Abstract: James COHEN

Defending the Rights of Undocumented Immigrants and Contesting the Boundaries of National Citizenship in the U.S.

One of the most contentious issues regarding the form of contemporary U.S. democracy is the question of how the boundaries of citizenship - and access to its rights - are drawn, according to what legal and constitutional norms, to the inclusion or exclusion of whom. In a country where the number of undocumented immigrants has exceeded 10 million for several years, this question has taken dramatic form and assumed a key position among the chronically controversial issues in a highly polarized political/electoral field. This paper in progress will examine a several different responses to the problem as articulated by social scientists and legal scholars who, on one of a few rare occasions, conducted (in print) a public debate on these questions. The question to which they were replying was how - on what philosophical, legal and practical grounds - to justify the right to stay for large numbers of the undocumented people, including many who are by now long-term residents, with a strong stake in U.S. society. I will distinguish clearly in the presentation between the positions of those who reason in a universalist democratic vein, distinguishing between nationals and foreigners in general, and those who take into account the specific origins of the vast majority of undocumented immigrants in Mexico and 3-4 Central American countries. In the second view, the “illegalization” of many or most immigrants from these countries in the U.S. is rooted in hierarchical racial/ethnic relations, and thus in colonial-imperial relations in the Americas over the past several centuries. The Obama initiative in 2012 to provide temporary relief to undocumented youth between ages 15 and 31 will be examined briefly as a way of updating the discussion and demonstrating the impact of political events on its course.

James Cohen, Université Sorbonne Nouvelle
James.cohen@univ-paris3.fr
http://www.univ-paris3.fr/m-cohen-james--128811.kjsp