Ethic Theory Moral Prac (2010) 13:315–332
DOI 10.1007/s10677-009-9196-0

What's Unique About Immigrant Protest?

Patti Tamara Lenard

Accepted: 23 July 2009 / Published online: 12 September 2009

Abstract Increasingly, western democratic countries are bearing witness to immigrant protest, that is, protest by immigrants who are dissatisfied with their status in the host community. In protesting, the immigrants object to the ways in which various laws and practices have proved to be obstacles to their full integration. Because immigrants, upon entering, have consented to abide by the rules and regulations of the host state, it might be thought that these forms of civil disobedience are, effectively, contract violations. Immigrants might therefore be thought to have a particularly stringent duty to abide by the laws of their host state. This paper evaluates whether immigrants are indeed under a special duty to abide by the laws of their host state. First, it suggests that it is useful — although incomplete — to apply the device of the 'contract' to understanding the relationship between new immigrants and the host community. Second, it argues that there are limits to what can be demanded of and by immigrants as well as of and by host communities. It then turns to offering principles that help to evaluate the motivations of immigrant protestors, as well as that help guide their actions, when they believe that the community they have joined is treating them unjustly. These principles suggest that immigrant protest actions are subject to the restriction that they do not undermine the possibility of an inclusive democratic community.

Keywords Immigrants · Protest · Democratic inclusivity · Obligations · Integration

I first presented this paper to the SIAS Migration and Citizenship workshop in Berlin, in the summer of 2007, and I would like to thank the very helpful and constructive questions participants offered in that venue. I especially would like to thank Fiona Barker, Eamonn Callan, and David Miller. Joseph Carens offered helpful thoughts on a revised version, presented at the *Ethnicity and Democratic Governance conference* in Montreal in October 2007. I also owe thanks to Jacob J. Krich, Jon Quong, Will Smith, Zofia Stemplowska, as well as the anonymous reviewers for this journal for helpful comments. Finally, I'd like to thank Michael Caleb Soto for his help in providing me with examples of immigrant protest in the United States, which I discuss in the article.

P. T. Lenard (✉)
Graduate School of Public and International Affairs, University of Ottawa, 55 Laurier Avenue East, Ottawa, ON KIN 6N5, Canada
e-mail: plenard@uottawa.ca

1 Introduction

In May 2006, American immigrants staged a national day of action in protest against new legislation that made being in the United States illegally a felony rather than a civil offense. The organizers of the event used the attention it garnered to highlight additional, positive, demands, as well: "worker protections, civil rights measures, family reunification and immigration reform," among others (Wood 2006). The protests were not violent and no public property was damaged, but immigrants around the country did not show up for work that day. Many businesses that rely on immigrant labour, both legal and illegal, were unable to open for business as their labourers spent the day marching through city streets across the country in an attempt to raise awareness of their situation. Nearly eight months earlier, Muslim youth in Paris made global news as they, too, protested against their situation in contemporary France. Over a period of many days, Muslim youth burned cars and public buildings, protesting the failure of the French state to recognize them as equal citizens of the French Republic. They displayed anger and frustration at their situation — a situation characterized by rampant discrimination that, on an ongoing basis, places obstacles in the way of their full and fair integration into French society.[1]

Events of this kind are likely to be repeated in the future, as immigrants who are not adequately integrated into a receiving state over an extended period of time begin to protest — angrily, violently and as in the cases above *unlawfully* — against the obstacles placed in the way of their full integration. In some senses, this is not surprising — civil disobedience is often the way in which citizens display their moral objections to government policy. But, what makes immigrant action distinct from civil disobedience as it is theorized in the literature more generally has to do with the conditions under which immigrants become members of the receiving society, namely, in becoming members they *explicitly agree* to abide by the rules and regulations of the receiving society. They are not the only party to do so, however. The receiving society equally *explicitly agrees* to carry out certain obligations in relation to the integration of immigrants. In any immigrant-receiving state, then, both the immigrants and the state have obligations towards each other.[2]

It is helpful to think about these obligations in relation to each other — in doing so, we will be better able to develop a coherent theoretical and practical response to situations in which one party fails to carry out its obligations, as in the cases that motivate this paper. How far, for example, is one party released from their obligations in the event of the failure of others to carry out theirs? There are clearly two different perspectives that must be taken in order to provide a full answer to this question — one perspective considers failures of the state to carry out its obligations and another considers failures of immigrants to carry out their obligations.[3] This paper is concerned with only the former, however, and its central questions are these: 1) What is the source of the obligations that immigrants have to the states that they have joined? 2) When immigrants are released from these obligations,

[1] For a fascinating account of why protests by immigrants have not turned violent in the United States, see Michael Katz (2007).

[2] The paper is concerned only with those immigrants who enter a polity lawfully and who intend to stay. My observations should not be taken to apply to other categories of migrants: tourists, refugees, guest workers, foreign students, illegal migrants, and so on.

[3] In this paper, the obligations of the state are treated as though they are independent of the obligations possessed by the citizens themselves. In practice, however, it will not prove to be possible to separate citizens' behaviour from state behaviour, not least because there are situations in which the state issues unjust demands of its immigrants, even as individual (non-immigrant) members of the state recognize and object to these unjust demands.

because the state they have joined has failed to carry out its obligations, what is the range of *legitimate* responses that are available to newcomers, in response to this failure? Space constraints prevent our considering an intermediary question that requires answering in order to provide a full sense of the story, and it is this: under what conditions can we legitimately say that the state has failed in its obligations towards its newcomers? For now, I leave this question to others.[4]

The first section of the paper suggests that the source of obligations for immigrants is, in fact, distinct from the source of obligations for citizens more generally. In particular, it suggests that we can usefully think of immigrant obligations partly in terms of consent, in a way that we cannot for citizens who are born within the boundaries of the state. Yet, I will argue that the best way to characterize the relationship between immigrants and the state is in quasi-consensual, or quasi-contractual, terms. Although the relationship between immigrants and the state is, in very real terms, a contract to which each party expressly consents, it makes more sense to conceptualize it as quasi-consensual, that is, as a contract in which some but not all of the obligations and responsibilities of each party are made explicit. Since the relationship is characterized here as a contract, it is next important to consider what, precisely, each party contracts to *do*; I thus turn to an evaluation of what actions might be thought to terminate the contract. Of course, there are many legitimate forms of state-immigrant contracts, and this will make generalizing about the conditions under which the contracts can be said to have broken down a challenge. That said, however, we can place limits at either end — that is, we can identify demands that, if included in the contract, render the contract illegitimate. The final section draws on the philosophical literature on civil disobedience, to make some observations about the legitimate actions — whether legal or illegal — that immigrants in particular can take in response to broken (but not terminated) contracts.

2 The Quasi-Contractual Nature of the Immigrant-State Agreement

It is commonly accepted that we are obliged to obey the laws of the country in which we reside, even if the justification for this obligation is the subject of ongoing dispute.[5] One persuasive (to this author) way to account for this obligation pays attention to the relationships among members of a shared polity, and is commonly called the associative duty account: because the sustaining of a shared polity is a morally valuable objective, and because the relationships among members sustain the polity, members are obligated towards each other insofar as these obligations are essential to sustain the polity over time. In other words, it is the relationships among members that generate the obligations that

[4] This question is largely empirical, and is left to the side here because of space limitations. Yet, there is good reason — not only because it seems that immigrant protest is increasingly frequent — to believe that the integration of immigrants is failing and that, to a considerable extent, host states are to blame for this. For evidence of the failure to integrate immigrants, and either implicit or explicit accounts of the responsibilities states bear for this failure, see Roberto Suro (1998), Owen Fiss (1999), and Jeffrey Reitz and Rupa Banerjee (2007). Moreover, as Edwidge Danticat observes, "Making them pariahs will not force immigrants to pick up and leave. They will continue to work hard in spite of the obstacles…What we must fear most is the effect that the more severe disabilities would have on the children of immigrants, the ones who feel that they belong to this country that threatens to keep them out of its schools and to not treat them when they are ill" (1999, p. x).

[5] This is not to say that *all* philosophers agree that we are obligated to abide by the laws. Perhaps the best-known defense of anarchism, according to which we have no general obligation to abide by the law, is Robert Paul Wolff (1970).

citizens have towards each other, obligations that include abiding by the law of the polity (which, presumably, is democratic and is best understood as the product of shared governance). This account squares with a commonly held intuition that we have obligations towards others simply by virtue of the role we occupy in relation to them — just as we have obligations towards our parents, our friends, our children and our teachers, we have obligations towards co-citizens simply by virtue of being co-citizens (e.g., Dworkin 1986; Tamir 1993; Scheffler 2003; Horton 2006, 2007).

This way of accounting for our obligation to abide by the law responds to worries lobbed at alternative justifications. One important alternative — the consent account — argues that we cannot be said to have obligations to abide by the law unless we consent (either explicitly or implicitly) to the law that binds us (Locke 1690). Another important alternative — the mutual benefit or fair play account — suggests that we are obligated to abide by the (more or less) fair rules of a cooperative venture (in this case, the state) from which we benefit (Klosko 1987a, b; Arneson 1982). We are obligated, that is, to do our 'fair share' to sustain this venture. The consent account is criticized for its over-emphasis on voluntariness — it cannot be said (or required), say the critics, that all citizens *voluntarily* accept obligations to abide the law in order for these laws to be legitimate. On any plausible account of consent, most citizens cannot be said to have consented to the laws to which they are subject;[6] for those who adhere to a strict consent view of obligations, therefore, the consequence is that virtually none of the laws to which we are subject is (morally) legitimate. On the other hand, the fair play account encounters objections from those who worry that, on this view, citizens are treated as passive, involuntary recipients of benefits — the receipt of which generates heavy obligations — from which they cannot extricate themselves (for example, by emigrating) except at great expense.[7] A third alternative is the natural duty account, according to which we have a natural duty of justice to abide by the laws of the just state in which we reside (Rawls 1999, esp. pp. 98–100). The natural duty account is criticized for its inability to account for what A. John Simmons has termed the 'particularity problem', that is, it fails to offer an account of our sense that we are especially obligated to abide by the laws of *our* state rather than, simply, any just state.[8]

The associative duty account effectively mediates among these views: it recognizes that most citizens are not in any real sense *voluntary* members of the community to which they owe obligations and it also accounts for our sense that, although we often find ourselves in positions or roles we have not chosen, we do not ordinarily think of them as forced on us. We do not think of ourselves as forced to take on the obligations of fatherhood, or friendship, or citizen, even if equally we do not think of these as voluntarily incurred in the strict sense. The associative duty account also provides an answer to the particularity problem: we are obligated towards those with whom we share a morally valuable association, in this case, the state.

[6] For a powerful rejection of the claim that most actions that are described as 'implying consent' do not in fact count as consent, see A. John Simmons (1979), esp. chapters 3 and 4.

[7] For sustained criticism of the fair-play or mutual benefits account, see Robert Nozick's *Anarchy, State and Utopia* (1974), chapter 5 esp. at pp. 90–95. As George Klosko observes, however, the benefits at issue in the examples Nozick presents are all of 'relatively little value' and are therefore best described as 'discretionary goods', or goods that 'may be desirable but should not be viewed as essential to people's well-being' (1987, p. 248). Rather, says Klosko, we need to consider the fair-play account to be relevant especially in cases where the goods are 'presumptively beneficial', i.e., goods that 'must be necessary for an acceptable life for all members of the community' (p. 246).

[8] For an extensive criticism of the natural duty account, see A. John Simmons (2005), chapter 7.

The associative duty account is not without its flaws of course,[9] and one of them emerges from its position at the heart of nationalist accounts of obligations. Associative duties make the most sense when we think of communities which are, in Michael Walzer's term 'communities of character', in which members share values and norms that have emerged over time as the result of vigorous public debate in which, at least in principle, all members are able to contribute (Walzer 1983). Communities of character are, moreover, typically characterized by what David Miller has termed a shared public culture, which is defined by a set of shared norms and values, which emerge from a shared history as well as a public sphere to which all members (ideally) have access (Miller 1995). Aside from the contestability of the nationalist thesis in general, this way of accounting for obligations is problematic from the perspective of new immigrants, who have not been privy to the public debates from which the shared rules governing behaviour have emerged.[10] It stretches the imagination — perhaps too far — to describe newcomers as bound by associative obligations that emerge, and are fleshed out, over time. We therefore need an alternative justification for the obligations that immigrants have to the state they join.[11] Here, the consent story seems able to do the work we demand of it.

Recall that the central objection to relying on consent as the source of our obligations is that few citizens can be said to have, properly, consented to the laws of the state. It is not sufficient, on these accounts, to rely on something like the tacit consent that John Locke famously defended: it is not enough to suggest that the taking of benefits by members of a polity amounts to consent. In Simmons' language, the taking of benefits does not qualify as a 'consent-implying' action (Simmons 1979, chapter 4).

Whether or not tacit consent can do the work required of it, however, is to some extent irrelevant in relation to immigrants. As those of us who are immigrants know, immigrants *explicitly* consent to the laws of the host country: immigrants *agree*, in exchange for permission to enter a state as an immigrant, to abide by the rules and regulations of the host state, and the state agrees to guarantee to immigrants the same rights and privileges that attend citizens who already live within the boundaries of the state. Both parties, in other words, agree to a certain set of obligations in exchange for certain kinds of behaviours. The characterization of the relationship between immigrants and the state is not fully captured by an explicit consent account — it is perhaps, as I shall argue, better captured by the term 'quasi-contractual' — for two reasons.[12]

First, the contract between immigrants and the host society, which lists the rights and duties of each party, does not adequately capture the intended depth of the relationship that is thereby formed. Immigrants are signing a contract that enters them into the rank of citizen and it is a mistake to think that the list of rights and duties listed in the initial contract fully captures what it means to be a citizen of a state. In some sense, these carefully enumerated rights and duties are a lower boundary — in other words, the state *at a minimum* agrees to protect a certain range of rights and immigrants *at a minimum* agree to abide by the laws of the state. But, citizenship is meant to capture more than a set of legal rights and obligations.

[9] For objections to the associative duty account, see Richard Dagger (2000) and Christopher Heath Wellman (1997). I do not have the space, here, to mount a full defense of the associative duty view.

[10] For objections to the nationalist thesis in general, and the concept of a shared public culture that underpins it, see Arash Abizadeh (2002); Darrel Mollendorf (2002), esp. chapter 3.

[11] I am not alone in accounting for obligations in a pluralist manner. See, for example, J. Wolff (2000), chapter 8.

[12] I would like to thank Eamonn Callan for suggesting the term 'quasi-contractual' to describe the partial way in which consent theories account for immigrant obligations.

For example, a survey of citizens in the United States and Britain found that "people did not on the whole think of citizenship as defined entirely by their legal rights and obligations — they recognized an ethical element citizenship as well, an idea of what it *should* imply for social and political practice" (Miller 2001, p. 43). In other words, citizenship is thought to be more than a legal status; it contains an ethical dimension that demands of citizens that they participate actively in the political system they have joined, that they adopt a certain set of shared cultural and social norms that define the host community's public culture, and that they display a kind of loyalty, or at least commitment, towards the state.[13]

Yet, it seems clear enough that one cannot demand of immigrants that they feel an affective commitment towards their state, that they participate in politics, nor even that they adopt the dominant social norms (in most cases) as a condition of their admission.[14] As a matter of justice with respect to the conditions of admission, immigrants can only be asked to abide by the legal rules that govern the state they have joined. As Joseph Carens explains, we need to distinguish between the *requirements* of citizenship, that is, those demands that can be made both "formal and explicit" (Carens 2005, p. 30), and the less formal *expectations* of citizens. Whereas the formal and explicit requirements of citizenship are those that are codified in the initial citizenship contract that immigrants and states co-sign, the expectations of citizenship refer to the social norms that are "enforced through informal social sanctions rather than legal mechanisms" (Ibid.). Members of the host community may well have expectations "about how immigrants should behave or how they should adapt culturally," but failure to meet these expectations cannot result in legal sanction, even if it does meet with criticism (Ibid.).[15] The distinction between requirements and expectations alerts us to an important feature of citizenship, as immigrants acquire it, and the contract that establishes it: although there is a formal moment at which the citizenship contract is signed, there is in fact "no clear cut-off between the process of becoming a citizen and the condition of being a citizen. Nor is there an absolute distinction between being and not being a citizen" (Castles and Davidson 2000, p. 103).[16] At some point — it is difficult to say when — the obligations that immigrants have to co-citizens will be no longer be best described in terms of consent; they will, rather, be best described in terms of associative obligations.

Describing the immigrant-state relationship in terms of a contract is incomplete for another reason. As this paper continues to explore, there is a range of contract violations that do not straightforwardly result in a termination of the contract or a revocation of the consent that establishes it. On the one hand, immigrants can fail to abide by the rules — they can break laws — without being deported, that is, without the contract being revoked.

[13] For an outline of the debates concerning what *specifically* citizenship ought to entail, see Will Kymlicka and Wayne Norman (1994).

[14] Controversially, some European states — the Netherlands and Germany in particular — have been trying to implement citizenship tests that test for specific social norms and values.

[15] Carens also offers a third category, which he terms aspirations: "hopes about the ways in which immigrants will integrate with the receiving society without thinking that these aspirations are enforceable in any sense, even through informal social sanctions" (Carens, 2005, p. 30). Aspirations are not relevant to the discussion here.

[16] It would be a mistake to ignore the recent moves to formulate citizenship tests that do more than evaluate candidates for citizenship with respect to their knowledge of laws and regulations in their host country. Many countries are toying around with implementing (or have implemented) citizenship tests that evaluate the candidate's familiarity with social norms connected to the host country. Even so, the test evaluates *knowledge* rather than adoption of these social norms. At best, then, these tests assess for "clear intentional and behavioral indicates that the prospective citizen will 'grow into' these requirements in due time. That is, that such a growth process is clearly underway" (Van Gunsteren, 1988, p. 737).

Indeed, deportation is only a genuine possibility *prior* to the granting of citizenship; once citizenship papers are signed by both parties, there no longer exist offenses of the kind that demand an immigrant be returned to her country of origin (with the possible exception of having lied on one's application for citizenship status). On the other hand, if the state fails to protect the rights and privileges of new citizens, new citizens can complain and lobby and push for better protection by the state, without revoking the citizenship contract. In other words, there are situations in which the terms of the contract — both the explicit terms, described in terms of requirements, and the implicit terms, described in terms of expectations — are violated, at times egregiously, without prompting a termination of the contract. Yet, with respect to the citizenship contract to which immigrants consent — unlike most other forms of contract, which carefully enumerate the consequences of contract breaches — the consequences of contract breach are unclear.[17]

3 Challenges of Limiting the Contract Requirements on Either Side

Although this paper is concerned with the challenges of integrating immigrants, it is important to observe the connection between admitting immigrants and integrating immigrants; there is typically a close link between the approaches a polity takes to both of these issues. The positions polities take can be thought of as located along a continuum between two extreme views to which, in practice, no polity adheres entirely. On the one hand, we might prioritize the freedom to move across borders over a state's right to control them, and only secondarily consider how states might go about integrating new immigrants. Although there is little by way of empirical information to support or refute this suggestion, it is sometimes worried that truly open borders would lead to mass migration, in such a way that immigrant integration — which can be more or less resource intensive, depending on the scope of the efforts — will prove difficult or impossible. Open border advocates typically acknowledge the force of this worry, and argue for presumptively rather than absolutely open borders — borders are maximally open *given* the constraint that liberal democratic communities are entitled to protect the institutions that define them (e.g., Carens 1987, 1992; Abizadeh 2008).[18]

On the other hand, we might prioritize the right of the state to control borders (i.e., state sovereignty), and therefore to control the inflow of immigrants demanding integration.[19] State sovereignty is often defended in cultural terms: states have the right to protect their national culture and this requires the right to control borders and the right to impose an integration regime of their choice. In the best versions of this account — Michael Walzer's account is perhaps pre-eminent here — the justification for state control of borders is *connected* to a democratic argument, according to which the full range of citizenship rights is extended to newcomers as quickly as possible, and therefore great efforts are expended in order to integrate them effectively (Walzer 1983, chapter 3). There is no logical connection

[17] For an account of the standard features of ordinary contracts, see Anthony T. Kronman (1980, p. 472).

[18] Open border advocates disagree amongst themselves about which institutions demand protection in such a way that their protection is a legitimate limit on open borders. For example, Joseph Carens (perhaps the best-known advocate of open borders) is prepared to limit open borders for cultural protection in some instances; Chandran Kukathas is much less sympathetic to this suggestion. See, respectively, Joseph Carens (1992); Chandran Kukathas (2005).

[19] For a discussion of democracy's 'thrust towards exclusion', on the grounds of protecting social cohesion, see Charles Taylor (1998). For an argument against the right of democracies to control their borders unilaterally, see Arash Abizadeh (2008).

here, however: one might well support a state's right to control its borders unilaterally, without supporting a commitment to large-scale efforts to secure effective integration on democratic (or other) grounds.

I will not take a position in this debate;[20] rather, I mean only to highlight the overlap between the two positions. Whatever position one advocates with respect to border control, and to the attendant questions about immigrant integration, it is important to observe the considerable agreement among scholars on both sides of this debate concerning which policies — in particular with respect to integration, which is the focus of this section of the paper — are either absolutely required or certainly objectionable (e.g., Kymlicka 1996; Parekh 2002; Carens 2000; Spinner-Halev 2000; Kukathas 2003). It is the clear that there are many distinct, though equally just or legitimate, accounts of what may be demanded of immigrants by way of integration, as well as what may be demanded of host countries by way of adaptation.[21] States that are legitimately described as liberal democratic states will necessarily "display divergent immigration politics as a result of their peculiar immigration histories" (Freeman 1995, p. 882).

Because there is a range of acceptable integration regimes, it will be impossible to be specific about the legitimate obligations that may be required of immigrants. It is possible nevertheless to make some observations that will constrain or limit the cases at issue; these are aspects which, whatever their position, nearly all philosophers of multiculturalism agree. In particular, even if there is a range of demands that can be made both of the host community and immigrants — demands that fall within the boundaries of what counts as just — there are some requirements or demands that, it is agreed, are plainly outside of the boundaries of justice.

First, it seems clear that any requirement that immigrants assimilate *full stop* is inconsistent with justice. As a matter of fact, of course, some immigrants may well have this objective in mind. Many immigrants from communist countries before the fall of the Soviet Bloc — my father included — immigrated with the intention of rejecting the values and norms of their country of origin in favour of those preferred by the host community. But, what is central to this example is that the assimilation was a matter of choice, voluntarily accepted by the immigrants themselves. If, however, immigrants choose to "assimilate to escape exploitation or coercion" in the host country, it seems clear that they are in this instance "victims of oppression" in some sense (Callan 2005, p. 475). It simply cannot be required of immigrants that they give up all the values, norms and beliefs that characterize the culture they have left behind. As Benjamin Gregg observes in the case of Muslim immigrants: "host societies that demand Muslim immigrants' complete assimilation, that insist that immigrants discard everything they brought with them to the host society, demean human beings and their cultural self-understanding" (Gregg 2002, p. 769).

Second, the host community is clearly obligated to fight discrimination against all citizens *including* immigrants. If the state fails to protect any of its members from discrimination, it fails in its obligations to them; this observation naturally extends to immigrants. The claim is not that the state must put greater effort into fighting discrimination against immigrants than against non-immigrant citizens; rather, the claim

[20] Though elsewhere I have argued for freedom of movement on cultural grounds, which may seem incongruous given that culture is often used to restrict rather than support freedom of movement.

[21] Given the vast inequalities that characterize the global environment, it is less clear that such freedom exists in structuring admission rules. It may be that, while states have considerably greater jurisdiction over their integration policies, they have considerably less jurisdiction over their admission policies, at the very least until the degree of global inequality is significantly lessened.

is that the state must be especially scrupulous in its attention to the ways in which immigrants may face discrimination, at least in part because immigrants will have trouble predicting where discrimination will present an obstacle to integration and in part because immigrants have less familiarity with the political mechanisms through which they might fight this discrimination on their own behalf.

Third, it is implausible to suggest that host communities enable immigrants to reproduce their own culture within the host community. There is nothing unjust about "encouraging new immigrants from another country to settle as a "colony," and redistributing political boundaries and powers to enable them to exercise self-government," even if "it is difficult to imagine any country actually adopting" this policy (Kymlicka 1996, p. 95).[22] Immigrants, however, have no *right* to such treatment — so long as they immigrate voluntarily, immigrants are not entitled to the rights of self-government that are essential to a full recreation of their culture within the boundaries of the host community. Host communities are not obligated to accept immigrants' demand, should they make it, to reproduce their \own culture within the boundaries of host community.[23]

We therefore have fairly clear limits on both ends. On the one hand, host communities cannot demand full assimilation of their immigrants, and doing so amounts to oppressing them; on the other, immigrants do not possess the right to reject integration *full stop* in the form of demanding the resources necessary to reproduce the culture of their homeland within the boundaries of the host community. To translate these claims into the language of obligation, we can say that immigrants do not possess the obligation to assimilate fully into the dominant culture, and we can say that host communities do not possess the obligation to provide immigrants an environment hospitable to the reproduction of the culture of their homeland.

A critic might object, however, as follows: any immigrant — in immigrating voluntarily — agrees to obey the law in the new country, even in the (perhaps inevitable) cases where they disagree with the justice of the laws (e.g., Scheffler 2007). In other words, in an effort to establish the limits of what can legitimately be demanded of immigrants — in order to develop parameters for a framework that considers the obligations of immigrants and the host community together and in relation to each other — the critic might say that immigrants are as a matter of justice required to obey the democratically determined laws in their host country. Yasemin Soysal makes this suggestion, for example, when she writes, "Foreigners are clearly incorporated into the obligations of citizens as well. They are obliged to perform the most basic obligations — being lawful, respecting other people's rights and public property, paying taxes, 'properly' raising and complying with the education of children, and so on" (Soysal 1995, p. 130). While it may be right to make this claim *in general*, it cannot be the case that immigrants are required to obey the laws without question. It may be as a matter of fact that certain laws in the host community are straightforwardly unjust or, instead, that

[22] Although, many religious immigrant groups to North America — who were seeking to leave religious persecution behind in Europe — agreed to populate certain states and provinces, in exchange for the rights of self-government. The Hutterites and the Amish are among groups who moved to North America under these conditions. See Jeff Spinner-Halev (2000).

[23] As a reviewer rightly observed, any more specific claims about the justice or otherwise of integration policies will probably require that we engage in evaluations of specific policies in specific countries. I agree with the reviewer that one especially strong example of such a study is William A. Barbieri Jr. (1998). Barbieri is engaging, here, in what Joseph Carens has termed the "contextual approach" to political theory, in which political theorists consider real cases, since doing so will "make us conscious of what issues need to be addressed in a given sort of theoretical inquiry…[and] can make us conscious of conflicts between our theory and our practices." Carens defends this approach in this journal (2004).

they are unjust in some sense when applied to immigrants. And, when the laws are straightforwardly unjust, the obligation to obey them is not necessarily morally objectionable (even if illegal). It may have been just to demand of citizens in a mainly homogenous, Christian-based country that they close their stores on Sunday, for example; the justice of this law may be at issue in countries that are diverse along religious lines, however. It is, further, a well-documented observation that laws, sometimes unjust and sometimes merely unfair or unduly burdensome, are modified in response to newcomers. Kymlicka outlines in considerable detail the extent to which Canada's laws have been altered in response to the public and political participation of immigrants, for example (Kymlicka 1998).

It may, then, be more reasonable to claim not that immigrants are *without question* required to obey the law of their host country, but rather that there is good reason to suggest that immigrants are obliged to obey the law so long as it is not a) unduly unjust, and b) they are not prevented from accessing the political means by which unjust laws might be altered over time. There may therefore be cases in which the examples of immigrant protest — with which this paper opened, for example — are legitimate even when they are clearly examples of violating a contract to which immigrants have consented.

4 Evaluating Immigrant Protest: Some Normative Guidelines

These guidelines below are informed by the philosophical literature on civil disobedience, so let me begin with a brief account of the main ideas developed within the literature.

Recall that, earlier, I suggested that the most plausible way to think of the obligations citizens have to abide by state laws is in terms of associative duties: it is because the polity is morally valuable, and the relationships among citizens that sustain the polity are, likewise, valuable, that citizens come to have obligations towards each other to abide by shared laws. That these obligations derive from the valuable relationships that citizens share does not, however, obviate the possibility that some citizens may object to any given decision, in spite of its having been legitimately taken.[24] Perhaps they believe the decision violates some principles of justice, or their conscience, or is simply unwise (I will say more about these reasons, below) — which leads them to believe that their only course of action is civil disobedience of some kind, where civil disobedience is defined as follows: "a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government" (Rawls 1999, p. 320). Civil disobedience is *political* in part because it is addressed to the political majority, and in part because it is "justified by political principles"; it is *public* because it is carried out "openly with fair notice"; and it is *nonviolent* because it "expresses disobedience to law within the limits of fidelity to law, although it is at the outer edge thereof" (Rawls 1999, p. 321–2).[25]

[24] It is worth noting here that the associative duty account of the source of legal obligation does not *necessarily* entail that the laws are democratically determined; citizens can have obligations towards each other in non-democratic states. Yet, most advocates of the associative duty account, including me, argue for democratic decision-making procedures as essential to legitimating the obligations that citizens have towards each other. See, also, Ronald Dworkin (1986) and Yael Tamir (1993), chapter 5.

[25] It is worth noting that in contemporary discussions of civil disobedience, there is considerable debate with respect to whether the non-violence dimension of civilly disobedient action applies to people and property (as the early literature suggested) or only to people. Contemporary accounts of civil disobedience — especially as it pertains to environmental protest — often suggest that property violations are well within the boundaries of legitimate civil disobedience. See, for example, Jennifer Welchman (2001, p. 105).

It is common in the literature on civil disobedience to distinguish among protest actions according to their motivations. Ronald Dworkin for example distinguishes between "justice-based" civil disobedience, "integrity-based" civil disobedience, and "policy-based" civil disobedience. In Dworkin's account, integrity-based civil disobedience is motivated by the dictates of one's conscience; justice-based civil disobedience is motivated by the dictates of justice; and policy-based civil disobedience is motivated by a view that something — a law, a policy, or a set of social norms — is unwise or dangerous (in other words, the label policy-based civil disobedience is misleading, since laws, policies or social norms might well be thought to be unwise or dangerous) (Dworkin 1986). These distinctions may be more helpful in theory than in practice: in practice, many civilly disobedience acts can be characterized to fit into one or more of these categories. Think of American church officials who refused to accede to a demand that they ask immigrants for their residency documents prior to extending aid, on integrity-based grounds. By way of explanation one cardinal in Los Angeles stated that, "we must be able to minister to people, regardless of how they got here," and that as disciples of Christ, "we are called to attend the last, littlest, lowest and least in society and in the Church."[26] This action can, equally, be justified by reference to principles of justice, for example: we can imagine the cardinal justifying his disobedience in terms of the demands that justice makes to aid the needy, for example.[27]

Instead, it is useful to distinguish between two broad kinds of objections — which may result in civilly disobedient actions — that immigrants in particular might make: protests against policies that they find objectionable for reasons internal and unique to the group and protests against policies that they find objectionable in more general terms. One common objection made by newcomers is that already-existing laws are unduly burdensome, for reasons of conscience. This kind of objection is launched by Sikhs who object to motorcycle helmet or construction helmet regulations, since complying with the law would require them to remove their turban and, therefore, to violate a dictate of their religion. When Sikhs violate helmet laws by refusing to remove their turban, they are engaging in civilly disobedient actions to alter a policy that Sikhs find uniquely burdensome. The same can be said of French schoolgirls who — in spite of a national heard-scarf ban in public schools — attend school wearing their veils (Benhabib 2004, pp. 183–197). In these cases, the civilly disobedient acts aim to achieve what are standardly called "cultural exemptions", the right to be exempt from certain regulations which, for reasons particular to a cultural or religions group, are felt to be unduly burdensome (Quong 2006). Another objection that immigrants make, however, is of a more general format: these are objections against a law or policy that, all things considered, they believe should be abolished (or rejected or radically changed), and these might be laws and regulations that effect immigrants in particular or citizens more generally. Consider attempts by Hispanic immigrants in Arizona to organize a boycott of businesses that refused to display a "pro-immigrant" poster — a poster that would signal their rejection of proposed legislation cracking down on businesses that hire illegal migrants.[28] Or, consider the refusal of Korean permanent residents in Japan to be fingerprinted, even though the law requires it (Gurowitz 1999). Here the intended target of

[26] KNBC.com (2006).

[27] I thank a reviewer for pointing out the challenges in offering a precise way to distinguish among these categories of justifications for civilly disobedient actions. For an account of the ways in which Latino religious groups participate in activism, often civilly disobedient activism, which is justified in terms of both justice and conscience/integrity, see Gastón Espinosa (2007).

[28] Emily Bazar (2007).

the legislation affects immigrants in particular.[29] Alternatively, we can imagine newcomers instigating protests against reciting Christian prayers in secular schools, on the grounds that citizens — newcomers included — should not be required to participate in a religion to which they do not adhere.

These ideas will aid our attempts to offer guidelines by which we can interpret and respond to immigrant protest. All of these observations are double-pronged: they act simultaneously as a way to guide as well as to interpret immigrant protest.

Immigrants must aim at integration into the democratic process on fair terms.

Many democratic theorists — especially deliberative democrats — suggest that the relevant constituency for determining the participants to a democratic decision is best determined by something like a principle of inclusivity, which suggests that "public deliberation should include all members of the relevant community" (Smith 2004, p. 356). There is of course plenty of debate concerning *who* are members of the relevant community. As Smith observes, "Democratic decisions might have serious implications for many citizens outside of the [apparently] relevant democratic community: for instance, national decisions about foreign policy, immigration policy or trace policy seriously affect persons in other nation-states" (Smith 2004, p. 357).[30] We can however remain more or less imprecise with respect to the question of who ought to be included in the demos, and still recognize that the principle of democratic inclusivity suggests that decisions about the terms of integration made *in advance* of the arrival of immigrants are justifiably considered to be revisable when immigrants are granted *full* access to the democratic process.[31]

Indeed, in much of the literature that considers the moral justifications for civilly disobedient actions, it is assumed that those considering civil disobedience are members of a genuinely democratic community in which they are full-fledged members. The question of civil disobedience then arises because the demos has made a decision that is thought objectionable by some members of the community, where these members have access to the environment in which the decisions are made. The terms of integration to which immigrants are initially subject — which are delineated in the initial contract they sign — are of course determined by a democratic process, but a democratic process to which they are not a party. So, their attempts to alter the terms and conditions, as it were, can be usefully thought of as attempts to get in — late — to the democratic discussion concerning the treatment of immigrants by the state. Immigrants are *unlike* civil rights era activists in the United States in that they have consented to an initial contract, whereas black Americans could not have been said to have consented to their subordinate position. On the other hand, both groups relied or are relying on protest — some of which is unlawful — to achieve admission, on

[29] It is admittedly misleading to refer to the Korean minority — many of whom are citizens of South Korea, and permanent residents in Japan — as immigrants, since most of them have lived in Japan for multiple generations.

[30] For a recent evaluation of the all-affected principle, and an argument for restricting its scope, see Robert E. Goodin (2007).

[31] Of course, non-citizen immigrants have access to some aspects of the democratic process: they can participate in political organizations and work to influence policy-makers, for example. But, it is often observed that political actors are concerned, primarily, with meeting the demands of those who are able to vote; this is a frequently voiced observation by those who lobby for extending the municipal franchise to non-citizen residents on the path to citizenship. Political actors have no apparent motivation to work on behalf of "constituents" who cannot vote for them.

fair terms, to the decision-making procedures that generate the laws to which they are subject.[32]

As Will Kymlicka notes repeatedly in his work on multiculturalism, in seeking accommodation, immigrants are generally engaging in efforts to delineate, or renegotiate, the terms of integration; the multicultural policies they have been instrumental in developing in general "aim to promote fair terms of integration" (Kymlicka 1998, p. 59).[33] Their objective is generally not to exclude themselves from the political and social cultures of the receiving society; rather, their objective is to integrate into them as best as is possible. As such, it will make sense to think of many actions taken by immigrants in response to failures of the integration process — either at the level of expectation or at the level of requirement, to use Carens' terminology — as contributions to a democratic process that excluded them, and therefore as an effort to make the democratic process inclusive after the fact. Attempts by Sikhs, who wish to join the Royal Canadian Mounted Police, to exempt themselves from part of the uniform requirement (which would require them to don a Stetson instead of their turban) were meant to allow for *integration* not separation (as critics of the exemption insisted). Sikhs were requesting the opportunity to participate in the national police force: their desire to do so "is strong evidence of their desire to participate in and contribute to the larger society, and the exemption they were requesting must be seen as promoting, not discouraging, their integration" (Ibid., p. 45).[34]

> *The desire for democratic integration places limits on legitimate protest actions; actions that can be predicted to destroy the possibility of an inclusive democratic community, post-protest, are prohibited.*

Second, it is *because* the intention of protest or more aggressive action is to contribute to the democratic process that there are limits to the nature of protest action. In particular, we can limit the moral justification for protest against exclusion from the democratic process to what Ronald Dworkin terms persuasive actions, at least for the most part. Persuasive actions are those which hope "'to force the majority to listen to arguments against its program and disapprove the program," whereas non-persuasive actions are those that aim "not to change the majority's mind, but to increase the cost of pursuing the program the majority still favors, in the hope that the majority will find the new cost unacceptably high" (Dworkin 1986, p. 109). To protest the adoption of English-only legislation in many American states, Latino activists engaged in persuasive actions: they "marched on Arizona's state capital, boycotted businesses supporting English-only ordinances in California, and testified before legislative committees debating English-only bills in Texas" (Santoro 1999, p. 888). Violence against citizens of the democratic process is expressly rejected as outside the boundaries of morally legitimate action, as are most aggressive actions which limit the functioning of democratic procedures. The reason to reject non-persuasive strategies is on *democratic grounds* — if immigrants argue that their actions are

[32] As a reviewer observes, a lot rides on how we determine whether certain policies are fair. What 'fairness' demands by way of multicultural accommodation is particularly vexing, and cannot be dealt with in any detail here. For Kymlicka, fairness 'requires an ongoing and systematic exploration of our common social institutions to see whether their rules, structures, and symbols disadvantage immigrants' (Kymlicka, 1998, p. 47). See also chapter 3 more generally, as well as chapters 5 and 7.

[33] Also, in chapter 3, Kymlicka (1998) offers an argument for thinking of some among the institutions that formalize separation as connected to integration.

[34] This is not, of course, an example of civil disobedience; it is merely evidence that immigrants do seek exemptions that, they believe, will enable their integration.

to be interpreted as an objection to exclusion and as a plea for genuine inclusion, it is illegitimate to engage in actions that bypass the democratic system itself (at least in the first instance). The actions — whatever they may be — taken by immigrants in response to the state's failure to integrate them must serve to highlight their exclusion and so appeal to their fellow citizens' sense of democratic justice. Non-persuasive actions — whether direct or indirect — may well undermine the likelihood that a democratic community can emerge, even if the protest is effective at over-riding the offensive law or policy.

Non-persuasive actions are, moreover, subject to the condition that immigrants must exhaust the channels available to them as part of the democratic process. This condition may at first glance seem disingenuous, since the complaint that immigrants are lodging, at least in the cases at issue here, is that the democratic process excludes them formally or informally. Yet, even if the democratic process is not *substantively* open to immigrants, it matters that they are *formally* granted access to the democratic process.[35] So (again), we might be tempted to think that immigrant demands for inclusion are in some sense like the demands made by the civil rights movement in the United States or the demands by suffragettes to be granted the vote. They are crucially *unlike* these cases, however, since women and African Americans were demanding formal equality, whereas immigrants are granted entry on ostensibly equal grounds. In principle, so long as they follow certain procedures, they will be granted access to full range of political rights in time. They are therefore under the strict moral requirement that any protest action they take must follow concerted attempts to make changes via legitimate democratic political channels, and that these actions whenever resorted to, are such that they appeal to the public's sense of democratic justice. They thereby illustrate their willingness to contribute to, rather than destroy, the democratic community they hope to join.

Of course, the line between failing to live up to expectations, and failing to fulfill requirements is often-times blurred. For example, there may well be cases where the failure of the state to protect, fully, the legal privileges of immigrants prevents them from taking advantage of the measures in place to secure integration (and it may well prevent them from desiring to take advantage of them). As Castles and Davidson write, the failure to protect against "racist violence can in itself be a constraint on civil rights as it reduces people's chances of an equal participation in society" (Castles and Davidson 2000, p. 116). The increasingly frequent discrimination against Muslims in western democratic countries, for example, constrains their efforts at integration (e.g., Model and Lang 2002). In these cases, immigrants have the right both to protest against the norms that place obstacles in the way of their integration, and they are morally justified in violating the laws of the state in an effort to have these norms recognized as obstructions of justice and therefore restructured.

> *The limits to legitimate action, however, can be pressed under certain, especially demeaning, conditions.*

Finally, it would be a mistake to suggest that non-persuasive strategies are never justified. There very well may be situations in which the democratic process is such that it will continue to ignore immigrants' claims for genuine inclusion, in which immigrants may

[35] And, of course, we need to distinguish between the rights possessed by immigrant citizens and immigrant non-citizens, who are on the path to citizenship; the central difference (but there are others) is that citizens are entitled to vote, whereas non-citizen immigrants are permitted a more limited range of political activities.

be justified in pursuing alternative, non-persuasive strategies.[36] Non-persuasive strategies, recall, aim to "increase the cost of pursuing the program" favoured by the majority. They range from "making the majority choose between abandoning the program and sending them [the protesters] to jail. If the majority has the normal sympathies of decent people, this non-persuasive strategy may be effective" to strategies of "inconvenience and financial expense: trying up traffic or blocking imports or preventing official agencies or departments from functioning effectively or functioning at all" (Dworkin 1985, p. 109).[37]

In order to assess when non-persuasive civil disobedience might be morally legitimate, it is useful to turn to Michael Walzer's analysis; Walzer suggests that citizens who are victims of aggressive political exclusion may be not under prima facie obligation to obey the state laws. Walzer has in mind the case of African Americans slaves — since the democratic principles of equality, fairness and liberty did not extend to them, they were equally not under the obligation to obey the ostensibly democratic laws of the community that sustained their oppression.[38] He asks, "what obligations can they possibly be said to owe to the (more or less) democratic state?" He answers: "the victims of injustice are released from every social bond." Further, "they are set loose from the normal restraints of social life, because any violence they commit against masters and tyrants can plausibly be called defensive" (Walzer et al. 2005, p. 49 & 62). The right to pursue violent tactics is not a right they possess independently of the behaviours of the larger community — rather, it emerges *in response* to the behaviours of the community.

In any case, however, immigrants are not like slaves, and Walzer rightly suggests that for those members of the community who may well be oppressed or excluded along some lines, but who exist within the boundaries of the state "only as objects of radical exclusion, brutality, and humiliation," the challenge of assessing their obligations is significant. As he writes, "the cases of oppressed citizens [as distinct from slaves] are much harder. Their votes are honestly counted, let us assume, but as it turns out they never win" (Walzer et al. 2005, p. 48). It seems to Walzer, as it does to me, that so long as the oppression faced by minorities — here, Walzer does not discuss the issue of immigrants directly — is in some sense relatively minor (i.e., not humiliating, brutal, or slave-like), the obligation to obey the laws persists in the face of it. Immigrants are, that is, not absolved of the obligation to obey the laws in the face of minor injustices, so long as they can work within the political process to ameliorate them. Forceful attempts at assimilation of the kind rejected in Section 2, above, may be an exception, however.

Under what kinds of conditions might non-persuasive strategies be considered legitimate? To summarize: non-persuasive strategies are legitimate: a) when the immigrants have pursued all possible democratic strategies available to them, to no avail, b) when efforts to engage in persuasive strategies have failed, c) when the state is consistently failing to meet formal requirements under the citizenship contract, and d) when the state is consistently failing to meet its informal expectations under the citizenship contract, in such

[36] Given the present conditions under which immigration to liberal democratic states transpires, and the conditions under which immigrants are welcomed, it seems clear enough that we can reject any form of physical violence as illegitimate.

[37] Dworkin (1986) includes a third category of non-persuasive strategies, which he describes as 'strategies of intimidation, fear and anxiety', which should be rejected as morally illegitimate in the case I'm considering, for the reasons considered in principle two, above, namely that they serve to undermine the possibility of an inclusive democratic community.

[38] See, for example, David Lyons (1998) for an account of historical injustices that were so egregious that they clearly eliminated any putative obligation the victims might have been thought to have to abide by state laws.

a way that immigrants are hampered from accessing the formal democratic procedures that are available to them.[39] If these criteria are the right ones, we have at least a preliminary case for treating the cases of non-persuasive civil disobedience with which I opened — Muslim youths in France, Hispanic immigrants in the United States — as legitimate.

5 Conclusions

Protest — both illegal and legal — by immigrants is increasingly frequent in western democratic communities, and it is important that we begin to think about the moral status their actions may have, as well as normatively helpful ways in which to respond to these actions. In this paper, I have been centrally concerned with protest actions by immigrant *citizens*, and I have identified two central differences between protest by immigrant citizens and non-immigrant citizens: one has to do with the *source* of the obligations to abide by the law and another has to do with the content of the laws against which immigrants protest and, therefore, with the *motivations* for this protest. There are multiple competing accounts of political obligation: fair-play, consent, natural duty and so on. I suggested, here, that while the associative duty account is the most persuasive of these accounts for non-immigrant citizens, it does poorly when trying to account for obligations possessed by new immigrants to abide by the law. Instead, I suggested that the immediate source of immigrant obligations is best accounted for by consent accounts. Over time, and as the duty-relevant associative relationships develop, the associative duty account will come to provide an adequate account of obligations possessed by immigrants as well. I thus join those thinkers who encourage thinking about citizens' obligations in terms of a plurality of sources. This difference, however, might have little real impact on how we think about protest actions by immigrants: perhaps, after all, what is relevant is only that immigrant citizens and non-immigrant citizens alike are obligated to abide by the law and, therefore, there are instances in which both are permitted to protest. There is no need, on this view, to think differently about *immigrant* protest.[40]

The second difference, however, points us to the motivation for and objectives of immigrant protest. It is important, I suggested, to recognize how frequently immigrants are protesting against laws that place undue burdens on them, as a result of the cultural, religious and ethnic differences they bring with them as they immigrate. We must recognize that they are protesting to overturn or adapt laws that prevent them from participating on fair terms in the democratic political community, and therefore from integrating fairly and effectively in the receiving society. Consequently, we ought to measure the legitimacy of their protest against their motivation: if they are motivated by a desire to integrate into a democratic community, then protest action that makes the achievement of an inclusive democratic community more difficult is, as I have argued, morally problematic.

The nature of democratic politics is such is that immigrants — upon arrival, as well as through and often beyond the naturalization process — are subject to laws, the development of which they have had little or no opportunity to influence. Their protest often indicates an urgent need to reformulate laws that prevent their full participation in the democratic

[39] Note five, above, suggests some empirical literature that examines these situations, that is, situations in which the obstacles preventing integration are such that they might provide a basis for legitimate immigrant protest.

[40] This objection was put to me by one of the reviewers to this journal.

process; consequently, I have argued that it frequently makes sense to interpret immigrant protest as a kind of delayed input to the democratic process.

Of course, the analysis in this paper is concerned with *citizens* who happen to be immigrants, but it raises additional questions about the role that non-citizen immigrants (who are in the process of acquiring citizenship, but who have not yet achieved citizenship status), as well as non-citizen residents (who are not on the path to citizenship) should play in the democratic process of the receiving society; the role that non-citizen residents should play in the democratic process is controversial to say the least. Many might well object to the suggestion that non-citizens have a genuine role (even a minor one) in fashioning the laws of a democratic community: they are, on this view, outsiders with no right to influence "our" laws. However, it is my intention to begin pressing this conventional account of membership in democratic communities: the logical progression of the arguments in this essay presses us towards acknowledging the legitimate role non-citizen residents should have in formulating, or at least in influencing, the laws of the democratic community in which they reside, even when they are not formally admitted, and have no intention to be formally admitted, to the ranks of citizenship. How this works, however, is a matter for future analysis.[41]

References

Abizadeh A (2002) Does liberal nationalism presuppose a cultural nation? American Political Science Review 96(3):495–509

Abizadeh A (2008) Democratic theory and border coercion: no right to unilaterally control your own borders. Political Theory 36(1):37–65

Arneson R (1982) The principle of fairness and free-rider problems. Ethics 92(4):616–33

Barbieri WA Jr (1998) The ethics of citizenship: immigration and group rights in Germany. Duke University, North Carolina

Bazar E (2007) 'Immigrant activism taking a bold turn', September 9, 2007, *USA Today*, available at: http://www.usatoday.com/news/nation/2007-09-12-immigrants_N.htm

Benhabib S (2004) The rights of others: aliens, residents and citizens. Cambridge University, Cambridge

Callan E (2005) The ethics of assimilation. Ethics 115:471–500

Carens J (1987) Aliens and citizens: the case for open borders. The Review of Politics 49(2):251–73

Carens J (1992) Migration and Morality: A Liberal Egalitarian Perspective. In: Barry B, Goodin R (eds) Free movement: ethical issues in the transnational migration of people and of money. Pennsylvania State University, University Park

Carens J (2000) Culture, citizenship and community. Oxford, Oxford University

Carens J (2004) A contextual approach to political theory. Ethical Theory and Moral Practice 7(2):117–32

Carens J (2005) The integration of immigrants. Journal of Moral Philosophy 2(1):29–26

Castles S, Davidson A (2000) Citizenship and migration: globalization and the politics of belonging. Routledge, New York

Dagger R (2000) Membership, fair play and political obligation. Political Studies 48(1):104–17

Danticat E (1999) 'Forward', to Owen Fiss, *a community of equals*. Beacon, Boston, pp ix–xii

Dworkin R (1985) A matter of principle. Harvard University, Cambridge

Espinosa G (2007) Today we act, tomorrow we vote: Latino religions, politics, and activism in contemporary U.S. civil society. The Annals of the American Academy of Political and Social Science 612(1):152–71

Fiss O (1999) The Immigrant as Pariah. In: Cohen J, Rogers J (eds) A community of equals. Beacon, Boston

Freeman G (1995) Modes of immigration politics in liberal regimes. International Migration Review 29 (4):881–902

Goodin RE (2007) Enfranchising all affected interests, and its alternatives. Philosophy and Public Affairs 35 (1):40–68

[41] Elsewhere, I have begun this project by defending the extension of the franchise to permanent residents in the United States.

Gregg B (2002) Proceduralism revisited: political conflict resolution under conditions of moral pluralism. Theory and Society 31(6):741–76
Gurowitz A (1999) Mobilizing internatioal norms: domestic actors, immigrants and the Japanese state. World Politics 51(3):413–45
Horton J (2006) In defence of associative obligations: part one. Political Studies 54(3):427–43
Horton J (2007) In defence of associative obligations: part two. Political Studies 55(1):1–19
John Locke (1690), *Second Treatise of Government*, edited by C. B. Macpherson, (Indianapolis: Hackett Publishing)
John Simmons A (1979) Moral principles and political obligations. Princeton University, Princeton
John Simmons A, Wellman CH (2005) Is there a duty to obey the law?. Cambridge University, Cambridge
Katz M (2007), 'Why Aren't U.S. Cities Burning?', *Dissent*
Klosko G (1987a) Presumptive benefit, fairness, and political obligation. Philosophy and Public Affairs 16 (3):241–59
Klosko G (1987b) The principle of fairness and political obligation. Ethics 97(2):353–62
KNBC.com (2006), 'Mahony Calls on Priests to Ignore Proposed Immigration Law', March 1, 2006, available at http://www.knbc.com
Kronman AT (1980) Contract law and distributive justice. Yale Law Journal 89:472–511
Kukathas C (2003) The liberal archipelago: a theory of diversity and freedom. Oxford University, Oxford
Kukathas C (2005) The Case for Open Migration. In: Cohen A, Wellman CH (eds) Contemporary debates in applied ethics. Blackwell, Oxford
Kymlicka W (1996) Multicultural citizenship: a liberal theory of minority rights. Oxford, Oxford University
Kymlicka W (1998) Finding our way. Oxford, Oxford University
Kymlicka W, Norman W (1994) Return of the citizen: a survey of recent work on citizenship theory. Ethics 104(2):352–381
Lyons D (1998) Moral judgment, historical reality, and civil disobedience. Philosophy and Public Affairs 27 (1):31–49
Miller D (1995) On nationality. Oxford University, Oxford
Miller D (2001) Citizenship and national identity. Oxford, Polity
Model S, Lang L (2002) The cost of not being Christian: Hindus, Sikhs and Muslims in Britain and Canada. International Migration Review 36(4):1061–92
Mollendorf D (2002) Cosmopolitan justice. Westview, New York
Nozick R (1974) Anarchy, state and utopia. Basic Books, New York
Parekh B (2002) Rethinking multiculturalism. Harvard University), Cambridge
Quong J (2006) Cultural exemptions, expensive tastes, and equal opportunities. Journal of Applied Philosophy 23(1):53–71
Rawls J (1999) A theory of justice. Harvard University), Cambridge
Reitz J, Banerjee R (2007) Racial Inequality, Social Cohesion and Policy Issues in Canada. In: Banting K, Courchene T, Seidle FL (eds) Belonging? diversity, recognition and shared citizenship in Canada. The Institute for Research on Public Policy, Montreal, pp 489–546
Santoro WA (1999) Conventional politics takes center stage: the Latino struggle against English-only laws. Social Forces 77(3):887–909
Scheffler S (2003) Boundaries and allegiances. Oxford University, Oxford
Scheffler S (2007) Immigration and the significance of culture. Philosophy and Public Affairs 35(2):93–125
Smith W (2004) Democracy, deliberation and civil disobedience. Res Publica 10(4):353–77
Soysal Y (1995) Limits of citizenship: migrants and postnational citizenship in Europe. Chicago, University of Chicago
Spinner-Halev J (2000) Surviving diversity: religion and democratic citizenship. Johns Hopkins, Baltimore
Suro R (1998) Strangers among us: how latino immigration is transforming america. Knopf, New York
Tamir Y (1993) Liberal nationalism. Princeton University, Princeton
Taylor C (1998) The dynamics of democratic exclusion. Journal of Democracy 9(4):143–56
Van Gunsteren HR (1988) Admission to citizenship. Ethics 98(4):731–41
Walzer M (1983) Spheres of justice. Basic Books, New York
Walzer M et al (2005) Obligations. Harvard University, Cambridge
Welchman J (2001) 'Philosophy and Geography', 4(1) pp. 97–107.
Wellman CH (1997) Associative allegiances and political obligations. Social Theory and Practice 23(2):181–204
Wolff RP (1970) In defense of anarchism. University of California, Berkeley
Wolff J (2000) Political Obligation: A Pluralist Approach. In: Baghamrian M, Ingram A, Baghamrian M, Ingram A (eds) Pluralism: the philosophy and politics of diversity. Routledge, London
Wood DB (2006) 'US immigrants mobilizing for major "action"', *Christian Science Monitor*