

BORDERS- SHAPING OUR UNDERSTANDING OF CITIZENSHIP AND IMMIGRATION

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Abstract

The theorists in favour of open border assert the existing limitations on immigration in Western democracies are not reasonable. Like feudal barricades to mobility, they defend unjust honour. And, as it was witnessed, furthest human beings do not prefer to move, they usually feel emotionally attached to their native land. They seek out to move out when life is very challenging where they are. The communitarian objections to this supposition come especially from Michael Walzer. He enunciates an approach to distributive ethics grounded on complex equality that is meticulously observant to the specific ways specific communities' value goods. A renewed attention in borders and geography amongst theoreticians is giving upsurge to enquiries that are outside the scope of Walzer's system and disclose concepts at the geographic level that weaken his overall approach. This internal discrepancy deteriorates but does not eventually mark-down, Walzer's overall policy of distributive ethics. When standardised to permit for geographic meticulousness, Walzer's approach becomes even more valuable to critique a range of contemporary development movements.

Keywords: openborder, closed border, immigration, citizenship, alienage



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1. Introduction

The 'border' is a term that designates the community's threshold—a site where states maintain physical and administrative boundaries towards the world. It is the regulatory locus of the admission of foreigners, and, correspondingly, of their exclusion. It is, more broadly, the regulatory domain of citizenship in the status sense; it is the site where citizenship as status originates and in which it is governed [¹].

The norms governing border policy are ethically particularistic; they are designed to meet the interests of already existing members. This is not to say that border policies are always exclusionary in substance; indeed, such policies are sometimes relatively welcoming. Furthermore, border policies in liberal democratic states are sometimes influenced by Universalist commitments. In the United States context, for example, elimination of

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expression of racial preferences in the admissions system in the 1960s might be said to represent the transposition to the border of Universalist norms ordinarily applicable in the interior^[2].

The guarantee to non-citizens of certain due process and protection in immigration proceedings likewise reflects a degree of universalisation in the border-related process. Nevertheless, the predominant norms operating at national borders, as we have seen, are exclusivity and closure. What is often uncertain, however, is how far, in space and time, 'the border' legitimately extends. We know that the border jurisdiction is not strictly confined to the territorial threshold, nor it is strictly limited in its application to the national outsider's moment of entry. The very fact that immigrants are not automatically accorded citizenship status upon entry—that they subsist for (at least) some period in a state we call alienage—makes this clear; the norms of the border structure their status even within the liberal democratic societyⁱ.

Over the period different set of school came up to resolve the issue of citizenship whether it is communitarian, libertarian, or utilitarian. Everyone has given their ideas regarding citizenship and borders that have no doubt change the perception about citizenship and immigrants all over the world.

2. Argument against open borders

Walzer argues that state has every right to control their borders and regulate the immigration by their national priorities. Being a communitarian, he considers political membership as the social good, which is constituted by the collective understanding of political community. Thus, he says that those who are already the member of any political community should decide that who is to be admitted and who is to be excluded from the community in cognisance with the nature of the community. Therefore, they should be free to distribute membership in their community. In this way, he attempts to clear the point that before making any immigration policy, the nature of liberal political communities must be determined. He also argues that it is a difficult task to know the nature of community because of their large and abstract nature. Thus, to identify that which immigration policy is

ⁱExamining alienage and alienage law in all of its complexities, book *The Citizen and the Alien* explores the dilemmas of inclusion and exclusion inherent in the practices and institutions of citizenship in liberal democratic societies. In doing so, it offers an important new perspective on the changing meaning of citizenship in a world of highly porous borders and increasing transmigration.

appropriate for the liberal democratic country, he examines the nature of neighbourhood, clubs, and family and the membership policy which governs them [3].

According to his neighbourhood model, individual lives nearby and have a random association with each other. People move into a neighbourhood for their reason(s) which is usually constrained by market contingency; there is no legal admission policy in this model. Now a question arises, should liberal democratic country adopt only that policy which is analogous to those of neighbourhood? To answer this question, Walzer suggests that no state instead no community should itself regulate immigration to save their culture, welfare, freedom. That is, if somehow state is unable to regulate immigration at the national level, the neighbourhood should stand up by becoming a rigid wall. In this way, liberal democratic are free to control immigration which also includes prevention of immigration, but it does not entail restrict 'emigration'. Except for national emergencies, citizens must be free to exit their country as they wishⁱⁱ.

Based on these considerations Walzer argues that liberal democratic countries are like a club, as both have a structure and criteria with regards to membership exclusion and inclusion. He also explains that despite being parallel to each other, club analogy unable to recognise the essential moral feature of liberal societies that is obligation towards a certain group which is identified as the 'nationals or ethnic relatives'. He says that liberal democratic societies contain the feature of families where everybody is connected to everybody not by choice rather by morality, which lives outside the 'household' [4]. Therefore he suggests that since kinship always has some influence on immigrant admission policy so priorities should be to people of relatives of current citizens who live within the boundary of the nation-state. This kinship empathy has inferences for immigrant admission policies.

He further also defends an additional constraint on liberal immigration policies. Where he argues that since the admission decisions involve distributing a good – membership – to foreigners, these decisions are governed by the principle of collective mutual aid, which applies to the relationship between strangers. This principle maintains that society is indebted to provide optimistic assistance for new arrival if such assistance 'is needed or urgently

ⁱⁱThe distinguished political philosopher and author of *Spheres of Justice: A Defense of Pluralism and Equality* Walzer argues for a conception of distributive justice that he refers to as "complex equality." The idea is that there is no one correct principle of distribution that constitutes justice. Instead, there are different kinds of social goods—education, wealth, political power, etc.—and each constitutes a different "sphere."

needed' by the recipients, and if 'the perils and prices of giving it are comparatively low' for the benefactor^[5]. Therefore, he argues, those liberal democratic societies are obliged to assist needy immigrants if their necessity is severe and if the prices and perils of helping are comparably insignificant. Affluent societies can usually fulfil these obligations by transferring some of their prosperity to inferior societies in the form of financial assistance. Though, in the instance of immigrants seeking asylum – persons who flee their countries to escape political or religious persecution– the duties of mutual aid can be fulfilled only through territorial admission. Thus, he protects a modest version of the conservative view on immigration, which upholds that liberal states have a comprehensive right to control immigration by national priorities, and relatively limited obligations to grant admission priority to the relatives of current citizens, displaced ethnic nationals, and some refugees narrowly defined.

Most thinkers who overtly castoff open borders are persuaded it would be an out-and-out disaster. Paul Krugman sturdily supports amnesty for existing illegal immigrants, but intensely opposes open borders for the slightest of reasons. He said:

The New Deal made America a much better place; hitherto it perhaps wouldn't have been likely without the immigration limitations that went into effect post World War I. For one thing, absent those limitations, there would have been many entitlements, justified or not, about people gathering to America to take benefit of welfare programs^[6].

Although Krugman articulates the New Deal probably wouldn't have been conceivable without immigration restrictions, he doesn't say that immigration restrictions were prerequisite to have some version of the welfare state. Krugman doesn't mean that prohibiting of immigrants was an indispensable political condition for the welfare state to ascend. He only says that it facilitated to create political conditions for a resilient welfare state^[7].

3. Arguments for open border

Thinkers like Joseph Caren raised their voice in contrast to conventional view or Walzer's view of liberal democratic societies. He argues that liberal democratic societies should not only control immigration rather maintain and open borders and which should be their prima facie duty. He goes on to defend his view by arguing about theoretical approaches to liberalism which implies that liberal state should maintain an open border. But he seems to be more interested in Rawls liberal egalitarianism which says principal of justice does not apply

in the context of nation-state somewhat globally. Therefore he concludes that since freedom of international crusade comprises the right to immigrate to the nation of one's choice, liberal countries have a prima facie responsibility to maintain open borders [⁸].

He further also presented two sets of argument in favour of an open border. And in both these discussion, he forgoes Rawlins concept instead followed general liberal egalitarian ideas. The first argument rests on a liberal commitment to freedom, which implies free international mobility. In this way, it is the analogy between free internal movement and free international movement. He argues that people should move internally as well as externally freely, and any restriction on their move is against the right to movement.ⁱⁱⁱ.

His second line of argument is based on liberal egalitarian ideals of moral equality and equal opportunity. By which, he argues that rights and position should be to those people who have talent and capacity rather on the basis moral arbitrary characteristic like sex or race. He also considers citizenship as arbitrary moral characteristic. Therefore, immigration restriction just restricts foreign national from access to those rights and position which are available to citizens [⁹]. In this way, he suggests citizenship base exclusion is morally offensive as another kind of discrimination. Therefore he suggests, the state should maintain open borders. Although Caren always argues for an open border, he also went on to talk about a restriction on immigration. Therefore, he stands for legitimate limitation rather than illegitimate restriction. He recommends that states may legally limit immigration insofar as is essential to preserve public order, safeguard national security, and defend liberal institutions from corrosion by immigrants with intolerant political ethics.

By means of the term 'geographical roulette,' Stephan Faris, author of *Homelands: The Case for Open Immigration*, argues that "*our system of passport controls, immigration restrictions, and closed borders has created a world in which few factors shape a child's life as much as one she can do nothing about: the flag under which she was born.*" Michael Huemer in "Is There a Right to Immigrate?" argues that immigrants, similar to everyone else, have a right to not to be detrimentally forced, and application of immigration limitations constitutes damaging coercion.

ⁱⁱⁱThe essay draws on three con- temporary approaches to political theory -the Rawlsian, the Nozickean, and the utilitarian-to construct arguments for open borders. The fact that all three theories converge upon the same results on this issue, despite their significant disagreements on others, strengthens the case for open borders and reveals its roots in our deep commitment to respect all human beings as free and equal moral persons.

Open borders permit individuals, not their abode of birth, to regulate their lives. This argument is founded on the injustice that several people are born into scarcity in countries that offer slight prospect for them to progress their circumstances (in a number of these countries human rights exploitations and violent conflict are endemic), although in other countries individuals are born into comparative wealth and have sufficient chances to recover their conditions. The presently impoverished countries will catch up with the privileged ones, but in the time being it is unfair to block inhabitants of deprived countries, over immigration limitations, from retrieving the prospects accessible to those born in progressive nations by moving to those forward-looking countries.

4. Critical evaluation of open border approach

Undoubtedly, the arguments given by J.H. Carens for an open border are considered to be noteworthy, but they were also criticised on the various ground and are still being criticised by a different set of school and thinkers. The foremost critic of J.H. Carens's work came from David Miller arguments. He objected him by giving the concept of primary interest and open interest where primary interest stand for the interest which is so vital that which should be protected by right, on the other hand, open interests is legitimate interest but does not deserve protection at all like basic interest. Carens says free internal mobility and free external mobility is equally important. Miller gives counter argument for that by saying, analogy between internal mobility and free international mobility may be stand in certain cases but not in general. Therefore he considers free international mobility is basic human right. To bring his point home, he says the individual basic right is free movement within the borders of their country of citizenship. Miller suggests that individual also have free international mobility as a basic right when they tackle starvation and persecution. He further says, nobody, want to leave their country until unless it is greatly needed. Therefore, he determines, the right to liberty of international movement is at best a corrective right of those people whose basic rights cannot be protected in their home-based country; it is not a basic human right as Carens contends^[10].

Michael Blake offered the second objection to Carens's suggestion about the liberal egalitarian ideals of moral equality and equal opportunity where he says that right and position should be given by talent and capacity rather than good arbitrary characteristic like citizenship. In this ways, Blake considers citizenship morally relevant rather than irrelevant because it determines the boundary of the state, where the state can play his authority^[11].

Thus, he suggests that state give protection, right and position to those who are its subject and it may withhold specific right from foreigners without affronting their status as moral equals. In this way, he tries to make a direct correlation with right and state duty and argues that few rights arise to prove or justify state authority over its subject. By taking an example of the political right, he argues that no liberal can be considered as the state until unless its political right to its people. Therefore, he argues that like other guarantees and right, right to free mobility also arise from a need to justify the state authority. That is why liberal state to make their citizens to accept its authority provides the right to free internal mobility to its citizen within its territory. However, such states need not grant admission to immigrants because they have no right to such explanation. Thus, Blake determines, liberal states may legitimately confine immigration without violating the ideal of moral equality.

Benhabib argues that a political community always contains few variations. Further, she says that human and citizenship right should be carefully spelt out after taking into consideration historical and traditional practice. She stands in favour of single policy recommendation across the globe. She never gives an example that human right should be spelt out in the light of historical tradition rather she argues that human rights always “trump” tradition. She rues that single correct policy should be imposed carefully to stop political resentment and bigotry. Therefore, she suggests ‘political education’ which means adult re-education^[12].

To counter her argument, Walzer argues that re-education is not a simple business. He gives various reasons that why there should not be single police recommendation in case of immigration, naturalisation. He argues that there have always been differences not only prudentially rather morally. He says, difference societies always possess difference range and different kind differences. Therefore it is pertinent to say now that there should be nation-state always adopt a separate policy for immigration, citizenship and naturalisation.

To deal with the ‘permanent alienage’ problem, Walzer argues that guest worker, resident aliens and any other group should be given citizenship right as quickly as possible if they fit into the old Athenian category of ‘metic’. Benhabib also talks about guest worker and resident alien and argue that they should have voting right at local level. But as far as Walzer's view is a concern, in any democratic nation-state policies conceptualisation work happen at the national level, not the local level. Therefore, he suggests that local level participation cannot give fruitful result until unless they have their say at national as well as national level. Thus he suggests that more crucial would be if they will have free collective

bargaining and participation power in social movement. He goes on say that even Benhabib will agree with this point that right to organise unions and join the movement is unconditional.

5. Concluding remark

All the above philosophical arguments have undoubtedly played a pivotal role in the border-citizenship debate. But it remains vague and yet to be solidified. Blindly following the ideals of any of these school whether it libertarian, utilitarian or egalitarian cannot provide any fruitful and practicable solution for thus far there is a lack of any single axiomatic definition or perspective towards this issue which has practically engulfed entire humanity. The achievement of such a wide range of literature and debate lies in the simple fact of looking at alternatives for a better future. But ironically, citizenship itself remains contentious in both philosophy and practice. The pragmatic step would be to open then our borders such that the issue of millions being rendered stateless is countered. However, saying so does not suffice. Further analysis and design of the actual process, organisation and practice of the ideal of open borders need to be systematically constructed.

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