

Erasmus School of
History, Culture and
Communication

Course Manual

Migration, Citizenship and Identity
in Global History

Code: CH2205

Geschiedenis/IBHistory 2017-2018

Bachelor 2, term 3

Lecturer: Dr. Gijsbert Oonk (Coordinator)

Tutorials: Dr. Gijsbert Oonk

Tutorials: Drs. Gijs van Campenhout

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1. Practical information

Course name	Migration, Citizenship and Identity in Global History
Course code	Course code: CH2205
ECTS	7,5
Position in the curriculum	BA-2
Co-ordinator	Dr. Gijsbert Oonk
Lecturer(s)	Dr. Gijsbert Oonk Drs. Gijs van Campenhout Teacher 3
Teaching methods used	Lectures and tutorials

2. General introduction to the course

Which passport is the most accepted passport around the world and why is this (un)fair? How many generations does it take for a settler to become accepted as a native by the state, with the same rights and duties? What is the potential of global citizenship in relation to patriotic realities? These are just some of the pressing questions which are fully explored in this course on Migration, Citizenship and Identity in Global History. Migration and ethnic minorities have always challenged the 'nation' in the nation-state. In this series of lectures, we will discuss the development of cosmopolitan citizenship and its discontents. We will take examples from Europe and the United States, as well as from Mexico, Israel and India. We will debate issues like slavery, aliens and non-citizens, birthright lottery, paper citizens, multiple passports and dual loyalties. Global migration has forced us to re-think the construction of the nation-state. States increasingly compete with each other for international prestige and economic development, whereby they wish to attract skilled labourers (including sportsmen, women and scientist) and investors or rich consumers. In addition, however, Western welfare states are particularly keen on restricting migration from poor countries in order to protect the welfare levels of its citizens. Cosmopolitanism may simultaneously be seen as an asset, a challenge and a burden.

In debating these issues, we will rely on historical text in political philosophy as well historical and current concrete cases. These cases include:

- Has a conservative religious owner of a hotel the right to refuse a double bedroom to a married gay couple?
- Should Palestinian Arabs be allowed the 'right of return' to Israel?
- Should Hindus migrate from Lahore (now Pakistan) and resettle in India after partition in 1947?
- Would you allow double passports and citizenship rights in your Utopia?
- Should Fortress Europe allow more or less migrants from Africa? And what about refugees from Syria?

3. Learning objectives

After completing this course, students...

- ... know what **consequentialist** and **categorical** reasoning is and they are able to use both forms of reasoning in concrete historical and current cases and debates.
- ... have studied three different perspectives on migration and citizenship: (1) egalitarian liberalism, (2) communitarian (3) libertarian perspectives.
- ... can, with these three perspectives in mind, debate issues around national self-determination, multiculturalism, global distributive justice and (international) migration.
- ... have written their own constitution (of their Utopia) and debated a number of moral and philosophical dilemmas in concrete global contexts.

4. Organisation and approach: procedure and assessment

The series includes 8 lectures. In these lectures, the lecturer expounds on a variety of subjects with the aid of audio-visual presentation tools. A PowerPoint presentation of each of these lectures will be shared via Blackboard. As a student, you are expected to have studied the required literature *before* attending the lecture. In addition, we strongly advise you to take notes during the lecture. These preparations will save you time when you study for the exam(s) later on. If you don't understand something, please feel free to ask for a, more detailed, explanation from the lecturer; either during or after the lecture.

In addition, the series has eight mandatory tutorial sessions of three hours during which students go over the information presented in the lectures. In addition we actively debate cases that are related to the topics presented in the lectures and we discuss the literature on the basis of oral and written assignments. These written assignment – amendments to your constitution – need to be submitted via Blackboard (each week – before the tutorials). In addition, you are required to be **actively** involved in the debates in class. We will grade all assignments at the end of the course in the form of a personal portfolio: Your constitution of Utopia and its amendments.

When attending a lecture, be sure to take along the course guide, the handbook and the text content associated with that lecture (**articles and sources can be found on Blackboard**). We recommend that you print out the text sources. This content is examined in more detail during the tutorial sessions – occasionally, you will be asked to look up specific information in these sources during the session. This course manual provides a separate description of each of the different assignments, ordered according to session.

Study load

The general standard for studying literature is 5-7 pages per hour.

- | | |
|---|----------|
| o Lectures; 2 hours per week for 8 weeks | 16 hours |
| o Tutorials; 3 hours weekly for 7 weeks | 21 hours |
| o Tutorial preparation: 6 hours per tutorial | 42 hours |
| o Utopia Assignment writing and case-activities | 35 hours |
| o Required literature 450 pages at 5 pages per hour | 90 hours |
| o Mid-term examination | 3 hours |
| o Written examination | 3 hours |

210 hours

Grades/ Assesment:

The various grades are weighted as follows to determine the final grade for the course:

- | | |
|--|-----|
| • Portfolio: The constitution of Utopia and amendments | 25% |
| • Mid-term examination | 25% |
| • Written examination (final) | 50% |

Lecture attendance

Each of the scheduled lectures will prepare you for the associated tutorial sessions, during which you will be required to execute a wide range of different assignments.

Attendance of the tutorial sessions is mandatory. These sessions adhere to the following protocol:

- The lecturer keeps a record of which students are present or absent at the tutorials.
- If a student is unable to attend one of the tutorial sessions, the student is required to notify the lecturer in advance (by email), stating the reason of his or her absence.
- Students who are unable to attend a single tutorial session still satisfy the minimum attendance requirements for the course without having to do an extra assignment – provided they attend each of the remaining sessions. However, the student is always required to submit the completed assignments (amendments in this case) associated with the missed session to the lecturer in writing as soon as possible.
- Students who miss two tutorial sessions can still satisfy the attendance requirements for the course by completing an extra assignment on top of the course's regular assignments. This extra assignment is always an assignment that is given to the student by the lecturer on an individual basis. The student is required to send the completed assignment to the lecturer via email within two weeks. This assignment is subsequently given either a 'pass' or 'no pass' mark.

- Students that fail to attend a tutorial session on more than two occasions are always required to arrange an appointment with the student advisor. Students who do not show up three times or more are barred from the course from then on. They will be required to resit the entire course the next year.

Before each tutorial, all students are required to:

- study the text sources selected for that session
- complete the written assignment(s) for the upcoming tutorial
- be able to present the answers of the completed assignments in the tutorial group sessions

In accordance with the rules set out in the [Teaching and Examination Regulations](#), students are required to actively participate in all mandatory course meetings (seminars, tutorial sessions and research workshops). In concrete terms, to satisfy this requirement students need to be physically present throughout the entire length of the meeting and to bring along the completed preparatory assignments set out in the course guide. If a student fails to satisfy this requirement, the lecturer will record an attendance score for him or her. The lecturer will send an email to the student informing him or her of this subtracted score.

Evaluation of assignments and examination

This course guide lists the various reading assignments per week. In addition to the reading assignments, which you complete on your own in preparation of each meeting and which are then discussed in the tutorial session, you will also be asked to submit a constitution of your Utopia. This constitution will be amended almost every week following a debate and/or historical case during the tutorial. You can rewrite your constitution during the course. The final version of your constitution needs to be handed in after the last week of the course; being the first part of your portfolio and followed by the amendments.

The constitution and amendments will be graded on consistency and usage of concepts presented in the lectures, including the three different moral philosophical perspectives which give meaning to the question: what is a fair society? These schools of thought are: Equal liberalism, Communitarianism and Libertarianism. In addition student state whether their findings are a result of categorical and consequentialists reasoning. Each week there is deadline on blackboard for delivering the amendments.

5. Concise overview of sessions and assessments

Week 1		
	Major question or case	Literature
Lecture 6 February	What would you vote for in Utopia?	Cecile Fabre: Justice in a changing world, p. 1-27
Tutorial	Making a constitution of Utopia John Locke: Liberalism Scott versus Sandford (Case on blackboard)	John Locke: Second Treatise of Government; Chapter IV. Property Rights (to be delivered during tutorial)
Week 2		
Lecture 2 13 February 2017	What is a citizen, who is a citizen and who is a stranger?	Seyla Benhabib: Who can become a German Citizen?, p. 62-75
Tutorial 2	Rawls: Equal Liberalism We play the Rawls Game	John Rawls: Justice as Fairness, p.203-225
Week 3		
Lecture 3 20 February 2017	The Limits of National Self-Determination	Cecile Fabre: Justice in a changing world, p. 74-95. Virginia Diana Todea: Libertarianism and Immigration, p. 1-20.
Tutorial 3	Nozick: Libertarianism Should Palestinian Arabs be allowed the 'right of return' to Israel?	Robert Nozick, Anarchy, State and Utopia, p. 60-73.
Week 4		
Lecture 4 27 February	A Liberal Case for Open Borders: Should Citizenship be for Sale?	Cecile Fabre: Justice in a changing world, p. 113-132. Gary S. Becker: The Challenge for Migration, p. 20-66. Joseph Carens: Aliens and Citizens: The Case for Open Borders, p. 251-273.
Tutorial 4	NO TUTORIAL	MID TERM EXAM: 1 March??

Commented [GvC1]: Are you skipping George Simmel: The Stranger?

Week 5		
Lecture 5 6 March	Multiculturalism and Cosmopolitanism: Between temporary Migrants and Permanent Citizens	Cecile Fabre: Justice in a changing world, p. 51-74. Bikhu Parekh: Rethinking Multiculturalism, p. 239 – 263. Amitai Etzioni: Citizenship tests, p. 353-363
Tutorial 5	Separate but Equal. Plessy vs Ferguson (1896)	Case on BB
Week 6		
Lecture 6 13 March	Freedom of Speech	Seyla Benhabib: The law of peoples, p. 1761-1787. Roger Kiska: Hate Speech, p. 107-151
Tutorial 6	Should Hindus migrate from Lahore and resettle in Indian after partition?	Case on BB
Week 7		
Lecture 7 20 March	Migration, Refugees and Economic Development: Facts and Myths	Peter J. Spiro, Dual Citizenship as Human Right, 111-130. Jospeh Carens. How should we think about the ethics of International Migration, p. 1-8. Branko Milanovic, Global Income Inequality, p. 1-27.
Tutorial 7	Loyalty and Passports	<i>To be announced</i>
Week 8		
Lecture 8 27 March	Who represents the Nation? Sport, Citizenship and National representation.	Ayelet Shachar: Picking Winners, p. 2088-2138. Gijsbert Oonk: Who represents the nation?
Tutorial 8	Loyalty, War and Security Korematsu versus United States (1944)	Tutorial case

6. Assessment and examination

Weighing of the examination parts:

The various grades are weighted as follows to determine the final grade for the course:

- | | |
|--|-----|
| • Portfolio: The constitution of Utopia and amendments | 25% |
| • Mid-term examination | 25% |
| • Written examination (final) | 50% |

Registration for the course in Osiris will automatically register you for all examinations with the exception of the re-sit exam. For the re-sit you have to register yourself and this is possible via Osiris 35 to 7 days prior to the re-sit examination date.

The written examination will be a closed book exam with open questions.

You are not allowed to use:

- (programmable) calculator
- notes
- literature (articles/papers)
- books (titles)
- dictionary

7. Week-by-week description of class content and assignments

Learning goals:

- (1) Students can describe three different moral philosophical perspectives which give meaning to the question 'what is a fair society?' These schools of thought are: Egalitarian Liberalism, Communitarianism and Libertarianism.
- (2) Students know the distinction between *consequentialist reasoning* and *categorical reasoning* and can explain the distinction by using theoretical examples as well as in the context of history.
- (3) Students learn the importance of close reading and interpretation of historical texts.

Concepts: Egalitarian Liberalism; Communitarianism; Libertarianism

Assignment (1): The Constitution of Utopia: What would you vote for in Utopia?

Deadline WEEK 2: Wednesday 14-02-2018 13.00hrs on Blackboard.

(A) Write a short essay: The Constitution of Utopia (maximum 1600 words)

Note: Utopia is a country between other countries. Borders exist. You create your own Utopia; within the context of other countries. Some other countries are liberal democracies and friendly others might be more totalitarian regimes and –at times- unfriendly.

In this essay you answer the following questions:

1. Citizenship

How is citizenship granted in Utopia? Can citizenship be revoked? Are Utopians free to migrate, if they wish? Or are there conditions for migration. If so, which one? Does Utopia accept migrants? Will there be citizens/aliens with different rights? Why? Can migrants play a role in the civil service? Police force? Military? Vote for or against a constitution? Explain your position.

2. Who is allowed to vote?

What are the criteria for the right to vote? What is the age for voting? Is there a literacy test or some other qualification (intelligent test required) for voting? Is voting mandatory or voluntary? Can migrants vote? What about people with multiple passports and/or loyalties. Can they become president? Are the leaders chosen through voting? Are there hereditary positions? What are the elected positions? Does the strongest rule? Explain your position

3. What basic rights do people have?

What rights are guaranteed by the government (freedom of speech, freedom of religion, right to private property, right to own oneself. etc.)? Name at least nine unalienable rights and put them in order of importance. For example, Freedom of Speech and Freedom of Religion do not work well together. Is the right to criticise religion more

important (A) than the religious right to be offended (B), e.g. by cartoons? What fundamental right is most important (A) and then (B) etc.?

What happens to the rights of those convicted of crimes? Do they lose some of these rights? Why or why not? Do they lose their citizenship?

4. What property rights do people have?

Can people own homes, businesses, land.? Can people have their own rights within their own properties? In other words, can they create their own individual Utopia? Explain your answer.

5. What provisions are there for changing the constitution?

Can the constitution be amended? If you want to change things, do you have to scrap the whole thing and start over? Who decides on changes?

6. How are treaties decided with other countries/Utopias decided? Is a majority rule enough? Can you think of treaties where minority rule is sufficient?

7. People should be able to marry/live together whomever they choose. Yes/No explain! If you choose yes; can they marry any migrant why/ why not? Do spouses need to become citizens? Why or why not?

8. All people have the right to medical help if they need it. Yes/No explain! If you say yes, who is paying for this, if they can't afford it?

9. All people have the right to education. Parents have the right to choose the kind of education to be given to their children Yes/no explain!

Reading Assignment 1

Read: Cecile Fabre: Justice in a changing world, p. 1-27
John Locke: Second Treatise of Government; Chapter IV. Property Rights (to be delivered during tutorial)
Dred Scott versus Sandford (case on Black Board)

Dread Scot case: Students make: *** background questions on page 5-6; The classifying arguments in the case p18; and questions related to the majority and minority opinion, 36,37 and 39. **Bring this in for tutorial 2**

Week 2

Learning goals:

- (1) Students know three different ideas about citizenship and can apply these in specific historic contexts: Citizenship acquired either through descent (*jus sanguinis*); Citizenship by birth in the territory (*jus soli*); The stakeholder principle (or *jus nexi*).
- (2) Students can debate John Rawls Equal Liberalism in the context of citizenship
- (3) Students know what the 'state of nature' is according to John Locke and can explain under what condition we need a government or we can dissolve government.

Concepts: Citizenship; State of Nature, Social Contract

Reading Assignment : John Locke and John Rawls

We will read parts of John Rawls John Rawls: Justice as Fairness, p. 203-225 during the tutorial 2.

In addition read:

Seyla Benhabib: Who can become a German Citizen? p. 62-75

John Locke: Second Treatise of Government (see week 1)

Answer the following questions in relation to the literature (800-1200 words). **John Locke**

(A) How does Locke describes the 'state of nature'? Why do people leave the 'state of nature' and join a political society by establishing a government? Under what conditions can government be dissolved? Do you agree with Locke's general ideas/concepts regarding individuals and government? Why?

(B) If Locke were alive today, what would he say with regard to the expectations and demands we have for our government? Are we asking our government to do too much OR not enough? Explain your answer.

(C) Are the expectations placed on the government by the people unfair and unrealistic, so much so that the government is in a no-win situation? If possible, provide an example or two to support your stance and opinion.

John Rawls

(D) What are - besides not being enslaved - fundamental unalienable rights in Rawls?

(E) Are there any rights missing? If so, which one(s)? Why should they be unalienable rights? Explain!

Bring in the answers during the tutorials in week 3.

Amendment 1

Deadline Wednesday week 3: 22-02-2018: 13.00hrs.

Consider your Utopia and your ideas about citizenship.

- (1) May individuals who arrived as babies in Utopia and whose parents are **not born** in Utopia become mayor of a big city? Why or why not? What are the conditions/reasons to accept this rule/or not. Do you think that your way of reasoning is a consequentialist way of reasoning or a categorical way of reasoning? Explain your answer. (250 words)
- (2) May individuals who arrived as babies in Utopia and whose parents are **not born** in Utopia become President of Utopia. Why or why not? What are the conditions/reasons to accept this rule/or not. Do you think that your way of reasoning is a consequentialist way of reasoning or a categorical way of reasoning? Explain your answer. If you make a different arrangement here than with the former question, please explain. (250 words)
- (3) If an individual is born in Utopia, but both his/her parents were born elsewhere, is he/she allowed to accept Utopian and/or the other nationality? Why? Or why not? Does the Utopia decide for the individual person or may individuals decide for themselves? (250 words) Read for example these BREXIT-cases: [Spanish-Dutch parents and UK born children](#) and [Dutch woman](#)
- (4) See the above questions: Are individuals allowed to change their mind more than once? In other words, if the individual above accepted Utopian citizenship can he/she shift citizenship to another nation; and again later in his life shift to Utopian nationality again? Why or why not? Or would you allow dual/multiple citizenship based on decent/birthright and jus nexi? (250 words)
- (5) What is the major advantage/ consequence for your line of reasoning here? (100 words)

Week 3:

Learning goals:

1. Students know what state sovereignty is, and they know the difference between 'state' and 'nation'.
2. Student can debate Nozick's libertarian approach regarding the acquisition of property and the value of inequality.
3. Students can formulate three different perspectives on state sovereignty (Egalitarian liberalism, Communitarianism and Libertarianism), discuss them within and between each perspective, and apply these to historic case studies.

Concepts State, State sovereignty, Nation

Reading assignment: **Robert Nozick**

Bring in tutorial 3.

Cecile Fabre: Justice in a Changing World, p.74 – 95

Virginia Diana Todea: Libertarianism and Immigration, p.1-20.

Robert Nozick: Anarchy, State and Utopia, p.60-73.

(A) Imagine as best as you can that you are in the original position, behind the veil of ignorance (John Rawls). Suppose that you are sitting down to choose the fundamental social rules that will govern your life, the lives of your children, and so on. Are you inclined to choose the rules included in the "entitlement theory of justice" advocated by Robert Nozick? (250 words)

(B) Remember that for **Nozick**, the fundamental rules require each of us to refrain from violating the persons or property of others - and that's all. There are no requirements for the wealthy to assist the needy and no public provision for anything but enforcement of the criminal law. In Nozick's view, to require some of us to pay taxes to provide services and opportunities to others is a form of slavery. Or are you more inclined to choose **Rawls'** principles of justice? Remember that, although Rawls agrees with Nozick about the overriding importance of liberty, he also includes a second principle that requires that any inequalities of wealth, power, or other aspects of life are to be arranged to benefit those who are least well off and be attached to positions that are open to all. Rawls interprets these requirements quite strongly, so that any society which satisfies his principles would have to have - at least - a very substantial "social safety net" to prevent anyone from falling into poverty, strict rules against discrimination, and significant public provision of education and training, so that people would have genuinely equal opportunities to 'move up'.

Try to explain why your choice is the better one. Thereby, consider the arguments offered by Nozick and Rawls. (500 words)

Amendment 2 Deadline Wednesday 28-02-2018: 13.00hrs (week4)

Short paper (800 words): Should Palestinian Arabs be allowed the 'right of return' to Israel?

Consider yourself 'behind the veil of ignorance' (if that is possible at all in this case) and look at your constitution and the rights and duties of Utopians and migrants in Utopia.

Imagine that most Utopians do not actually live in your Utopia. Like in the case of Israel most Jews live actually abroad. With a few exceptions, they do not wish to live in Utopia. They are integrated into other societies. However, just outside your Utopia there are many people who **rightly** claim that they have been born on the land that now is Utopia. However, they share a different language, religion and culture. At times, some of them violently attack Utopia, because they feel that Utopia is colonizing their land.

- (1) Imagine Utopians in Utopia (and elsewhere?) need to be protected, but birth right privileges of others should be granted as well. What would you do? Are you inclined to make amendments in your constitution? Why or why not? How would you formulate a solution to this problem?
- (2) Fill in the following table, by using the literature you have read so far. See for a good example lecture 3 (also available as sheet). You may also find some of answers in Cecile Fabre!

Should Palestinians have the right to return?	<i>Principles towards migration</i>	<i>Israeli perspectives</i>	<i>Palestinian perspectives</i>	<i>Advocates</i>	<i>Critiques</i>
<i>Equal Liberal perspectives</i>					
<i>Communitarian perspectives</i>					
<i>Libertarian perspectives</i>					

Week 4:

Learning goals:

1. Students know three (Egalitarian Liberalism, Communitarianism and Libertarian) perspectives on 'open borders' and can apply them to historic case studies.
2. Student can discuss possible consequences of migration for both sending and hosting nation-states.
3. Student can debate a braindrain-case from the perspective of the sending and receiving country.

Concepts: Open / closed borders; migration; citizenship tests

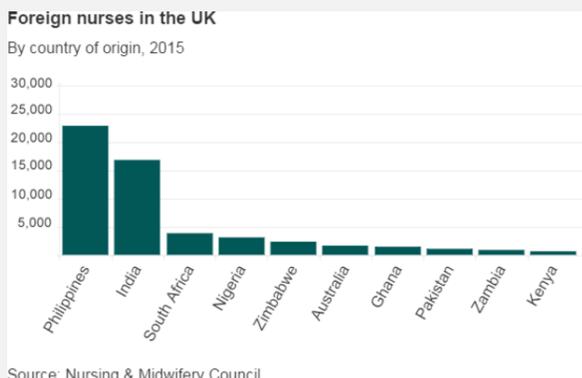
Assignment week 4: Interim test 1 March 2018 18.30 -21.30.

Material: all material from the lectures, tutorials and literature week 1-2-3. And the lecture of week 4.

Amendment 3: Braindrain case
Deadline Wednesday 7-03 13.00hrs.

Consider these facts: 21 % of the world population resides in Europe and North America. It commands 45 % of the world's doctors and 61% of its nurses. Africa contains 15% of the world population. It has only 3% of its doctors and 5% of the world nurses.

In the South: An estimated 1,3% of the world healthcare workers provide services to 15% of the world's population in a region suffering 25% of the world's disease burden.



Source: Nursing & Midwifery Council

Source: Gillian Brock, Global Justice, OUP 2009, p 200.

In other words: there are no doctors in places where they are most needed. Is it fair for Western countries to attract the best and bright nurses from the South and keep out the non-productive migrants. It simply means that living-standards in the West rises, whereas it decreases in other countries. Would it be fair if countries from the South refuse their qualified people to migrate; because they paid for their education? Should Western states pay compensation if they accept these migrants? You are an United Nation employee and requested to write a report: what would be your major recommendation and what are –according to you- the consequences. (500 words)

Week 5

- (1) Students can name three different perspectives on the multicultural society (Egalitarian Liberalism, Communitarianism and the Libertarian perspectives). Students can describe the similarities and differences between these perspectives, and can independently justify their position based on a specific case study.
- (2) Based on historic examples, students can conduct a reasoned debate about the relationship between 'freedom of speech' and 'freedom of religion'. Students can present a historic example of how different cultures can achieve practical solutions to overcome cultural differences. (Sikh-Helmet case in the UK; example of Bikhu Parekh, Communitar
- (3) Student are aware of citizenship tests and what they are actually testing.
- (4) Students know a libertarian perspective on multiculturalism: Katha's liberal archipelago.

Concepts: Multicultural Society; Freedom of Speech; Freedom of Religion.

Reading assignment week 5:

Cecile Fabre: Justice in a Changing world, p. 51 – 74.

Bikhu Parekh: Rethinking Multiculturalism, p. 239 – 263.

Amitai Etzioni: Citizenship tests, p. 353-363.

For your tutorial bring in the **Plessy vs Fergusson** case (download the PDF from Blackboard). The tutors will introduce the case during the tutorials.

Students make the assignment: Interpreting the Constitution, p.11-14.

Deadline: tutorial week 6

Amendment 4 : Deadline Wednesday 14-03-2018: 13.00 hrs week 6

Read the case below: **What do you think? (500 -700 words)**

Is it fair that the luxury warehouse Abercrombie & Fitch refused to hire Samantha Elauf because of her hijab? See more [here](#). To be more precise, the question is **not**, whether Elauf should be allowed to wear her hijab during work-hours. The question is: Should it be up to the employer **or** the applicant to bring up any religious practices that may conflict with company policies? Is your argument based on categorical thinking or consequentialist reasoning?

CASE

In 2008, a 17-year-old girl applied for a sales job at Abercrombie Kids in a mall in Tulsa, Oklahoma. She was dressed to impress as the company promotes a "look policy" and calls in-store salespeople "models." The only thing that stood out during the interview was that the applicant, Samantha Elauf, was wearing a black hijab, the traditional headscarf worn by many followers of Islam.



Samantha Elauf

The associate who interviewed Elauf, Heather Cooke, scored her appearance as a six, meaning that she could be hired, but the Abercrombie regional manager, Randall Johnson, downgraded the score because of the headscarf and denied her the job. He said Abercrombie did not allow hats. Later he said he did not know that the head scarf was worn for religious reasons. After finding out that Johnson refused to hire her because of her hijab, Elauf determined that Abercrombie violated a federal law that requires employers to "reasonably accommodate" religious practices as long as the business wouldn't suffer "undue hardship." She took her complaint to the U.S. Equal Employment Opportunity Commission (EEOC), which agreed with her. It took the retailer to federal court.

The EEOC says the company violated Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on religion and requires employers to accommodate sincerely held religious beliefs. The company said that Elauf **failed to bring up the fact that she wore the hijab for religious reasons and that therefore the company should not be held liable for failing to accommodate her religious beliefs**. Elauf won an initial ruling in federal court, but lost on appeal. But the story doesn't end there.

The Supreme Court has decided to take up the case, which could have repercussions for job applicants with religious beliefs that might conflict with employers' policies.

The question is: should we give employers more leeway in deciding whether a religious practice would cause potential conflict with company dress policy, allowing employers to deny applicants jobs because of religious practices? And therefore give them to right (and duty) to ask for religious affiliations and dress habits during interviews? Or should Job applicants be refrained from such questions, because their (religious) dress habits may not inflict with job requirements? Essentially, it forces applicants to bring up the religious practice that might be in conflict with company policy and ask for a religious exemption. Several religious groups, including General Conference of Seventh-day Adventists, the National Association of Evangelicals, the American Jewish Committee and the American Islamic Congress, have backed the EEOC. Elauf's attorneys argue that the increased use of online applications would allow employers to reject anyone with a religion-based scheduling conflict, such as someone needing to attend services during a store's hours of operation.

Week 6

Learning goals:

1. Students can describe the differences between the Rawls 'law of people' and Kant's cosmopolitanism.
2. Students know what Seyla Benhabib means by a 'global civic society' and can describe it using their own words.
3. Students can relate the concept of a 'global civil society' to their constitution for Utopia and reflect on it.
4. Students can debate a 'freedom of speech' vs 'hate speech' case. They may form their own opinion and qualify that opinion as 'categorical or consequentialist' way of reasoning.

Concepts: Cosmopolitanism, Categorical Imperative, Global Civil Society

Reading assignment week 6:

Bring in for your tutorial the Hindus in Lahore case (download from BB)

Seyla Benhabib: The law of peoples, p. 1761-1787.

Roger Kiska: Hate Speech, p. 107-151.

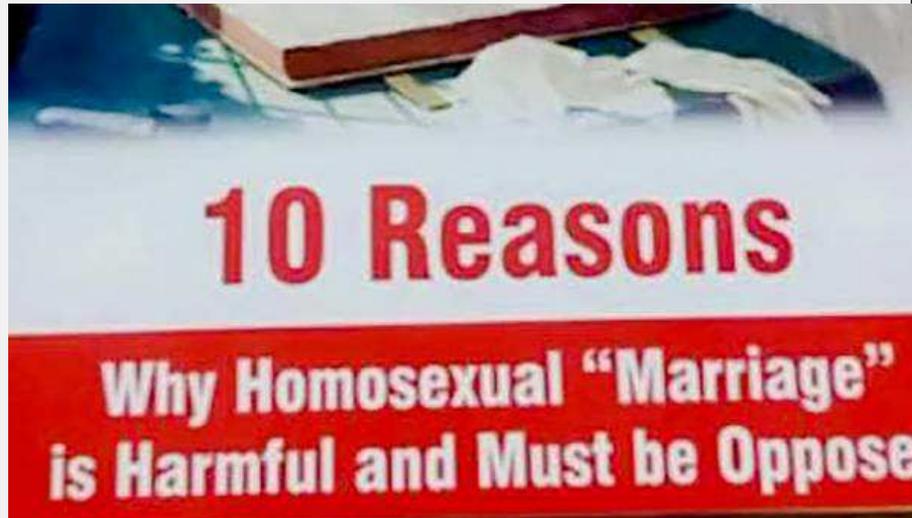
In addition answer the following questions (800-1200 words)

- (A) How does the idea of a 'complete and closed social system' of Rawls affect his position on migrants and multicultural societies?
- (B) To what extent is Kant's alternative of cosmopolitanism less/or more relevant in today's world? Explain your position.
- (C) What does Seyla Benhabib mean by a 'global civil society'?
- (D) Reconsider your Utopia. To what extent is there room for a 'global civic society' in your Utopia? Explain your answer by using an example in which you show that free-speech is more important than freedom of religion (**or the other way around**).

Deadline Tutorial: week 7.

Amendment 5 Freedom of Speech and freedom of religion

Deadline Wednesday 21-03 2018 13.00hrs week 7



The leaflet entitled "10 reasons why homosexual 'marriage' may be considered as 'hate speech'. The reasons given in the leaflet included, 'it is not marriage', 'it violates natural law', 'it always denies a child either a father or a mother' and 'it offends God'. A religious conservative organization distributed these leaflets among pupils of its own organization; among pupils in public schools and in a public library. In addition they distributed it door to door in an area where they suspected that many gay couples would live in Canada.

- (1) What would you do in Utopia? Is hate speech allowed or not and why?
- (2) How would Bikhu Parekh deal with this situation?
- (3) To what extent would you follow Parekh's line of reasoning?
- (4) Do you consider your line of reasoning consequentialist or categorical?

Maximum 700 words

Week 7

Learning goals:

1. Students can describe why, according to Milanovic, location (the place where you are born) is currently more important than the class in which you are born.
2. Students can give two different visions about birth right and the redistribution of welfare in the world.

Concepts: Birthright lottery in relation to citizenship; Global Distributive justice and Reparative Justice.

Amendment 6: Deadline Wednesday 28-03. 13.00

Readings:

Cecile Fabre: *Justice in a changing world*, p. 113–132.

Cecile Fabre: *Justice in a changing world*, Chapter 5-7.

Joseph Carens. *How should we think about the ethics of International Migration*, p. 1-8

Branko Milanovic, *Global Income Inequality*, p. 1-27.

- (A) What is the major argument in Milanovic on the location where you are born? (300 words)
- (B) Do you think that rich countries owe something to poor countries? Why/why not? (200 words)
- (C) To what extent can you relate your position to the three perspectives (Egalitarian Liberalism, Libertarianism and Communitarianism) mentioned in week 1-3? Please explain (400 words)
- (D) What is the major difference between Global Distributive Justice and Reparative Justice? (200 words)

Week 8

Learning goals:

1. Students can describe what 'fast track citizenship' means, and can problematize this form of citizenship in the context of the principles of citizenship (jus soli, jus sanguinis, jus nexi).
2. Students can relate migration regimes to changing ideas about elite migration and national identity.

Concepts: Brain drain; leg drain; loyalty; multiple citizenship/dual passports

Amendment 7: Deadline Wednesday 5-04-2018: 13.00hrs.

Read the article 'Picking Winners' by Ayelet Shachar related to Olympic Citizenship and Dual Citizenship as human Right (Peter J. Spiro)

- (A) Reconsider your Utopia. To what extent is there room for 'fast track citizenship changes' in your Utopia?
- (B) May elite athletes shift their club within your Utopia? May they shift to another club in another Utopia, if they wish to do so? Is there a difference between 'shifting clubs' and 'shifting nations'? Explain your answer.
- (C) What are the rules and principles of justice in your Utopia regarding shifting clubs and nations? Are they consistent? Do they have to be consistent? Why/ why not?
- (D) Do you agree that Dual Citizenship should be a 'human right' (Spiro). Explain your answer

Deliver your constitution of Utopia including the amendments as one portfolio (on paper/ printed) in the post-box of your tutor.

Deadline: Wednesday 5-04-2018 17.00hrs

8. Mandatory course reading

- Becker, Gary, *The Challenge of Immigration. A Radical Solution*. (London, Profile Books, 2011, 1-37.
- Benhabib, Seyla, 'Who can become a German Citizen', *Another Cosmopolitanism* Vol., No. (2005), 62-80.
- Benhabib, Seyla, The law of peoples, *Fordham Law Review* 72 (I) Issue 5 Article 19, 1761-1787.
- Caren, Joseph, How should we think about the ethics of International Migration, paper, 1-8.
- Carens, Joseph, Aliens and Citizens: The case for Open Borders, *The Review of Politics* 49 (2), 251-273.
- Etzioni, Amitai., Citizenship Tests: A Comparative Communitarian Perspective, *The Political Quarterly* 58 (3) 2007, 353-363
- Fabre, Cecile, *Justice in a Changing World*, Cambridge Polity Press, 2007.
- Locke, John (1632-1704): An Essay Concerning the True Original Extent and End of Civil Government: *Second Treatise of Government* (1689).
- Kiska, Roger, Hate Speech: A Comparison between the European Court of Human Rights and the United States Supreme Court Jurisprudence, 107-151.
- Milanovic, Branko, *Global Income Inequality by the numbers: In History and Now*. World Bank Report (2012).
- Milanovic, Branko, *Global Income Inequality, from Class to Location, from proletarians to migrants*. World Bank Report (2011).
- Nozick, Robert, *Anarchy State and Utopia*, Basic Books (Oxford, Blackwell Publishers, 1974),, pp. 149-164;167-178; 213-231.
- Parekh, Bikhu, *Rethinking Multiculturalism. Cultural Diversity and Political Theory*, (Place, Palgrave, 2006, pp. 239-263.
- Rawls John, *A Theory of Justice* (Harvard: Harvard University Press, 1971), pp. 3-4; 11-16; 17-22; 23-32; 60-62; 65-66; 72-75; 100-104; 136-137; 139-142.
- Shachar, Ayelet and Bauböck, Rainer, Should Citizenship be for sale? *EUI working papers* (Vol, No. 2014).
- Shachar, Ayelet ,Picking Winners: Olympic Citizenship and the Global race for talent, *The Law Yale Journal*, 120, 2088 (2011), pp. 21-37.
- Spiro, Peter., Dual Citizenship as Human Right, *I*Con* 8 2010, 111-130.
- Todea, D.V., Libertarianism and Immigration, *Libertarian papers* 2 (30) 2010, 1-20.

9. Consulted literature

Recommended additional literature:

Carens, Joseph H. *The Ethics of Immigration*, Oxford: Oxford University Press, 2013.

Carr, Matthew. *Fortress Europe. Dispatches from a Gated Community* (London, Hurst & Company 2012).

Wellman, Heath and Cole, Phillip, *Debating the Ethics of immigration. Is there a Right to Exclude?* (Oxford: Oxford University Press, 2011)

Vohra, Neha, *Impossible Citizens. Dubai's Indian Diaspora* (London, Duke University Press, 2013).

Webber, Frances, *Borderline Justice. The Fight for Refugee and Migrant Rights* (London: Pluto Press, 2012).

Kant, Emanuel, *Perpetual Peace, (Year)* https://slought.org/media/files/perpetual_peace.pdf

Simmel, George, The stranger, in Kurt Wolff (Trans.) *The Sociology of Georg Simmel*. (New York: Free Press, 1950), pp. 402 - 408.

10. Specimen examinations

During the tutorials we will provide examples of exam questions and answers.

11. Rules related to attendance

Each of the scheduled lectures will prepare you for the associated tutorial sessions, during which you will be required to execute a wide range of different assignments.

Attendance of the tutorial sessions is mandatory.

These sessions adhere to the following protocol:

- o The lecturer keeps a record of which students are present or absent.
- o If a student is unable to attend one of the tutorial sessions, the student is required to notify the lecturer in advance, stating the reason of his or her absence.
- o Students who are unable to attend a single tutorial session satisfy the minimum attendance requirements for the course without having to do an extra assignment – provided they attend each of the remaining sessions. However, the student is required to catch up on any regular assignments that had to be handed in during the missed session.
- o Students who miss two sessions can still satisfy the attendance requirements for the course by completing an extra assignment on top of the course's regular assignments. This extra assignment is always an assignment that is given to the student by the lecturer on an individual basis. The student is required to send the completed assignment to the lecturer via email within two weeks. This assignment is subsequently given either a 'pass' or 'no pass' mark.
- o Students who fail to attend a tutorial session on more than two occasions are always required to arrange an appointment with the student advisor. In principle, students

who do not show up three times or more are banned from the course from then on. They will be required to resit the entire course the following year. *In the case of BA-1 students, this means that the student in question no longer satisfies the minimum ECTS score associated with the Binding Study Advice (60 credits). As a consequence, the student will not be able to continue the degree programme after the first year, unless the Examining Board agrees to exempt him or her from this rule under a hardship clause.*

Before each tutorial session, all students are required to: (1) study the mandatory literature selected for that session; (2) complete the assignments for the upcoming tutorial. Absence from a tutorial session is only accepted under highly extenuating circumstances: illness or a calamity. If you are unable to attend a session, you are required to notify your lecturer and/or your student advisor in a timely manner by email. After this, you are required to submit the completed assignments associated with the missed session to your lecturer in writing as soon as possible.

In accordance with the rules set out in the Teaching and Examination Regulations, students are required to actively participate in all mandatory course meetings (seminars, tutorial sessions and research workshops). In concrete terms, to satisfy this requirement students need to be physically present throughout the entire length of the meeting and to bring along the completed preparatory assignments set out in the course guide. If a student fails to satisfy this requirement, the lecturer will record a 50% attendance score for him or her. The lecturer will send an email to the student informing him or her of this subtracted score.

12. Rules related to written work

1. Each time you submit a written paper, be sure to clearly record your name, student number, date and the course title in the top right-hand corner of your work. Do not include any other information besides the above!
2. Each argumentation should be preceded by a creative, yet adequate title.
3. Be sure to order your arguments into clear paragraphs; indicate these different paragraphs with an indented line (use the 'tab' button). Each paragraph should comprise a single step in your line of reasoning. In other words, do not include any single-sentence paragraphs. Only use a section break (extra space between two paragraphs) if you believe the reader needs to be alerted to an entirely new element in your argumentation.
4. Be sure to carefully record your references to the mandatory literature and (where applicable) other sources by means of notes. In this context, you are expected to adhere to the Chicago Style citation guidelines:
www.chicagomanualofstyle.org/tools_citationguide.html
5. Be sure to give the full title of your source when citing the consulted literature. These titles can be found in the back of this study guide.
6. Be sparing in your quotations. It's often better to paraphrase rather than use a direct quotation: in example describe in your own words what an author writing in the secondary literature or a primary source is saying, accompanied by a note, and include this paraphrase at a logical point in your argumentation. In other words: be

careful not to create the impression of plagiarism. As a standard measure, all submissions are checked for plagiarism via Turnitin.

7. Never use abbreviations of any kind (for example, viz., e.g. or i.a.) Be sure to always write out such terms.
8. Be sure to write out century names, in other words: do not write 15th century, but fifteenth century.
9. Do not title individual paragraphs!
10. Written papers with incorrect citation or that are written in substandard Dutch/English will not be reviewed and will be given a non-pass grade.
11. The word count for your written paper may vary by a maximum margin of + or - 10%.

Assessment criteria

1. Basic conditions and technical aspects:

- Handed in on time – in example before the set deadline(!)
- Total word count falls within the established margins (maximum deviation of 10%)
- The paper is structured correctly: title, layout, division into paragraphs
- The quality of the Dutch/English used: spelling, grammar and stylistic elements
- Correct citation

2. Substantive criteria:

- Adequate incorporation of all required elements set out in the assignment
- Logical line of reasoning
- Extent to which the mandatory literature and sources have been incorporated in the submitted work
- Clear distinction between the positions of the cited authors and the student's own perspective
- Creativity shown in the student's argumentation
- Catchy title or opening paragraph is contending in a note, and assign this contention a logical place in your argument.

Rules related to written work

The deadline of interim or final written assignments, in the form of an essay or paper will be set by the lecturer. In any case this deadline will be before the end of the term in which the course is offered.

Students who, by unforeseen circumstances, hand in an **interim assignment** after the deadline, will be graded on a scale of 0-6 instead of 0-10, if the student handed in the assignment within the second deadline, which is stated in the course guide. Assignments which are handed in after this deadline will not be graded. There is no re-sit opportunity for interim assignments.

Students who fail a **final assignment**, will be given one re-sit opportunity. The student has 15 working days to improve the written assignment, starting from the day the assignment

has been handed back to the student by the lecturer. Assignments which are handed in after the deadline will not be graded. The student has not met the requirements of the course and has to take the course again.

13. Requirements and evaluation criteria for oral assignments

The student's oral assignment is evaluated on the basis of two criteria:

- Substance (correctness of the provided information, clarity and structure of the presentation, etc.)
- Presentation (effective use of voice, posture, etc.)

The lecturer will share his or her reasons for awarding the student a specific grade.

Practical checklist

- Oral presentations should have a catchy title.
- Subject is based on literature discussed during class and lectures. Student must at least discuss *one primary source* and *one academic article* that is not part of the compulsory literature.
- Start with a short introduction and main thesis, present your argument/ main thesis and finish with a clear conclusion.
- Ensure that the text on each of your PowerPoint slides is precise and to the point.
- When working in pairs, ensure a balanced division of presentation tasks between yourself and your fellow student

Substantive aspects

- Present an overview of the text's most important aspects and key concepts.
- Ensure that your presentation relates to one of the specific assignments for the tutorial session in question.
- Strive to interact with your audience during your presentation.
- Try to wrap up your presentation in such a way that it can serve as a starting point for a serious group discussion.

14. Plagiarism

Plagiarism is strictly prohibited. Any instances of plagiarism observed by the lecturer will be met with sanctions by the Examining Board!

Plagiarism involves the inclusion, in part or in its entirety, of text content written by another authors or authors in one's own paper, written assignment, thesis or other document written in the context of an academic evaluation without citing the appropriate source (e.g. book, journal article, report, website). This is understood to also include the quoting or paraphrasing of content without clearly indicating this is the case. In addition, it is strictly prohibited to reuse portions of previously evaluated work of one's own hand. After all, the student may only receive ECTS credits for a specific completed assignment once – otherwise, this would amount to fraud.

15. Instructions for footnotes and bibliography

In a paper or final assignment, the student is required to present his or her thoughts in his or her own words. We refer you to the [*Chicago Manual of Style*](#) for extensive information on academic writing and proper annotation. Although various annotation styles are used in academia, we use the [*Chicago Style*](#) (16th Edition). Chicago-Style is available in two formats: the author-date system for the social sciences and the system with notes and bibliography for the humanities. We use the system with notes and bibliography.

This annotation system uses footnotes, which enables you to insert a reference to a source on the bottom of the page you are working on. Always insert a reference when you are citing a source and when you discuss main ideas you derive from a specific source. You can compile a bibliography at the end of the manuscript which lists all references alphabetically by author.

The Chicago Style defines how the references are formatted. If you are referring to a **book**, e.g. Edward Said's book *Orientalism*, do it like this:

- The **first reference** is always a full reference, which includes author, (book)title (in italics), the city where the book was published, the name of the publishing house, the year in which the title was published, followed by the page(s) you refer to: Edward W. Said, *Orientalism* (New York: Pantheon Books, 1978), 98-100.
- The **second reference** to the same book can be shortened to: Said, *Orientalism*, 101.
Use "**ibid.**" when consecutive footnotes refer to the same book.
- Format the title like this in the bibliography:
Said, Edward W. *Orientalism*. New York: Pantheon Books, 1978.

A **journal article** is formatted differently. Note that it is not the title of the article, but the title of the journal which is written in italics. Also note that the page numbers which the article fully covers in the journal are only given in the bibliography:

- **First reference:**
Thomas W. Laqueur, "The Queen Caroline Affair: Politics as Art in the Reign of George IV," *The Journal of Modern History* 54 (1982): 420.
- **Second reference:**
Laqueur, "The Queen Caroline Affair," 421-422.
- **Bibliography:**
Laqueur, Thomas W. "The Queen Caroline Affair: Politics as Art in the Reign of George IV." *The Journal of Modern History* 54 (1982): 417-466.

Please visit [this page](#) for a list of the proper ways to format the various kinds of sources available in academia. See for extensive information [Chapter 14 of the Chicago Manual of Style Online](#) (accessible on the EUR-network or at home via VPN).

Popular annotation software like Zotero (free) or Refworks (available on campus computers) can automatically format inserted references in Chicago Style. Using annotation software can save you lots of time. Especially when writing larger papers.