Countries?

The concept of dual citizenship has evolved from being socially reviled to instrumentally desirable. The new reality brings about new dilemmas. This class examines 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?


CLASSE 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 level. A focus is given to EU citizenship. Is EU citizenship in crisis? What are the causes for that, and the normative/political consequences? This class discusses citizenship as multilevel concepts and examines whether the future of citizenship lies beyond the nation-state.


**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 analyzes the topic of citizenship revocation from theoretical and comparative perspectives, presents recent developments in the field, and evaluates the ethics of current policies.


**SECTION III: TECHNOLOGICAL DEVELOPMENTS**

**CLASS 13: Jus Algoritmi, 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? The class explores how the ideals based on which Western citizenship is grounded—liberty, justice, and democracy—are reshaping by the digital revolution.

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 examines how technology alters the way people perceive communities and identities, membership and belonging.