

The Ethics of Migration, PHIL 508

Dr. Desiree Lim

dyl10@psu.edu

Time and venue: Wednesday, 2.30-5.30pm, Willard Building 271

Office hours: Monday, 2.30-3.30pm, 203 Sparks and by appointment.

Course description

How should states treat immigrants and would-be immigrants? On what grounds can immigration be justly restricted, and through what means? This course engages with these complex questions by offering a broad overview of key issues in the ethics of migration and their relation to public policy. Guided by the tools of contemporary political philosophy, you will reflect closely upon a series of pressing issues including the basis of the state's right to exclude non-citizens, the prospect of open borders and their tensions with egalitarian justice, the idea of a human right to free movement, and the rights of refugees and undocumented migrants.

Readings

All readings are available on Canvas under "Files".

Course requirements

Participation: Students are expected to attend all sessions on time, complete the weekly readings, participate actively in class discussion, write 10 reading responses, and prepare a 20-30 minute long presentation once in the term. Please bear in mind that this is a reading-intensive course. See below for more details about the reading responses and presentation. If you cannot attend, you **must** send me an email to let me know as soon as possible, before the start of the class.

Reading responses: Students should choose any 10 out of the 15 topics to write reading responses to. I will be using these responses to structure the discussion, so they are vital for the seminar. The reading responses should be $\frac{3}{4}$ to 1 page in length – they can raise a question, contribute a thought, agree or disagree with an author's argument, etc. Essentially, they should demonstrate that they have critically engaged with the reading. Each response will be graded on a pass/fail basis, and make up 10% of the final grade. Please email your responses to dyl10@psu.edu by **Monday, 6pm of the same week**.

Weekly presentations: At the beginning of term, students will sign up for a presentation slot. The presentation can be on any number of the readings for the week (e.g. you can focus more closely on one paper or choose to discuss two or three if you are careful to link them thematically). The scope of the presentation can be as narrow or broad as you wish. Importantly, you will not only be expected to

provide a reconstruction of the claims made, but to critically respond to them, advancing comments and arguments of your own. In addition, each presentation will be followed by a 20-minute discussion where you will be expected to respond to coursemates' questions.

Papers: There will be one term paper assignment, 20-25 pages long, double-spaced, Times New Roman, font size 12 with standard margins. Please run the topic by me in advance. You are encouraged to use my office hours to discuss your paper with me, but in the interest of fairness, I will not be reading any early drafts prior to the deadline. If my office hours don't work for you, we can set up another time to meet. The deadline for your term paper is **10 Dec, 6pm EST.**

Grading

Your grade will consist of the following components:

Reading responses: 10%

Presentation: 10%

Term paper: 80%

Your final grade will be based on a 100 point scale. **All grades are fixed and will not be re-evaluated.**

94-100: A 77-79: C+

90-93: A- 70-76: C

87-89: B+ 60-69: D

84-86: B 0-59: F

80-83: B-

Reading response grading: As mentioned above, the reading responses are graded on a pass/fail basis. In order to pass, you must demonstrate that you have critically engaged with the substance of at least one of the week's reading. It is not enough to simply share a general opinion about the subject.

Presentation grading: The presentations are graded on a pass-fail basis. In order to pass, as I have mentioned, you must also demonstrate close philosophical engagement with the reading material by critically evaluating the arguments.

Paper grading: Late papers (without an appropriate reason) will be penalised one grade-step (e.g. a B to a B-) for each day that a paper is late.

Schedule and core readings

8/22, Week One: The Right to Exclude

- David Miller. 'Immigration: The Case for Limits' in *Contemporary Debates in Applied Ethics*. Eds. AI Cohen and CH Wellman. Oxford: Blackwell Publishing Ltd, 2013.
- Christopher Heath Wellman. 'Immigration and Freedom of Association.' *Ethics* 119.1 (2008): 109-141.
- Sarah Fine. 'Freedom of Association Is Not the Answer.' *Ethics* 120.2 (2010): 338-356.

8/29, Week Two: Egalitarianism and Open Borders

- Joseph Carens. 'Aliens and citizens: the case for open borders.' *The Review of Politics* 49.2 (1987): 251-273.
- Ayelet Shachar. *The Birthright Lottery: Citizenship and Global Inequality*. Harvard University Press, 2009. Chapters 1 and 2.

9/5, Week Three: Immigration and the Welfare State

- Stephen Macedo. 'The Moral Dilemma of U.S. Immigration Policy: Open Borders Versus Social Justice?' in *Debating Immigration*. Ed. Carol M. Swain. Cambridge University Press, 2009.
- Ryan Pevnick. 'Social Trust and the Ethics of Immigration Policy.' *The Journal of Political Philosophy* 17.2 (2009): 146-167.

9/12, Week Four: Immigration as a Human Right

- Kieran Oberman. 'Immigration as a Human Right' in *Migration in Political Theory: The Ethics of Movement and Membership*. Eds. S. Fine and L. Ypi. Oxford University Press, 2016.
- David Miller. 'Is There a Human Right to Immigrate?' in *Migration in Political Theory: The Ethics of Movement and Membership*. Eds. S. Fine and L. Ypi. Oxford University Press, 2016.

9/19, Week Five: Obligations to Refugees

- Joseph Carens. 'Refugees' in *The Ethics of Immigration*. Oxford University Press, 2015.
- David Miller. 'Refugees' in *Strangers in Our Midst*. Harvard University Press, 2016.

- Clara Sandelind, 'Costs of refugee admission and the ethics of extraterritorial protection.' *European Journal of Political Theory*, forthcoming.

9/26, Week Six: The Nature of Refugeehood

- Andrew E. Shacknov. 'Who is a Refugee?.' *Ethics* 95.2 (1985): 274-284.
- Chandran Kukathas. 'Are Refugees Special?' in *Migration in Political Theory: The Ethics of Movement and Membership*. Eds S. Fine and L. Ypi. Oxford University Press, 2016.

10/3, Week Seven: Family Migration

- Luara Ferracioli, 'Family Migration Schemes and Liberal Neutrality.' *Journal of Moral Philosophy* 13.5 (2016): 553-575.
- Matthew Lister, 'Immigration, Association, and the Family.' *Law and Philosophy* 29.6 (2010): 717-745.
- Caleb Yong, 'Caring Relationships and Family Migration Schemes' in *The Ethics and Politics of Immigration: Core Issues and Emerging Trends*. Ed. A. Sager. London: Rowman & Littlefield International, 2016.

10/10, Week Eight: The Rights of Irregular Migrants

- Joseph Carens. 'The Rights of Irregular Migrants.' *Ethics and International Affairs* 22.2 (2008): 163-186.
- José Jorge Mendoza. 'Enforcement matters: reframing the philosophical debate over immigration.' *Journal of Speculative Philosophy* 29.1 (2015): 73-90.

10/17, Week Nine: Resistance to Unjust Immigration Restrictions

- Javier Hidalgo. 'Resistance to Unjust Immigration Restrictions.' *Journal of Political Philosophy* 23.4 (2015): 450-470.
- Caleb Yong, 'Justifying Resistance to Immigration Law: The Case of Mere Noncompliance.' *The Canadian Journal of Law and Jurisprudence*, forthcoming.

10/24, Week Ten: Detention and Deportation

- Stephanie Silverman. 'Detaining Immigrants and Asylum Seekers: A Normative Introduction.' *Critical Review of International Social and Political Philosophy* 17.5 (2014): 600-617.
- Patti Lenard. 'The ethics of deportation in liberal democratic states.' *European Journal of Political Theory* 14.4 (2015): 464-480.

10/31, Week Eleven: Immigration and Racial Discrimination

- Joseph Carens. 'Nationalism and the Exclusion of Immigrants: Lessons from Australian Immigration Policy', in *Open Borders? Closed Societies? The Ethical and Political Issues*. Ed Mark Gibney. Greenwood Press, 1988.
- Deborah Hellman. *When is Discrimination Wrong?* Cambridge, MA: Harvard University Press, p. 13-29.
- Sarah Fine. 'Immigration and Discrimination' in *Migration in Political Theory: The Ethics of Movement and Membership*. Eds S. Fine and L. Ypi. Oxford University Press, 2016.

11/7, Week Twelve: Immigration and Skill-Based Discrimination

- Ayelet Shachar and Ran Hirschl. 'Recruiting "Super Talent": The New World of Selective Migration Regimes.' *Indiana Journal of Global Legal Studies* 20.1 (2013): 71-107.
- Douglas MacKay. 'Are Skill-Selective Immigration Policies Just?' *Social Theory and Practice* 42.1 (2016): 123-154.
- Desiree Lim. 'Selecting immigrants by skill: a case of wrongful discrimination?' *Social Theory and Practice* 43.2 (2017): 369-396.

11/14, Week Thirteen: Gender and Migration

- Olivia Salcido and Cecilia Menjivar. 'Gendered Paths to Legal Citizenship: The Case of Latin-American Immigrants in Phoenix, Arizona.' *Law and Society Review* 45 (2012): 335-368.
- Joan Fitzpatrick. 'The Gender Dimension of U.S. Immigration Policy.' *Yale Journal of Law & Feminism* 23 (1007): 23-50.

[THANKSGIVING BREAK – NO CLASS]

11/28, Week Fourteen: Guest Workers

- Patti Lenard and Christine Straehle. 'Temporary labour migration, global redistribution, and democratic justice.' *Politics, Philosophy & Economics* 11.2 (2012): 206-230.
- Javier Hidalgo. 'An Argument for Guest Worker Programs.' *Public Affairs Quarterly* 24.1 (2010): 21-38.
- Anna Stiliz. 'Guestworkers and second-class citizenship.' *Policy and Society* 29.4 (2010): 295-307.

12/5, Week Fifteen: Brain Drain

- Anna Stiliz. 'Is There an Unqualified Right to Leave?' in *Migration in Political Theory: The Ethics of Movement and Membership*. Eds. S. Fine and L. Ypi. Oxford University Press, 2016.
- Gillian Brock. 'Whose Responsibility Is It to Remedy Losses Caused by the Departure of Skilled Migrants?' in *Debating Brain Drain: May Governments Restrict Emigration?*. Eds M. Blake and G. Brock. New York: Oxford University Press, 2015.
- Kieran Oberman. 'Poverty and Immigration Policy.' *American Political Science Review* 109.2 (2015): 239-251.