This seminar will explore the normative questions raised by immigration into liberal democratic states. I begin with questions about access to citizenship, social inclusion, and the legal rights of different categories of non-citizens (permanent residents, temporary workers, irregular migrants). I argue that the social membership that people acquire from living in a society creates strong moral claims to social inclusion and to a wide range of legal rights, including access to citizenship itself. I then argue that even if we accept the conventional view that the state has a right to control admissions, that right is constrained by principles of non-discrimination, by rights to family reunification, and by the moral claims of refugees. Finally, I challenge the conventional view itself, arguing that justice requires open borders and freedom of movement between states.

Respondent: Paulina Ochoa Espejo, Haverford College

The borders of the nation-state have never been stronger. Despite all the discussion of a borderless world that occurred in the last decades, states have never had more control over their borders than they now do. Political theorists are acutely aware of this fact and they often discuss the relevance of borders for citizenship and political membership. However, this limits-of-membership approach to borders has a pitfall: It is blind to the importance of place, and it ignores the fact that borders are physical and ecological objects. The aim of this seminar is to shift the discussion about borders away from identity and toward place and territory. We will ask again where should the borders of a democratic state lie, and how should those borders be governed, and we will explore possible answers provided by a place-sensitive theory of borders which cares about people but is also sensitive to the environment.

Respondent: Joseph Carens, University of Toronto and ISJ/ACU
On the last Sunday of winter in 2001, far off Australia’s North West Coast, a fishing boat was sinking. A Norwegian tanker, alerted by Australian Rescue, went to its aid. The Norwegians pulled more than 400 men, women and children out of the little boat. Refugees. The refugees promptly confronted their rescuers and demanded to be taken to Christmas Island or, they told the captain, they would go crazy. As the captain set course for Christmas Island in Australian territory, the Australians radioed. They threatened to seize his ship and throw him in prison if he entered Australian waters. The order had come from the very top: this ship, The Tampa, would not be allowed to land.

That night triggered ten of the most dramatic weeks in our history: the moment that Australia stopped the boats. In one of the most aggressive responses to refugee boats in the world, we sent the major warships of our Navy to confront the boats. Some extraordinary dramas followed: parents were said to have thrown their children overboard, a boat called SIEV X sank taking 353 people to their deaths, refugees wrecked and burnt their boats with deadly results. And as the boats of Muslims came towards us, the Twin Towers came down. It felt like the world would never be the same.

We’ve rarely felt so strongly about our politics. But we’ve rarely known so little of what was actually happening. Ten years on, this is the story, told by the men and women who were there. They include John Howard, Philip Ruddock, Peter Reith & Kim Beazley, Navy admirals and sailors, SAS commandos, Afghan farm boys and Iraqi school girls. And there were the pollsters who took careful note of how we responded.

The decision to stop the Tampa was one of the most popular ever taken by any Australian government. So this film is also very much about us – and the old dance of democracy between the people and our leaders. And its fundamental puzzle – who is leading and who is following?

A decade later, as we continue to grapple with the scenario of refugee boats arriving, and try to find a way to square the tricky issues of security, compassion and a good orderly migration process, it seems appropriate to look afresh at the story of 2001.

Respondents: Joseph Carens, University of Toronto and ISJ/ACU, Emilian Kavalski, Institute for Social Justice/ACU, Paulina Ochoa Espejo, Haverford College