

# SYMPOSIUM SOPHA

**Titre** : Migration and Citizenship

## Introduction

The increased mobility of people across national borders, whether by choice or by force, has become an integral part of the modern world. Such mobility, of course, has a long history. In the contemporary world, however, migration is occurring on an unprecedentedly large scale. This change has produced a number of political challenges to both policymakers and political theorists.

This symposium seeks to study the impact of migration on the concept and practices of citizenship. It discusses the evolving practice of dual citizenship, the growing disaggregation of citizenship rights from citizenship status and the conditions under which the traditional notion of citizenship is being challenged by new forms of citizenship practices.

Until recently, citizenship was understood as an all-or-nothing status: immigrants were automatically put on the road to citizenship or were segregated from the rights of the citizen. For those who were put on the road to citizenship this meant gradually and continuously acquiring the rights of the citizens only if they become citizen of their host country and therefore lose the citizenship of their home country. However, this practice has been put into question as political reflections are promoting an inclusive conception of citizenship. Today, citizenship tends to be understood as a discrete concept, a bundle of rights that can be acquired independently of the formal citizenship status. Permanent residents are being granted rights equalized with those of citizens in most democratic receiving states while more and more countries are abandoning the idea that those who naturalize have to renounce their previous nationality. These developments have blurred the old line separating aliens from citizens.

While some observers see these phenomena as the end of state-bound citizenship and the beginning of a transnational one, others are concerned about new arising issues such as multiple loyalties or the new meaning of being a citizen. This symposium aims at clarifying this debate.

## Symposium Outline

To ensure that we have an engaged symposium, the symposium will be organized as followed :

- Speakers will send their paper no later than 3 weeks before the symposium along with any reading they judge compulsory or optional to accompany their paper.
- Speakers will have to read other speakers' paper as well as the compulsory readings attributed to them.
- Each speaker will prepare a 10-minutes presentation of one of the papers (not their own paper). This idea is twofold : a) Because the symposium will be open to public, the 10-minutes presentation will enable attendees to grasp the argument of each paper. The 10-minutes presentation will have to be straight to the point and descriptive only (the critical part being saved for the discussion). b) Listening to another person presenting their argument will enable the speakers to see how it is perceived and understood by an external reader.
- Each speaker will have to prepare a few questions for each paper in order to feed the discussion and guarantee a prolific symposium
- 40 minutes will be devoted to each paper

Six speakers have confirmed their presence to the symposium in case the symposium is accepted to the SoPhA conference. The organizing committee accepted more than 5 people in case some speakers withdraw their participation as it has already happened in the past.

In case the 6 speakers attend the symposium we would like to require an extension of the time generally allotted to symposiums: it could take the form of a 4-hours long symposium or of two 2-hours long symposiums.

Official language of the symposium will be English.

## **Talks**

Accepted abstracts were reviewed by a scientific committee composed of 3 professors working on the field of migration or related topics.

### ***TOPIC n°1: Conception of Citizenship: The Boundary Problem***

Talks n°1 :

#### **Political Membership under Conditions of Migration: Hannah Arendt on Citizens, Residents, and Habitants**

This paper gives a comprehensive overview over Hannah Arendt's reflections on citizenship under conditions of migration. Drawing on some of her most relevant considerations on the effects of the arrival of immigrants and, especially, refugees in democratic states -- considerations scattered over works such as *We Refugees* (1944), *The Rights of Man – What Are They?* (1949), *The Origins of Totalitarianism* (1951), and *Nation-State and Democracy* (1963) -- it shows how her position provides a critical contribution to contemporary debates on migration and citizenship.

The first part of the paper presents a reconstruction of Arendt's analyses: In particular, it focuses on concepts (such as, e.g., 'worldlessness') that capture the situation of 'nonmembers', i.e. their 'pariah' status due to a lack of legal, political, and social recognition. In addition, it highlights concepts (such as, e.g., 'cohabitation') that challenge the notion that democratic states have a 'right to exclude'. In the second part of the paper, Arendt's considerations will be brought into dialogue with contemporary re-conceptualizations of political membership in democratic theory and, especially, in citizenship theory. It is argued that Arendt's work, in pointing out the specific political subjectivity and agency of refugees and other immigrants as well as in anticipating forms of democratic communality that cut across common distinctions between 'members' or 'insiders' (i.e., citizens) and 'nonmembers' or 'outsiders' (i.e., migrants), serves as a point of departure and orientation for Arash Abizadeh's reflections on the 'unbounded' nature of the demos, for Ayelet Shachar's reflections on membership qua 'ius nexi', and for Étienne Balibar's reflections on 'insurrective' forms of citizenship that stands up for the rights and the inclusion of 'others'.

Talk n°2:

#### **Citizens, Non-Citizens and In-Between Transnational Citizenship and the Boundaries of the Demos**

In the present times of global interdependency and unprecedented trans-border mobility, more and more people live outside their home states - a situation which accentuates the problem of a so-called citizen tyranny: Although subject to the law of their host state, these resident non-citizens have no say in its making. In contrast to most current proposals this paper argues that a simple conferral of additional rights, including voting rights, to resident non-citizens is insufficient to guarantee the conditions of their political autonomy. This is due to the precarious nature of all rights presently granted to non-citizens: Depending upon a status which is not self- but other-determined, these rights remain at the disposition of the host state and can hence easily be withdrawn when the political or economic climate changes.

In order to sustainably protect the political autonomy of resident non-citizens, the rights granted to them must consequently not only be strengthened but also be opened to their influence and contestation. This requires, however, overcoming the traditional distinction between citizens and non-citizens in favour of a third, intermediary status which is jointly defined by the collective (the host state) distributing and the individual (the non-citizen) holding it.

A useful source of inspiration for such an intermediary rights regime is provided by Union citizenship. As transnational political status in-between citizenship and foreignness, it strengthens not only the legal protections of intra-European migrants but also renders these protections more robust by granting all EU citizens – via their participation in European decision-making – influence upon the rights they enjoy in another member state.

Building upon this potential of Union citizenship, this paper discusses several reform proposals which could overcome its current weaknesses and transform it into an effective remedy against the present under-inclusiveness of European states.

Talk n°3:

### **Citizenship, Non-Citizenship and Migration**

Though arguments have notably diverged, normative theorists of citizenship and immigration have largely presumed the existence of a demos that is justified to its citizens and capable of judging the merits of whether non-citizens on a territory should become members of a political community. However, within many liberal democracies, many forms of migration do not fit within the citizen/non-citizen binary. As such, once inside a territory, many are caught at the borders of citizenship, having selective access to rights and privileges. In response, there has been an increasingly body of literature that has sought to move beyond the citizen/non-citizen binary. This paper attempts to develop this line of thought, and account for those who are at the borders of citizenship: non-citizen territorial residents who possess varying degrees of rights, duties and privileges that are typically attributable to full citizens.

This paper distinguishes de facto citizenship as practice and contrasts it with de jure citizenship as a politico-legal status which formally defines a series of social, civil and political rights. Focusing on the latter, it goes on to differentiate three variants that have resulted from the disaggregation of de jure citizenship rights: partial, quasi and full de jure citizenship. Whilst it is not claimed that this categorization is neat or immutable, or alternatively that it is not contextually defined, it is argued that each contains different distinct constellations of citizenship rights. Further, whilst arguing that citizenship rights are increasingly becoming disaggregated, I counter claims that increasing mobility is making it more difficult to decipher temporary from permanent migration. Or alternatively that the very distinction between citizens and non-citizens is disappearing.

Though posing normative implications, the ambitions of this paper are primarily analytical and descriptive and concerned with the content as opposed to justification for citizenship. However, by developing an alternative analytical framework, it is possible to assess alternative normative theories. The concluding section relates this framework back to normative theories of immigration justice.

### ***TOPIC n°1: Which Citizenship for Which Categories of Migrants?***

Talk n°4:

### **Refugees vs. Migrants? Critical Notes on a Popular, but Problematic Distinction**

This contribution examines the popular but problematic distinction between refugees and migrants and shows that it rests on three problematic assumptions. First, it is based on a false premise we can separate the political from the economic sphere while globalization has contributed to the acceleration of the

entanglement of political concerns and economic interests. Secondly, it reflects a problematic confusion of the private sphere with the public sphere, whereas the management of migratory flows between States cannot be equated with the private decisions of a household. Finally, it is based on a questionable separation between morality and politics that reflects the internal contradictions of the principles of political liberalism where the fundamental right of individuals to freedom of movement coexist with the sovereign right of States to determine who can be accommodated.

Talk n°5:

### **Justice globale et citoyenneté à plusieurs vitesses**

Vous vous retrouvez en pleine mer, épuisé. Un bateau arrive à proximité de vous et vous implorez son aide. Votre accès au bateau est refusé après une délibération démocratique opposant un camp vous refusant une cabine mais vous laissant dormir sur le pont à un camp se refusant à ce que vous receviez moins que ce que vous méritez en tant qu'égal, à savoir une cabine. Convaincu d'avoir fait ce qu'il fallait pour que la justice soit rendue, le camp qui voulait vous octroyer une cabine vous regarde vous noyer en se lamentant de l'immoralité des autres passagers. Ce camp me fait quelque peu penser à celui qui, à gauche, refuse le débat sur l'accès des migrants à nos sociétés sous le régime d'une citoyenneté de deuxième zone. Une citoyenneté composée d'une partie seulement des droits conférés par la citoyenneté pleine et entière mais qui permettrait tout de même aux migrants d'améliorer grandement leur situation. Dans l'expérience de pensée précédente et faute de mieux, le camp qui voulait que vous puissiez bénéficier d'une cabine aurait du voter en faveur de votre accès au seul pont du bateau. Pourquoi serait-ce différent dans le cas des migrants et de la citoyenneté de deuxième zone ? Ma présentation visera à faire le bilan des forces et des faiblesses de la citoyenneté à plusieurs vitesses du point de vue de l'amélioration de la situation des plus défavorisés de ce monde.

Talk n°6:

### **Sanctuary cities, citizenship, and the right to belong**

Sanctuary cities (mainly in the US and Canada) are cities that host unauthorized immigrants, and to some extent strive to prevent their prosecution by the state. By implementing sanctuary policies these cities commit themselves not only to protecting the basic rights of hosted immigrants, but also to accommodating them, to some extent, in the urban community. It is not immediately clear, however, what this commitment entails. For example, can a sanctuary city enable hosted immigrants to find housing and work, but bar them from voting in municipal elections? I argue that settling these questions is not at the discretion of sanctuary cities. These cities have a wide range of duties towards hosted immigrants including a duty to ensure that they can pursue various projects and goals, to lead an autonomous life, to develop social connections and to participate in collective decision making in the urban community. These duties do not stem from the immigrants' human right to belong, i.e. to engage in meaningful projects and build communal relationships in the community in which they are present. Instead these duties are based on the sanctuary city's commitment to host unauthorized immigrants which bestows on them a specific type of membership in the sanctuary community. This sanctuary citizenship bears similarities to various forms of domicile and urban citizenship. However, since sanctuary citizenship ultimately stems from the city's own commitment to host unauthorized immigrants, in my view, it gives rise to much more demanding and wider ranging duties than urban citizenship.