POL3113
Comparative Analysis - Open Borders
Talking Points: Anne McNevin & Joseph Carens

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April 6, 2015
(Late Submission)

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Joseph Carens has long been a proponent in the case for open borders, and his most recent work *The Ethics of Immigration* attempts to position his ideas in light of a continually changing world and the emerging forces of globalization. Undoubtedly, much of his work stems from his original 1987 article "Aliens and Citizens: the Case for Open Borders", which can be found in chapter 11 and 12 of his book. Written during a time of increased restrictions on migration, Carens's seminal article introduced open borders into mainstream political theory and spurred debate on free movement. While his original paper anchored itself in support for truly open borders, the new book takes into account recent changes in the world, and explicitly aims to engage with the "conventional view of immigration" and show that it can accommodate some measures that improve citizenship and admission policies. Overall the book highlights Carens's main concern, defending the premise that his argument for open borders doesn't conflict with the measures he proposes. Yet Carens never abandoned his central ideas on open borders, and understanding the cornerstone of his argument is essential in order to further debate the matter.

Fast forward to present, and another text to compare with Carens's has been written, one that also discusses issues relating to state borders, but takes into account far reaching effects of globalization and the ways it can undermine notions of sovereignty and nationalism. Anne McNevin's paper, "Contesting Citizenship: Irregular Migrants and Strategic Possibilities for Political Belonging" takes a look at cases all involving western liberal democracies, investigating how the excluded status of irregular migrants gives them a reason for them to question the political community around them and seek ways to make changes. Her work is useful to compare with Carens' as it seeks answers about the limits of citizenship and belonging, except it considers the era of globalisation we currently live in and showcases an arguably more pragmatic view.

Similarities between the two papers mainly revolve around addressing the shortcomings associated with current models of citizenship, both texts focusing more on the policies of western democracies, which are assumed to be inclusive by design. While Carens text places more emphasis on truly open borders, much of theory surrounding McNevin's views are congruent with his. McNevin also defies citizenship and identity as concepts that are represented and viewed from the perspective of a fixed relationship between state, territory and citizen (2009). Moreover, she also states that contesting ideas pertaining to citizenship can take place on several levels, a view shared by Carens. McNevin argues that much of the debate on citizenship and belonging relates to formal beliefs on citizenship, typically centering on demands for people who aren't automatically considered citizens to have citizenship extended to them. Hence she identifies a hierarchy involving the state, which controls the power to extend citizenship, and to transfer citizenship to non-citizens who are approved by the state.

Another point both authors mention is demands to regulate asylum seekers. Asylum seekers are those who have crossed state borders and continue to reside in the host state without the formal approval of the state, making the basis of their claim to stay centered around the legally binding UN Refugee Convention. Both Carens and McNevin draw attention to the ways in which asylum seekers can contest the notions of formal citizenship, as public debate and policy often focuses on the theoretical link between state and citizen, with arguments made for border policing usually reliant upon such widely held notions.

Moreover, in McNevin's text she highlights the point that national identity also differentiates between those who are included and those who are excluded, which in turn has the effect of enabling society to function in a socially organized way. As mentioned, the disputes

that occur at the representational level challenge notions of identity and who does and does not belong to a society, no matter what their formal citizenship status is. For example, McNeil makes the point that while Austrian policy towards migrants had been ethnically based and racist since the colonial era, during the 1970s the nation saw the abolition of white Australia policy and the admission of more refugees from Vietnam and Indo-China, demonstrating that notions of political belonging can indeed reactively change at different times over the course of history, sometimes becoming more restrictive and other times more relaxed, a statement that would also parallel Carens views. However, though McNevin also challenges the present ideas surrounding citizenship, similarities end with open border theorists such as Carens who advocate the position that states have a *moral duty* to maintain open borders. Carens instead argues that immigration control can only be justified when the security of a state is threatened or when it is essential to preserve the host society's culture, rejecting ideas that immigration will result in a country's national identity being overtaken by other identities.

Admittedly, Carens makes many great points and a very compelling argument, and it's a fair statement to suggest that the current restrictions on immigration in western democracies are unjustifiable, comparable to feudal barriers to mobility prevalent in the past. While I wholeheartedly would like to agree with Carens argument, I feel as though his original paper is especially idealistic in its outlook, having been written prior to the fall of the Iron Curtain and the events of 9/11. In a way it serves as more of a useful thought experiment and catalyst for debate than being something intended to actually affect policy immediately, and in this sense his original case still holds its weight. As is the case with national policies and multilateral agreements, introducing unproven changes to systems ought to be done slowly and carefully in

order to minimize the potential for unseen problems. The case for open borders sounds excellent on paper, but it also begs questions about who would fund the international organisations and bodies responsible for overseeing global migration. Perhaps Carens places too much of an emphasis on the responsibility of western democracies to uphold their mantras and accept migrants. Though I understand why he does this, as western democracies are supposed to be more open, inclusive, and pluralist by design, nowadays India, Saudi Arabia, Brazil and other non-western states are reliant on migrants. There is no real reason why shouldn't they be involved or subject to the same ideas, especially as globalisation turns the map upside down and throws out old notions of east and west in favour of dependency theory model of the core, periphery and semi-periphery.

Furthermore, its useful to explore what would happen if one were to apply Carens and McNevin's ideas here in our own backyard. It could be proposed that borders between the North American Free Trade Agreement (NAFTA) countries be opened. If goods, services and corporations can cross international boundaries without restraint, it is argued, then it does not make sense to impose such extreme restraints on the flow of people who work to make those good and services. However, it should be noted that much of the economic incentive to outsource production from the USA and Canada into Mexico relies upon the ready availability of cheap labour. It would be counterintuitive for some of the main beneficiaries of NAFTA, to pursue open border policies, especially corporate bodies. This is due to the unshakable fact that controlled borders are the very reason for the cheap labour they are seeking. In order to lower operating costs, keep profits high and shareholders happy, it's imperative to big businesses that borders remain intact, as they can only exploit those who have no where else to go, and no other

choice but to work. While much fanfare is made when a western government announces tightening of immigration policies, sometimes such policies are not intended to keep people out so much as they are to contain exploitable labour markets and have a source of cheap production.

Moreover, it is with the above considered that I would agree with Carens when he notes elsewhere in the book that there may be measures applied to restrict migration that are not necessarily incorrect but rather, they carry significant anti-immigrant connotations and a negative image overall. One example of such a measure was the UK's tightening of birthright citizenship laws, which had the effect of preventing the newborns of tourists from attaining citizenship. Carens states that he doesn't see the end objective as morally wrong, nor does he think the kids of tourists deserve granting of citizenship *prima facie*, but he believes that the move was in response to anti-immigrant sentiment and could have been handled better, a point that I would agree with.

Yet good ideals cannot always translate into effective policy. Though fairly unrelated, in a sense I see the case Carens makes for sovereign states to open their borders as somewhat comparable to the debate on gay marriage. Of course it is morally wrong, especially in liberal democracies, to deny consenting adults to partnership, but the core of the debate surrounding *marriage* is mired by a greater debate concerning the rights of religious groups to discriminate. Proponents for gay marriage are certainly right in declaring there is little moral ground to stand on when denying peaceful people the right to partnership under their own belief system. However, in challenging the Church and pushing for gay marriage as opposed to simply partnership, the debate is forced into conflict with religion and dogma that canonically stipulates its wrong to be gay, no further questions. In such an instance whereby you are arguing with

religious texts, we must take into consideration the fact that much of it boils down to interpretation. While I do see the points Carens makes, utopian though they may be, the currently reality on the world stage today is that states still wield a great deal of flexibility when it comes to controlling their own borders and adhering to policies. Suggesting open borders to be the be all and end all answer may not be the best approach to take. For unless they are universally accepted, which would undermine sovereignty and independence, these mantras would likely be interpreted differently from country to country, just as McNevin illustrates today.

On the other hand, I believe McNevin seems to be less idealistic and more focused on actual case studies and empiricisms, whereas Carens takes a more normative approach, nonetheless useful because it furthers debate and makes good points, but not as relevant as McNevin's text. Central to Carens argument on open borders are three factors he asks readers to consider, namely that open borders are a requirement of distributive justice, that they are necessary to maximize overall productivity. However, I feel the first two are flawed. Distributive justice is a little vague and idealistic, undermining the distinctiveness of closed communities that rely upon closure and exclusiveness. Also, the productivity he speaks of is grounded in unsustainable models of perpetual economic growth, meaning that increased production doesn't always imply an inherently good thing. Moreover, we are moving away from physical labour and into digital era of copyrights and intellectual properties, rights etc.

Though I agree with the third requirement to protect individuals' rights to free movement, Carens places a lot of faith in the system of nation-states presently being subjected to drastic changes and powerful external market forces. He still holds central the assumption that our governments number one concern is the well being of it's population, an assumption shaken

down by McNevin who exposes the contradictions of the modern globalised world. McNevin differs from Carens in that she focuses on the growing potential for migrants to engage politically due to their population and integral role within our major cities. She also highlights the contradiction between globalisation and territory, and her argument is more current and relevant than Carens most idealistic chapters, raising the issue of how migration at the end of the Cold War was marked by a shift toward "rational" migration and increased security that was mainly motivated by governments wishing to appear as though they were doing something positive. One of the more complex examples of this can be seen in the Australian context, as she examines the contradictions in Australian practices of border security between policing the borders against asylum seekers and how that very act of policing simultaneously subverts the clear cut boundaries that define the border itself, not only in ways meant to ensure the identity of Australia remains stable but also in respects to outsourcing security in order to keep the borders intact and whole.

In conclusion, I feel as though McNevin is correct in positing that there is an apparent contradiction in neoliberal policy frameworks. Indeed there is an active pursuit of global markets for "national" benefit on the one hand, and declining levels of state protection from market risks on the other, both of which act to challenge the very *raison d'être* of the state as the institutional safeguard of citizens interests. Just like Carens she recognises that Migrants fulfil flexible labour demands, while native populations want to protect status, yet in her concluding paragraphs McNevin promotes the idea of Transnational Labour Citizenship, referring to Jennifer Gordon's argument. McNevin considers the point Gordon makes proposing that the labour movement itself

needs to change its current approach, and to do so would require the creation of an international body dedicated to ensuring temporary workers status.

However, McNevin also acknowledges that this would then in turn undermine asylum seekers and refugees, who our governments have no economic incentive to keep and would hence be more at risk within a migration system that is wholly concerned with migrant labour. Overall, though Carens makes many excellent and agreeable points, I feel as though illustrating the apparent contradictions within contemporary debate surrounding the case for open borders gives McNeil more relevance today, and her text provides readers with a more modern and pragmatic insight into the interrelation of state, territory and citizenship.

Works Cited

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