

Philos 117AC, Fall 2017

Setting the Stage:

Ronald Takaki, *A Different Mirror*, Ch. 16, section “Beckoned North: Mexico”

Main Text:

Arash Abizadeh, “Democratic Theory and Border Coercion”

Basic claim: States do not have the right to unilaterally control their borders.

Coercion includes:

- Coercive acts: deprives someone of an option.
- Coercive threats: “communicates the intention to undertake an action in the future whose (anticipated) effect is to prevent a person from choosing an option that she otherwise might choose.”

Coercion is objectionable because invades *autonomy* = controlling one’s own life, requiring:

1. mental capacities to choose and pursue options
2. adequate range of valuable options, from which to choose, and
3. “independence”: not being “subjected to the will of another.” It’s one thing if natural forces leave you with only a few options (e.g., if a storm leaves you a castaway on a desert isle). It’s another thing if a *person* or group of people *deliberately* removes options *in order to* get you to do what *they want*.

States coerce citizens (or at least “back” what they do to citizens “with coercion”). If you violate the law, then the state may fine you. If you refuse to pay the fine, the state may throw you in jail. This state coercion must somehow be made compatible with autonomy. But how?

Democratic theory of popular sovereignty:

- “The exercise of political power is legitimate only insofar as it is actually justified by and to the very people over whom it is exercised,” that is, those subject to its coercion.
- Those subject to political power must be able to see themselves “as the free and equal authors of the laws to which they are subject.”
- This might be:
 - *instrumentally* necessary for autonomy, by leading to laws and policies that protect autonomy (e.g., such as laws against religious discrimination), or
 - “*inherently* necessary” for autonomy, insofar as people are themselves the authors of the laws and policies. If you chose the law, how can living under it make you unfree?
- Why do you, as a citizen of the U.S. (or Germany, or...), get a vote? Because you are *coerced* by the U.S. (or Germany, or...).
- What gives you a right to a vote, in other words, is not that you are a *citizen* of the U.S. (etc.), but instead that you are *coerced* by the U.S.

The key question is then: Are *citizens* the *only* people who are coerced?

- No: as far as *border control* is concerned, not only citizens, *but also non-citizens* are coerced. If you cross the border without permission, you can be forcibly detained and deported.
- Even if border control does not affect mental capacities or leave less than adequate options, it still affects independence.
- So, border control is legitimate only if *both citizens and non-citizens* can participate in decisions about border control.
- So:
 - either open borders or
 - non-citizens must get a vote about closing borders.

Question: My wife and I keep our front door locked. Do we thereby coerce you? Should you have a vote about whether we lock our door?