

Migration and Membership: Empirical and Normative Perspectives
Legal Studies C134 | Sociology C146M
Fall 2022

Lecture: Tu & Th 2:00-3:29pm (Birge 50)

Sections:

101 M 1-2pm (Anthro/Art Practice Building 115)
 102 Tu 10-11am (Physics Building 385)
 103 W 5-6pm (Cory 285)
 104 Th 4-5pm (Social Sciences Building 174)
 105 M 2-3pm (Social Sciences Building 54)
 106 W 8-9am (Dwinelle 205)

Professors:

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Course Description:

In this course we will explore questions about migration and membership in the contemporary world by drawing on empirical and normative perspectives. By “empirical,” we investigate what social science evidence tells us about the benefits of membership and the drivers of migration. By “normative,” we think through questions of what a society *ought* to do: what is the morally right or just thing to do about issues of citizenship and migration?

The first half of the course will focus on membership or citizenship. How should we conceive of membership—as a formal legal status (e.g., citizenship status), entitlement to a set of rights, active participation in self-governance, an identity, or something else? What is the relationship between membership, on the one hand, and class, race, gender, sexuality, and national origin, on the other? What rights have historically been associated with citizenship status, and what rights have been extended to noncitizens living in a country? How is citizenship acquired? How should it be acquired? What would cosmopolitan citizenship look like?

The second half of the course will focus on migration. Why do people migrate across international borders? Should people be allowed to migrate across borders? States exert control over migration but what, if anything, justifies this control? What is the impact of migration on sending countries, receiving countries, and migrants themselves? What are the key dynamics in the history and politics of immigration and how do they shape immigration policy making? What are the current immigration categories and priorities in U.S. immigration law? What kinds of immigration policies should the U.S. and other liberal democratic countries pursue?

This will be a demanding and rewarding class, requiring you to move back and forth between different types of thinking, from data and evidence-based evaluation to reflection on normative questions about justice and fairness. We expect all students to treat each other – and their ideas – with respect, even as we might disagree with each other.

Learning Goals – By signing up for this course, you have committed to learning a body of knowledge about the “big ideas” of membership and migration. You will study answers developed by leading scholars to the questions above. You will also develop a set of skills critical to your success as students at Cal and as human beings beyond the university: evaluating evidence and arguments, clarifying and reflecting on values that shape our legal and political system, engaging with different viewpoints and perspectives, identifying patterns and making generalizations, and developing strong arguments of your own. You will hone these skills through writing a paper, developing a glossary of key terms, active participation in class, and preparing for and doing the final exam at the end of the semester.

Attendance and Participation – There will be two synchronous, in-person lectures and one GSI-led synchronous, in-person section per week. We expect you to attend all lectures and sections. We will use CourseCapture to record lectures, but these video recordings are only intended for unusual situations that prevent you from attending lecture (e.g., illness). **Students will not be allowed to take this course via on-line video only.** Each video of lecture will be posted on the bCourses Media Gallery and will be available for only one week after the lecture. Sections will not, in general, be recorded.

In lectures, Prof. Bloemraad and Prof. Song will explain key points and arguments from the readings, engage in dialogue with one another to integrate empirical and normative perspectives, and provide time for your questions and discussion. In section, you are expected to be prepared and participate thoughtfully. More details on section participation are below. **You will be much more successful in this class if you attend all in-person lectures and sections.**

Readings – The schedule below lists the readings to be completed by the date listed. You will get more out of lectures if you do readings *before* class. Some of the texts are difficult and abstract; they will require slow, careful reading. Plan to set aside at least 4 hours per week to read. All reading materials are available electronically on the class [bCourses](#) site.

Course Requirements:

Your grade will be based on the following course requirements:

- **Paper on citizenship policy (30%) – DUE Sunday, October 23, 11:59pm PDT**
- **Contribution to collective “Key terms” Wiki (15% total)** – write 6 key terms and peer-edit others’ entries
- **Section attendance and participation (15%)**
- **In-person final exam (40%) – Tuesday, December 13, 8:00-11:00am**, Location TBD. The exam will have two parts: knowledge of key terms (10%) + 2 essays on immigration policy (15% each)

Paper – The paper assignment, due on October 23, requires that you outline a citizenship policy for the newly independent country of California. It is 2050, and California has separated from the United States. It has to establish its own independent citizenship procedure. You must outline a detailed policy on who can acquire Californian citizenship and the procedures for the acquisition of citizenship. Consider factors such as residence, “blood” descent, cultural ties, economic contributions, extraordinary talents or achievement, and any other considerations you regard as necessary for a well-developed citizenship plan. Your essay should have three distinct parts:

(1) Your policy: What is your proposed citizenship policy for the new country of California? (should be about 2 single-spaced pages)

(2) Empirical evaluation: Based on readings and lectures, what factors do you believe most influence immigrants' acquisition of citizenship? (should be 2-3 double-spaced pages)

(3) Justification of your policy: Why this policy? Justify your policy by referencing both the empirical research and normative arguments. In outlining your justification, consider both the affirmative reasons you will provide citizenship, as well as reasons for avoiding other criteria (e.g., who is denied citizenship?). (should be about 4-5 double-spaced pages).

Finally, you should add a Works Cited page.

LATE POLICY: Assignments are marked down a third of a grade for each day late, e.g., an A- becomes a B if two days late.

Key terms Wiki – To prepare for the final exam and to stay on top of readings and class materials, students will collectively build a “Key Terms” Wiki over the course of the semester. Each student will write a first draft of 6 key terms. For each term, you must (1) provide a definition or explanation of the term in your own words (1-2 sentences); (2) an explanation of the term's importance (1-2 sentences); and (3) an application or example of the term (1-2 sentence). Each key term entry should end with references to specific pages of class readings or lecture dates for others to see the source material. Students will also peer review key terms over the semester, making suggestions for improvements or corrections. This material will be available to all students in a section as a study guide for the final exam and as a glossary for the paper.

Section attendance and participation – Your attendance and active participation in section will improve your learning and that of your peers. 15% of your final grade will be based on section attendance and participation. Quality of participation is more important than quantity, and actively listening to your peers is critical to high-quality participation. We expect thoughtful, respectful dialogue. Your GSI will provide further details about section participation. If you have to miss a section, you must notify your GSI and provide your reason.

Final exam – The final exam will be in-person and will consist of two parts. In Part I, you will discuss 5 key terms (drawn from the Key Terms Wiki) and provide the definition, the importance or significance of the term, and an application of the term to demonstrate your understanding. You will have a choice of 5 key terms out of 8 listed on the exam. In Part II, you will write two essays based on course material from the second part of the course on migration. The topics for the essays will be distributed in advance of the exam so you can prepare.

Attendance in lecture – We expect you to attend and participate in lecture. The professors will distill and explain key ideas from the readings, and there will be opportunity for you to ask questions and contribute to lecture discussion. There is a strong, positive correlation between coming to lecture and doing well in the class.

Accommodations:

Please speak to us as early as possible about accommodations related to disabilities, religious observances, or events that will prevent you from attending class (e.g., athletic activities). In all cases, you are responsible for class material and submitting assignments on time. If you need disability-related accommodations for any aspect of the course, please contact the Disabled Students' Program (DSP) and ensure that they forward all approved DSP accommodations to us, so that we and your GSIs can make the necessary accommodations.

Video Recordings of Lectures:

Video recordings of lectures will be posted on bCourses under the Media Gallery tab and will be available for one week after each lecture. If you must miss a lecture, watch the recording as soon as possible. The course materials are cumulative, with each week's readings building on prior weeks, so it is in your best interest to keep up with the readings and lectures.

Online Etiquette – No distribution: All lecture slides will be posted on bCourses and video recordings of lectures will be posted and available for one week after each lecture. These materials should not be shared with anyone outside the class.

IMPORTANT: Communication and Community Norms:

- Check your berkeley.edu email daily for announcements and class communication.
- bCourses is the hub for class readings, assignments, announcements, and extra materials. You should check bCourses regularly. Please check bCourses and the syllabus first if you have questions about class logistics and materials.
- Instructors and GSIs are getting many, many emails on a daily basis. They will try to respond in a timely manner, but please be patient.
- COVID infections continue, even as everyone wishes the pandemic was over. We strongly encourage all students to wear masks in lecture, section and all indoor university spaces. Other students and instructors might have medical conditions or live with vulnerable family members who they wish to protect from COVID.
- In this course, we will discuss important yet sensitive and controversial topics related to membership and migration. We want to address these discussions as an inclusive and open-learning community. Fellow students come from varied backgrounds and experiences, with different levels of interest, knowledge and experiences of immigration. We will discuss community norms for respectful and thoughtful class conversations. Also review the university's [Principles of Community](#).

SCHEDULE AND READINGS

I. INTRODUCTION

Aug 25

Week 1: Introduction

Reading for August 25:

Cumming-Bruce, Nick. "Switzerland Votes to Ease Citizenship for Third-Generation Immigrants," *New York Times*, February 12, 2017, <https://www.nytimes.com/2017/02/12/world/europe/switzerland-citizenship-3rd-generation-referendum.html>

Todd, Douglas. "What Do Indigenous Voices Say about Immigration?" *Vancouver Sun*, October 24, 2021, <https://vancouver.sun.com/opinion/columnists/douglas-todd-what-do-indigenous-voices-say-about-immigration>

Stock, Margaret. "What the Military Needs is an Infusion of Immigrants," *Washington Post*, May 25, 2022, <https://www.washingtonpost.com/opinions/2022/05/25/military-recruitment-immigrants-green-card/>

Aug 30 / Sep 1

Week 2: The Power and Challenges of Empirical and Normative Thinking

Reading for Aug 30:

Bloemraad, Irene. 2012. "[What the Textbooks Don't Tell You: Moving from a Research Puzzle to Published Findings.](#)" In *Handbook of Research Methods in Migration*, ed. Carlos Vargas-Silva. pp. 502-520.

Recommended:

Weber, Max. [1918] 1958. "Science as a Vocation." In *From Max Weber: Essays in Sociology*, eds. H.H. Gerth and C. Wright Mills. pp. 140-147, 150-151.

Reading for Sep 1:

Song, Sarah. 2018. *Immigration and Democracy*. pp. 1-10.

Bauböck, Rainer. 2008. "Normative Political Theory and Empirical Research," in *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*. pp. 40-52, 58-59.

II. MEMBERSHIP AND CITIZENSHIP

Sep 6 / 8

Week 3: What is Citizenship?

Reading for Sept 6:

Pocock, J.G.A. 1995. "The Ideal of Citizenship since Classical Times," in *Theorizing Citizenship*, ed. R. Beiner. pp. 29-52.

Marshall, T.H. 1950. *Citizenship and Social Class*. pp. 1-11 and 75-85.

Reading for Sept 8:

Kerber, Linda. 1997. "The Meanings of Citizenship." *Journal of American History* 84(3): 833-54.

Linda Bosniak. 2006. "Defining Citizenship" (ch. 2)," in *The Citizen & the Alien*. pp. 17-36.

Sep 13 / 15

Week 4: How and Why Do People Acquire Citizenship?

Reading for Sept 13:

National Academies of Sciences, Engineering, and Medicine, and Committee on Population. 2015. *The Integration of Immigrants into American Society*. pp. 159-180.

Vink, Maarten Peter, Tijana Prokic-Breuer, and Jaap Dronkers. 2013. "Immigrant naturalization in the context of institutional diversity: policy matters, but to whom?" *International Migration* 51(5): 1-20.

Reading for Sept 15:

Bloemraad, Irene. 2006. *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada*. Introduction, 2 & 3.

Sept 20 / 22

Week 5: How Should People Acquire Citizenship?

Reading for Sep 20:

Schuck, Peter, and Rogers Smith. 1985. *Citizenship without Consent*. pp. 9-41 (ch. 1).

Schuck, Peter, and Rogers Smith. "Trump Is Half-right. Congress Can End Birthright Citizenship," *Washington Post*, October 31, 2018.

Chavez, Leo. 2017. *Anchor Babies and the Challenge of Birthright Citizenship*. Stanford University Press. Chapter 1: "Undeserving Citizens?"

Reading for Sep 22:

Shachar, Ayelet. 2009. "Curtailling Inheritance: Toward a *Jus Nexi* Membership Allocation Principle." *The Birthright Lottery*. pp. 164-190. Skip pp. 172-173; read the rest.

Recommended:

Simpson, Audra. 2000. "Paths toward a Mohawk Nation: Narratives of Citizenship and Nationhood in Kahnawake." In *Political Theory and the Rights of Indigenous Peoples*.

Sept 27/ 29

Week 6: Exclusions and Inclusions – Who is a member?Reading for Sept 27:

Haney Lopez, Ian. 2006 (1996 original ed). *White by Law: The Legal Construction of Race*. Read pp. 1-8 of ch. 1, pp. 27-34 of ch. 2, and pp. 56-65 & pp. 72-76 of ch. 4. Skim the excerpts of the U.S. Supreme Ct cases, *Ozawa* and *Thind*, in Appendix B.

Recommended:

Smith, Rogers. 1993. "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America." *American Political Science Review* 87(3): 549-66.

Reading for Sep 29:

Schachter, Ariela. 2016. "From 'Different' to 'Similar': An Experimental Approach to Understanding Assimilation." *American Sociological Review* 81(5): 981-1013.

Nawyn, Stephanie. 2011. "'I Have So Many Successful Stories': Framing Social Citizenship for Refugees." *Citizenship Studies* 15: 679-693.

Recommended:

Aptekar, Sofya. 2012. "Naturalization ceremonies and the role of immigrants in the American nation." *Citizenship Studies* 16/7: 937-952.

Hainmueller, Jens & D. Hangartner. 2013. "Who gets a Swiss passport? A natural experiment in immigrant discrimination." *American Political Science Review* 107/1: 159-87.

Oct 4/ Oct 6

Week 7: Differentiated, Gradient and Partial MembershipReading for Oct 4:

Cohen, Elizabeth, & Cyril Ghosh. 2019. "Citizenship Theory Transformed." In *Citizenship*, pp. 48-65.

Bloemraad, Irene. 2022. "Claiming membership: boundaries, positionality, US citizenship, and what it means to be American." *Ethnic and Racial Studies* 45(6): 1011-1033.

Recommended:

Menjívar, Cecilia. 2006. "Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States." *American Journal of Sociology* 111(4): 999-1037.

Reading for Oct 6:

Bosniak, Linda. 2006. "The Difference that Alienage Makes" (ch. 3). In *The Citizen and the Alien: Dilemmas of Contemporary Membership*. pp. 37-76 (skim pp. 40-49 covering Walzer whom we'll read later this semester; read the rest of the chapter)

Patler, Caitlin. 2017. "Citizens but for Papers: Undocumented Youth Organizations, Anti-Deportation Campaigns, & the Reframing of Citizenship." *Social Problems* 65(1): 96-115.

Recommended:

Bloemraad, Irene. 2017. "Does Citizenship Matter?" *Oxford Handbook of Citizenship*. pp. 526-44.

Oct 11 / 13

Week 8: Beyond National Citizenship? Cosmopolitan and Post-national CitizenshipReading for Oct 11:

Tan, Kok-Chor. 2017. "Cosmopolitan Citizenship," *Oxford Handbook of Citizenship*. pp. 695-710.

Nussbaum, Martha. 1996. "Patriotism and Cosmopolitanism," in *For Love of Country*. Beacon Press. pp. 3-17.

Recommended:

Lu, Catherine. 2019. "Decolonizing Borders, Self-Determination, and Global Justice." *Empire, Race, and Global Justice*, ed. Duncan Bell, pp. 251-272.

Getachew, Adom. 2019. *Worldmaking After Empire: The Rise & Fall of Self-Determination*.

Reading for Oct 13:

Soysal, Yasmin. 1994. "Toward a Postnational Model of Membership," in *Limits of Citizenship*, pp. 136-162.

Harpaz, Y. 2015 "Ancestry into Opportunity: How Global Inequality Drives Demand for Long-Distance European Union Citizenship." *Journal of Ethnic and Migration Studies* 41 (13): 2081-104.

Recommended:

Lightfoot, Sheryl. 2013. "The International Indigenous Rights Discourse and Its Demands for Multilevel Citizenship," in *Multilevel Citizenship*, ed. W. Maas. pp. 127-146.

Bloemraad, I. 2004 "Who Claims Dual Citizenship? The Limits of Postnationalism, the Possibilities of Transnationalism, and the Persistence of Traditional Citizenship." *International Migration Review* 38(2): 389-426.

PAPER DUE: 11:59pm PDT on Sunday, October 23

III. MIGRATION

Oct 18 / 20

Week 9: Why Do People Migrate?

Reading for Oct 18:

UN Human Development Report 2009, Chapter 2, sections 2.1 & 2.2. Full report available at: <http://hdr.undp.org/en/reports/global/hdr2009/>.

Sassen, Saskia. 1998. America's Immigration 'Problem.' pp. 31-53 in *Globalization and Its Discontents: Essays on the New Mobility of People and Money*. New York: New Press.

Reading for Oct 20:

Garip, Filiz. 2017. *On the Move: Changing Mechanisms of Mexico-US Migration*. Princeton University Press. Read Introduction (pp. 1-9), then Appendix B (pp. 184-194), then Ch. 1.

Recommended:

Schewel, Kerilyn. 2020. "Understanding immobility: Moving beyond the mobility bias in migration studies." *International Migration Review* 54.2: 328-355.

Carling, Jørgen. 2021. "What Makes People Want to Migrate? One Chart Sums It Up." *Medium* <https://medium.com/swlh/what-makes-people-want-to-migrate-b91ad7d9ddb0> (skim + view chart)

Oct 25 / 27

Week 10: Should Nation-States Be Able to Control Immigration?

Reading for Oct 25:

Walzer, Michael. 1983. "Membership" (ch. 2). In *Spheres of Justice*. Basic Books. pp. 31-63.

Recommended:

Miller, David. 2000. "Bounded Citizenship." In *Citizenship & National Identity*. pp. 81-96.

Reading for Oct 27:

Carens, Joseph. 1987. "Aliens and Citizens: The Case for Open Borders." *Review of Politics* 49(2): 251-73.

Recommended:

Song, Sarah. 2018. "Political Theories of Migration," *Annual Review of Political Science*, 21 (2018): 385-402.

Nov 1/ 3

Week 11: The History and Current State of U.S. Immigration Policy

Reading for Nov 1:

FitzGerald, David and David Cook-Martín. 2014. *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*. Harvard University Press. Skim Chapter 1 (look carefully at Figures 1-7), read Chapter 3.

Reading for Nov 3:

Major U.S. immigration laws, 1790-2006: <http://www.migrationpolicy.org/research/timeline-1790>

Key U.S. immigration laws & policy developments, 1986-2013:

<http://www.migrationpolicy.org/research/timeline-1986>

Nov 8/ 10

Week 12: Contemporary U.S. Immigration Politics and Policy

Reading for Nov 8:

Massey, Douglas S., Karen A. Pren, and Jorge Durand. 2016. "Why Border Enforcement Backfired." *American Journal of Sociology* 121(5): 1557-1600.

Reading for Nov 10:

James Hampshire, *The Politics of Immigration* (Cambridge, UK: Polity Press, 2013), ch 1.

Nov 15/ 17

Week 13: Who Should Be Let in and Why? Economic and Cultural Concerns

Reading for Nov 15:

Shachar, Ayelet. 2016. "Selecting by Merit: The Brave New World of Stratified Mobility." In *Migration in Political Theory: The Ethics of Movement and Membership*. pp. 175-201.

Borjas, George. "The Immigration Debate We Need," *The New York Times*, Feb. 27, 2017, <https://www.nytimes.com/2017/02/27/opinion/the-immigration-debate-we-need.html?searchResultPosition=1>

**Also, re-read Patler, on anti-deportation campaigns, and how advocates claim membership.*

Reading for Nov 17:

Clausing, Kimberly. 2019. "Immigrants, We Get the Job Done!" (ch. 8). In *Open: The Progressive Case for Free Trade, Immigration, & Global Capital*. Harvard University Press.

Harell, Allison, et al. 2012. "The impact of economic and cultural cues on support for immigration in Canada and the United States." *Canadian Journal of Political Science* 45(3): 499-530.

Recommended:

Creighton, Mathew J., and Amaney Jamal. "Does Islam play a role in anti-immigrant sentiment? An experimental approach." *Social Science Research* 53 (2015): 89-103.

**Also, re-read Walzer, Spheres of Justice, pp. 41-48 [argues for ethnic affinity-based admissions, i.e., many citizens feel morally obligated to admit "national or ethnic 'relatives.'" In this sense, countries are more like families than neighborhoods or clubs.]*

Nov 22

Week 14: Who Should Be Let In and Why? Family Ties

Reading for Nov 22:

Song, Sarah. 2018. "The Claims of Family" (ch.8). In *Immigration and Democracy*, 132-50.

Bloemraad, I., Silva, F., Voss, K. 2016. [Rights, Economics or Family? Frame Resonance, Political Ideology and the Immigrant Rights Movement](#). *Social Forces* 94(4): 1647-1674.

Recommended:

Pallares, Amalia and Nilda Flores-González. 2011. "Regarding Family: New Actors in the Chicago Protests." pp. 161-179 in *Rallying for Immigrant Rights: The Fight for Inclusion in 21st Century America*, ed. Kim Voss & Irene Bloemraad. University of California Press.

No reading or class Nov 24: Thanksgiving break

Nov 29 / Dec 1

Week 15: Who Should Be Let In and Why? Humanitarian Obligations & Wrap-Up

Reading for Nov 29:

Karen Musalo et al. *Refugee Law & Policy* (5th ed). pp. 27-30, 38-42, 83-84.

Gibney, Matthew. 2015. "Refugees and Justice between States." *European Journal of Political Theory* 14 (4): 448-463.

Neumayer, Eric. 2005. "[Bogus Refugees? The Determinants of Asylum Migration to Western Europe](#)." *International Studies Quarterly* 49(3): 389-409.

No required reading for Dec 1: Last lecture

Recommended:

Lightfoot, Sheryl. 2013. "The International Indigenous Rights Discourse and Its Demands for Multilevel Citizenship," in *Multilevel Citizenship*, ed. W. Maas. pp. 127-146.

Lu, Catherine. 2019. "Decolonizing Borders, Self-Determination, and Global Justice." *Empire, Race, and Global Justice*, ed. Duncan Bell, pp. 251-272.

*** FINAL EXAM: In-person on Tuesday, December 13, 8:00-11:00am, Location TBD**