

Republicanism in the History of Political Philosophy and Today

3rd Biennial *Ideas in Politics* Conference

Prague: November 3rd-4th, 2017

Panel 3.2 Abstracts

Illegal Immigrants, Sanctuary Cities, and Republican Liberty

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In neorepublicanism, domination is the foremost political evil. Unless, it seems, immigrants are being dominated. Indeed, the few remarks by today's neorepublicans on the topic of migration could be interpreted as worsening the domination of immigrants. The purpose of this article is to excavate a once prevalent alternative republican critique of migration. First, I argue that this alternative critique relied on natural rights and residency for its argument against immigrant domination. Second, I argue that the sanctuary city movement is the heir apparent to this tradition. Third, returning to neorepublicanism, I consider whether the original critique of liberalism still holds (I argue it does), and whether the critique of civic humanism still holds (I argue it does, but small amendments are in order). This article contributes to the ongoing debates regarding neorepublicanism, migration ethics, and sanctuary cities.

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Attracting the Best and Brightest: A Republican Account of the EU Immigration Law

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Republicanism has long been playing an important role in thinking and developing normative arguments on the broad issue of integration and « vivre-ensemble » (Bachvarova 2013; Benton 2014). In doing so, it has drawn upon its long tradition in thinking about civic virtues and what should be expected from citizens and residents of a given political community.

However, despite few exceptions, the broad family of republicanism has failed to properly address the issue of immigration, meaning the ethical, legal and political challenges linked to the determination of a set of legal rules regulating entry into a new political community (Bertram 2013; Fine 2014; Honohan 2014; Laborde 2010; Nadeau 2007; Pettit 2012; Sager 2014).

Taking up this task, this paper has three interrelated objectives. It will firstly lay down the theoretical basis for a republican theory of immigration, secondly highlight potential measures to make its core commitment towards non-domination reality, and thirdly illuminate important elements of the EU legal norms on immigration.

The key element of this new theory is the reconstruction of the external effects of an immigration policy as instances of domination (assuming a definition of freedom conceived as non-domination, both as individual and as collective political ideals). Contrary to what has been proposed by Pettit (Pettit 2012), immigration policy represents instances of domination on would-be migrants and other individuals and political communities (e.g. countries of origin affected by policy choices). By arbitrarily interfering with individuals and affecting interests that are arguably essential for one's life, by not giving these individuals any possibility to make their interests heard and be taken into account, the EU is in a position of domination over these individuals. The republican account allows the two problematic aspects of the immigration regime to be emphasized: the potentially detrimental effects on would-be migrants and others (Fine 2014) and the modus of that relation which could be interpreted as considering outsiders negligible from a normative point of view (Halldenius 2010). A brief assessment of the EU "Blue Card Directive" (highly-qualified immigration) shall exemplify these two features (Rochel 2015).

If this characterization as instances of domination is accepted, the consequence is that the modus of interference should be changed by forcing the political community to track and consider the relevant interests of the affected individuals. In light of this reconstruction, numerous mechanisms already at least partially present in EU law could be normatively backed up by being identified and pushed as anti-domination measures. The prohibition of discrimination among would-be migrants, the requirement to prevent extreme forms of "brain-drain" and the diverse mechanisms meant to represent the interest of would-be migrants as part of the decision-making mechanisms on immigration could all be labeled as measures to ensure a non-dominating relation. This existing legal material shall be drawn upon to illustrate both the theoretical and practical relevance of the republican reconstruction.

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Republican Freedom in Globally Integrated Markets

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In the past few decades, philosophers, political scientists, and legal scholars have witnessed a great revival of interest in republican thought. For the republican, markets are part of *res publica*, and ought to be structured so as to encourage economic relationships consistent with republican freedom. Republicans, however, give comparatively little attention to the ways in which increasingly, globally integrated markets transform our political and economic relations, undermining traditional institutional protections against political and economic domination.

The central goal of this paper is diagnostic: to articulate and identify the challenges facing republicans in a political economy of deep globalization (to borrow a term from economist Dani Rodrik). Regulatory evasion, for example, weakens the ability of individuals to appeal to the law to resolve disputes, as well as hard won worker protections against managerial power and caprice. Next, republicans increasingly recognize that individual freedom is linked to democratic accountability, even when they resist equating individual freedom with political participation. The institutions that structure global markets, however, suffer from a deep democratic deficit. Simply put, deep globalization undermines the ability of republics to set the rules of the game for markets, transferring this responsibility to a number of far less developed, frequently far less democratically accountable, and at times simply non-existent, institutions of global governance.

Within wealthier and poorer societies alike, then, deep globalization generates greater inequalities in wealth and power (Milanovic), while tax evasion and avoidance undercuts efforts to redistribute the unequal gains from economic liberalization. In the process, deep globalization undercuts potential funding for many proposed republican policies, including support for exit through unconditional basic income and government supported education, training, and relocation. Calls for enhanced voice for workplace, similarly, remain overwhelmingly statist, in the sense that they rely upon the legal backing of the institutions of a functioning democratic republic where companies do business.

This study makes vivid the challenges for republicans moving forward, while revealing the deep limitations of many proposed alternatives, including so-called Political CSR. Many authors propose a new moral division of labor, a political CSR, to address the challenges of globalization, with greater responsibility for the business firm in serving the public good. A few authors, including Georg Scherer and Guido Palazzo, even provide a republican argument for political CSR, extending republican notions of virtuous and public-minded citizenship to global corporate citizens. These authors, however, fail to address the ways in which republican freedom from domination, by its nature, cannot be secured by the discretion of individual employers who continue to dominate their employees and competitors. Dominated individuals remain liable to be abused, and subject to whims of their employer. The discretion of corporate managers, to use Pettit's terminology, cannot give her recognition as a proper discursive partner, as the salient fact of unaccountable corporate power will eclipse any efforts to establish a fiction of freedom and equality. Republican freedom in globally integrated markets depends upon the development of institutional alternatives to extended corporate citizenship.