

POLS W 3002 HUMAN RIGHTS AND IMMIGRATION

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Spring 2013
POLS W 3002
MW 10:10-11:25 am
Diana Center 203

INTRODUCTION

This course aims to inquire into some of the most challenging political and normative issues related to human rights by focusing on international migration. Today around 200 million people are estimated to be living outside their country of birth. In conjunction with this massive human migration, there is an unprecedented increase in the number of people who lack the rights associated with citizenship and become vulnerable to various forms of violence, discrimination and abuse. To what extent can these problems be addressed and remedied by appeals to human rights? In what ways does the contemporary condition of asylum-seekers, refugees and undocumented immigrants reveal the limits, paradoxes, and promises of human rights? What are some of the most illuminating theoretical frameworks that can help us grapple with the problems encountered by various categories of migrants and assess the existing norms of human rights? These are among the questions that will guide our critical inquiry of human rights in this course.

The first section of the course addresses the political and normative implications of understanding rights and citizenship within the boundaries of the sovereign nation-state. We are particularly interested in the limits and problems of debating migrants' rights within the conventional framework of the nation-state. The second section is centered on the question of whether and how this framework is undergoing change due to the ascendancy of human rights norms. More specifically, we will assess the extent to which international developments regarding human rights have inaugurated a post-national era detaching rights and citizenship from the nation-state. The third section of the course aims to scrutinize some of the pervasive problems encountered by asylum-seekers, refugees and undocumented immigrants in claiming and exercising fundamental rights—e.g. detention, deportation, protracted encampment. Taking these problems as a starting point, we will engage in a critical analysis of the existing norms, practices and institutions of human rights to understand their limits, problems and exclusions. The fourth section looks into some of the contemporary rights struggles waged by migrants. We will address how these struggles, drawing on, contesting, and reinventing the languages of citizenship and human rights, urge us to rethink these two crucial concepts of our political vocabulary.

LEARNING OBJECTIVES

This course has three main objectives: (1) to develop a theoretically informed understanding of the complex relationship between human rights, citizenship, nation-state and sovereignty; (2) to acquire a critical, analytical understanding of the underlying assumptions and political effects of human rights; (3) to develop skills of close reading, critical thinking, analytical writing, and public speaking.

STUDENT LEARNING OUTCOMES

Upon the completion of this course, students should be able to: (1) explain the historical connections between human rights, citizenship and the nation-state; (2) identify the main human rights norms and institutions, including those related to the rights of asylum-seekers, refugees and undocumented immigrants; (3) develop theoretically informed understanding of the challenging problems related to the human rights of these various categories of migrants; (4) critically assess the merits and strengths of

alternative scholarly explanations of these problems; (5) write cogent, persuasive, polished papers on the topic; (6) articulate their critical assessments of the works on this topic.

COURSE REQUIREMENTS

Participation and Commentaries:

The success of this class depends on the intensive participation of each and every student. For this reason, regular class participation and thoughtful contribution to our discussion based on a thorough analysis of the readings are crucial. If you must miss a particular class meeting because of illness, family emergency, or a religious holiday that forbids work, you are expected to inform me beforehand and turn in a 2 pp. double-spaced essay responding to the assigned reading(s) of that week to make up for your missed class participation. Regular participation in class discussion will constitute 10% of your grade.

Throughout the semester you are expected to submit 5 brief commentaries (2 paragraphs; no more than 400 words in total) on course readings of your choice. These commentaries will give you time to develop and organize your thoughts about the readings prior to class so that our discussions are as lively as possible. The first paragraph of each commentary should focus on an issue addressed by the reading(s) of that particular week; try to choose an issue or a point that is striking or perplexing and demands close attention. Work with the assigned reading(s) and cite relevant pages to provide textual evidence. The second paragraph should list two questions related to this issue and a brief explanation of why these questions are important. Commentaries must be posted on the Discussion Board on Courseworks by 5 pm on the day before the class. Students are expected to have looked at these postings before class to be prepared to talk about the issues that are raised in them. These commentaries will constitute 5% of your grade.

Short Essay:

This assignment (approximately 3-4 pages, 12-point standard font, double spaced) aims to develop skills of close reading, interpretive analysis, argumentation and critical thinking. You are expected to write an analytical essay that develops a well-supported argument in response to the questions/topics that will be provided to you in advance. Your essay should closely engage with the relevant readings, oftentimes comparing the arguments of different authors and critically assessing their relative strengths and weaknesses. This assignment is 20% of your grade. It is due at the beginning of class on March 4, and you will have the questions/topics and additional guidelines a week before this deadline.

Book Review:

You will write one book review (approximately 6-7 pages, 12-point standard font, double spaced). Please select one book from the following list for this assignment:

- Michel Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government* (Cambridge: Polity Press, 2011).
- Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge and New York: Cambridge University Press, 2004).
- Carol Bohmer and Amy Shuman, *Rejecting Refugees: Political Asylum in the 21st Century* (London and New York: Routledge, 2008).
- Michael Dummett, *On Immigration and Refugees* (London: Routledge, 2001).
- Bonnie Honig, *Democracy and the Foreigner* (Princeton and Oxford: Princeton University Press, 2001).
- Anne McNevin, *Contesting Citizenship: Irregular Migrants and New Frontiers of the Political* (New York: Columbia University Press, 2011).
- Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (New York: Routledge, 2006).

Book review is 30% of your grade. It is due at the beginning of class on April 10, and you will have additional guidelines by early March.

Analytical Paper:

For this final assignment (~6-7 pages, double-spaced, 12 pt. font), you will choose a specific problem or issue related to human rights and immigration (e.g. legitimacy of border controls, exclusions of national and/or postnational membership, limits of the right to asylum, tensions between human rights and humanitarianism, normalization of detention and deportation, protracted encampment of refugees, new rights claims of undocumented immigrants). You are expected to examine this problem or issue by drawing on a wide range of course readings. As part of this final assignment, you will first submit a brief topic statement (1/2-1 page, double-spaced) and a short annotated bibliography (5-6 entries) due April 8 (not graded). I will give you specific feedback about how to approach your question and which readings to consult on the basis of your topic statement and bibliography.

There will be no final exam for this course; instead, the final paper will be **due the day of the final examination** (35% of the final grade).

Please submit hard copies of each writing assignment.

GRADING

- Class participation: 10%
- 5 brief commentaries: 5% (1% each)
- 1 short essay: 20%
- 1 book review: 30%
- 1 analytical paper: 35%

POLICY ON LATE ASSIGNMENTS

Late turn-ins will be significantly penalized (one-third of a letter grade per day after the deadline). For example, a “B” paper due Monday but submitted on Wednesday will receive a “C+”. Papers submitted more than four days after the due date will not be accepted. Extensions will be given only in the case of documented illness, family emergency, or other crisis situation; please bring any form of documentation available.

Commentaries must be posted on Courseworks by 5 pm on the day before the class. Late commentaries will not be taken into consideration in grading.

COURSE EXPECTATIONS

1. Read the syllabus thoroughly; you are responsible for all of its contents.
2. Complete all the assignments to qualify for a passing grade.
3. Read assigned texts in time before their discussion in class; come prepared with questions or issues to discuss.
4. Regular class participation is imperative. Attend class and participate actively in ways that are constructive and respectful of your peers and the instructor. If you must miss a particular class meeting because of illness, family emergency, or a religious holiday that forbids work, you are expected to inform me beforehand and turn in a 2 pp. double-spaced essay responding to the assigned readings of that week to make up for your missed class participation.
5. Each class session will begin promptly at 10:10 am; as a matter of respect for your peers and the instructor, please come to class on time and remain for the entire session. If for some reason you have to be late one day or must leave early, please tell me in advance (at least 24 hours in advance), and then arrive/depart as unobtrusively as possible.

6. Please turn all communication devices to silent before the class starts. Because of extreme potential for distraction, no laptops are allowed in class. Exceptions can be made only if you have notified me of an individual need to be accommodated due to a disability.
7. Please do not bring food to class; water and beverages in sealed containers are fine.

ACCESSIBILITY

Students with disabilities who will be taking this course and may need disability-related accommodations are encouraged to make an appointment to see me as soon as possible. Disabled students who need accommodations related to assignments and/or classroom must be registered in advance with the Office of Disability Services in 008 Milbank Hall.

ACADEMIC HONESTY

Students affirm that all work turned in is their own, and that they have fully and accurately cited every written source, including web-based sources, used in their writing. All students taking this course must adhere to the Barnard College honor code. The honor code considers it “dishonest to ask for, give, or receive help in examinations or quizzes, to use any papers or books not authorized by the instructor in examinations, or to present oral work or written work which is not entirely our own, unless otherwise approved by the instructor.” If in doubt about any of these provisions or you would like to discuss these matters further, please seek guidance from the instructor.

For more information on academic integrity, please see

<http://firstyear.barnard.edu/plagiarism/introduction>
<https://library.barnard.edu/find-books/guides/plagiarism>
<http://www.college.columbia.edu/academics/integrity>

READINGS

The required readings, marked as “CW” in the Course Calendar, will be available for download on Courseworks; please check the “Files and Resources” tab on the menubar to access the readings and a copy of this syllabus.

I highly recommend that you purchase a copy of the book that you decide to review; having your own copy would allow you to work more closely on the book at your own pace. Please notify me by the end of January if you have problems finding a copy of any of the books on the list.

COURSE CALENDAR AND SCHEDULE OF ASSIGNMENTS

January 23: Introduction to POLS 3002 (No reading)

I. Rights, Citizenship, and the Nation-state

January 28: Entangled Histories of the Modern Nation-state and Human Rights

- Rogers Brubaker, “Citizenship as Social Closure” and “The French Revolution and the Invention of National Citizenship,” in *Citizenship and Nationhood in France and Germany* (Cambridge, Mass.: Harvard University Press, 1992), pp. 21-49. **CW**
- Jürgen Habermas, “Citizenship and National Identity,” in *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, tr. William Rehg (Cambridge, Massachusetts: The MIT Press, 1996), pp. 491-515 (footnotes – pp. 568-569). **CW**
- 1789 Declaration of the Rights of Man and Citizen – Available online at http://avalon.law.yale.edu/18th_century/rightsof.asp

- The Universal Declaration of Human Rights – Available online at <http://www.un.org/Overview/rights.html>

January 30: Exclusions of Membership in the Nation-state

- Michael Walzer, “Membership,” in *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, Inc., 1983), pp. 31-63. **CW**
- Peter H. Schuck and Rogers M. Smith, “Birthright Citizenship in the Contemporary Polity,” in *Citizenship without Consent: Illegal Aliens in the American Polity* (New Haven and London: Yale University Press, 1985), pp. 90-115. **CW**

February 4: Nation-states, Sovereignty and Borders

- David Miller, “Immigration: The Case for Limits,” in *Contemporary Debates in Applied Ethics*, A. Cohen and C. Wellman, ed. (Malden, MA: Blackwell Publishing, 2005), pp. 193–206. **CW**
- Christopher Heath Wellman, “Immigration and Freedom of Association,” *Ethics*, vol. 119, no. 1 (October 2008): 109–141. **CW**

February 6: Problems of Rightlessness in a Nation-state Framework

- Hannah Arendt, “The Decline of the Nation-state and the End of the Rights of Man,” in *The Origins of Totalitarianism* (New York: Harcourt, [1951] 1968), pp. 267-302. **CW**

II. Age of Human Rights: Beyond Sovereignty and Citizenship?

February 11: Political and Normative Ascendancy of Human Rights

- Jack Donnelly, “The Concept of Human Rights,” and “International Human Rights Regimes,” in *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2nd ed.), pp. 7-21 and 127-154. **CW**

February 13: Human Rights of Migrants

- David Weissbrodt, *The Human Rights of Non-citizens* (Oxford and New York: Oxford University Press, 2008), Chapter 2, pp. 18-44. **CW**
- Stefanie Grant, “The Recognition of the Rights of Migrants within the UN Human Rights System: The First 60 Years,” *Are Human Rights for Migrants? Critical Reflections on the Status of Irregular Migrants in Europe and the United States*, Marie-Benedicte Dembour and Tobias Kelly, ed. (Abingdon, Oxon: Routledge, 2011), pp. 25-47. **CW**

February 18: Beyond National Citizenship and State Sovereignty?

- Seyla Benhabib, “Transformations of Citizenship: The Case of Contemporary Europe,” *Government & Opposition*, vol. 37, no. 4 (September 2002): 439-465. **CW**
 - [See also Table 4.1 “Current Rights Regimes in Contemporary Europe: Civil and Political Rights,” from Benhabib, *The Rights of Others*, Cambridge and New York: Cambridge University Press, 2004, pp. 158-161.] **CW**
- Yasemin Soysal, “Toward a Postnational Model of Membership” and “Conclusion,” in *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994), pp. 136-167. **CW**

February 20: Beyond National Citizenship and State Sovereignty? (cont.)

- David Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore and London: Johns Hopkins University Press, 1996), pp. 1-11; 94-106. **CW**
- Christian Joppke, “Why Liberal States Accept Unwanted Immigration,” *World Politics*, vol. 50, no. 2 (January 1998): 266-293. **CW**

February 25: Resilience of Citizen/Non-Citizen Distinction

- Jacqueline Bhabha, “‘Get Back to Where You Once Belonged’: Identity, Citizenship, and Exclusion in Europe,” *Human Rights Quarterly*, vol. 20, no. 3 (August 1998): 592-627. **CW**
- Linda Bosniak, “The Difference That Alienage Makes,” in *The Citizen and the Alien: Dilemmas of Contemporary Membership* (New Jersey: Princeton University Press, 2006), pp. 37-76. **CW**

III. Limits and Problems of the Human Rights Framework

February 27: Human Rights: Critical Assessments

- David Kennedy, “The International Human Rights Movement: Part of the Problem?” *Harvard Human Rights Journal*, vol. 15 (2002): 101-125. **CW**
- Wendy Brown, “‘The Most We Can Hope For...’: Human Rights and the Politics of Fatalism,” *South Atlantic Quarterly*, vol. 103, no. 2/3 (Spring/Summer 2004): 451-463. **CW**

March 4: Human Rights: Critical Assessments (cont.)

- Giorgio Agamben, “Beyond Human Rights,” in *Means without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 2000), pp. 17-26. **CW**
- Prem Kumar Rajaram and Carl Grundy-Warr, “The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia, and Thailand,” *International Migration*, vol. 42, no. 1 (March 2004): 33-64. **CW**

March 6: Asylum-seekers and Human Rights

- Jacqueline Bhabha, “Internationalist Gatekeepers? The Tension Between Asylum Advocacy and Human Rights,” *Harvard Human Rights Journal*, vol. 15 (2002): 155-181. **CW**
- Carol Bohmer and Amy Shuman, “Producing Epistemologies of Ignorance in the Political Asylum Application Process,” *Identities*, vol. 14, no. 5 (October 2007): 603-629. **CW**

March 11: Undocumented Immigrants and Human Rights

- Linda S. Bosniak, “Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers Convention,” *International Migration Review*, Vol. 25, No. 4 (Winter 1991): 737-770. **CW**

March 13: Refugees and Human Rights

- Guglielmo Verdirame and Barbara E. Harrell-Bond, selections from “Refugee Protection: What is Going Wrong?” in *Rights In Exile: Janus-Faced Humanitarianism* (New York: Berghahn Books, 2005), pp. 271-319. **CW**

NO CLASS ON MARCH 18 AND 20 – SPRING HOLIDAYS

March 25: Tensions Between Humanitarianism and Human Rights

- Liisa H. Malkki, “Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization,” *Cultural Anthropology*, vol. 11, no. 3 (1996): 377-404. **CW**
- Michel Agier, “Humanity as an Identity and Its Political Effects (A Note on Camps and Humanitarian Government),” *Humanity*, vol. 1, no. 1 (Fall 2010): 29-45. **CW**

March 27: CLASS CANCELLED

- I will be attending a conference; office hours for this week will be held on March 25, Monday, 2-4 pm.

April 1: Human Rights and Detention

- Judith Butler, “Indefinite Detention,” in *Precarious Life: The Powers of Mourning and Violence* (London and New York: Verso. 2004), pp. 50-100. **CW**

April 3: Immigration Detention

- *Saadi v. United Kingdom* (European Court of Human Rights; case on arbitrary detention of an asylum-seeker) **CW**
- Galina Cornelisse, “Immigration Detention and the Territoriality of Universal Rights,” in Nicholas De Genova and Nathalie Peutz (ed.), *Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (Durham and London: Duke University Press, 2010), pp. 101-122. [Available online as e-book; search CLIO and log in]

April 8: Deportation

- William Walters, “Deportation, Expulsion, and the International Police of Aliens,” *Citizenship Studies*, vol. 6, no. 3 (September 2002): 265-292. **CW**
- Nicholas P. De Genova, “Migrant ‘Illegality’ and Deportability in Everyday Life,” *Annual Review of Anthropology*, vol. 31 (2002): 419-47. **CW**

April 10: Deportation (cont.)

- *N v. United Kingdom* (European Court of Human Rights; deportation case) **CW**
- Didier Fassin, “Compassion and Repression: The Moral Economy of Immigration Policies in France,” *Cultural Anthropology*, vol. 20, no. 3 (2005): 362-387. **CW. CW**

April 15: Human Rights and Zones of Exception

- Chowra Makaremi, “Governing Borders in France: From Extraterritorial to Humanitarian Confinement,” *Canadian Journal of Law and Society*, vol. 24, no. 3 (2009): 411-32. **CW**
- Azadeh Dastyari, “Refugees on Guantanamo Bay: A Blue Print for Australia's ‘Pacific Solution’?” *AQ: Australian Quarterly*, vol. 79, no. 1 (January-February 2007), pp. 4-8. **CW**
- Jennifer Hyndman and Alison Mountz, “Another Brick in the Wall? Neo-*Refoulement* and the Externalization of Asylum by Australia and Europe,” *Government and Opposition*, vol. 43, no. 2 (Spring 2008): 249–269. **CW**

IV. Rethinking the Politics of Human Rights

April 17: Human Rights: Democratic Possibilities?

- Claude Lefort, “Human Rights and the Welfare State,” in *Democracy and Political Theory*, trans. David Macey (Cambridge: Polity Press, 1988), pp. 21-44. **CW**
- James Ingram, “What Is a ‘Right to Have Rights’? Three Images of the Politics of Human Rights,” *American Political Science Review* 102, no. 4 (November 2008): 401-416. **CW**

April 22: Human Rights: Democratic Possibilities? (cont.)

- Étienne Balibar, “‘Rights of Man’ and ‘Rights of the Citizen’: The Modern Dialectic of Equality and Freedom” and “What is a Politics of the Rights of Man?” in *Masses, Classes, Ideas* (New York and London: Routledge, 1994), pp. 39-59. **CW**

April 24: Human Rights: Democratic Possibilities? (cont.)

- Jacques Rancière, “Who is the Subject of the Rights of Man?” *The South Atlantic Quarterly*, vol. 103, no. 2/3 (Spring/Summer 2004), pp. 297-310. **CW**

April 29: Reinventing Human Rights and Citizenship: Beyond the Nation-State?

- Christina Beltrán, “Going Public: Hannah Arendt, Immigrant Action and the Space of Appearance,” *Political Theory*, vol. 37, no. 5 (October 2009): 595-622. **CW**
- Nicholas De Genova, “The Queer Politics of Migration: Reflections on ‘Illegality’ and Incorrugibility,” *Studies in Social Justice*, vol. 4, no. 2 (2010): 101-126. **CW**.

May 1: Reinventing Human Rights and Citizenship: Beyond the Nation-State? (cont.)

- Anne McNevin, “Political Belonging in a Neoliberal Era: The Struggle of the *Sans-papiers*,” *Citizenship Studies*, vol.10, no. 2 (2006), pp. 135-151. **CW**
- Peter Nyers, “No One is Illegal Between City and Nation,” *Studies in Social Justice*, vol. 4, no. 2 (2010): 127-143. **CW**.

May 6: Last Day of Class: Conclusion – No reading