MIGRATION
LETTERS

Westphalia, Migration, and Feudal Privilege | Harald Bauder [±]

Abstract

Most people acquire citizenship at birth; and modern liberal states regulate the migration of non-citizens as a matter of their sovereignty. Do contemporary border and migration controls based on citizenship therefore enforce the continuation of feudal birth privilege? In this paper I interrogate this question by examining the role of migration controls in the Westphalian Treaties, which define a milestone in the development of territorial state sovereign. I find that the Treaties assumed that a sovereign's subjects are not free to cross territorial borders, and that migration controls continue to enforce birth privilege. However, while feudal sovereigns ruled by bondage, modern liberal states rule by exclusion.

Keywords: Westphalian Treaties; sovereignty; feudal privilege, migration; territory.

Introduction

In the 1990s, scholars and practitioners were optimistic that globalization would result in open borders or that borders would vanish altogether (Ohmae, 1990). In this way, humanity would continue along the path towards liberation that it has strived for since the Enlightenment. This optimism was premature. Borders between nation states are far from open today (Paasi et al., forthcoming); many borders are actually tightening, and thousands of migrants have died trying to cross international borders (International Organization for Migration, 2018). Apparently, we cannot shake off the ghosts of migration control that have haunted humanity for centuries if not millennia (O'Dowd, 2010).

In this paper, I interrogate the claim that migration controls enforce the continuation of feudal principle within the modern Westphalian order of sovereign states. I derive this claim from scholarship that has examined privileges of citizenship acquired at birth (e.g. Shachar, 2009). More than three decades ago, Joseph Caren articulated an argument in support of open borders suggesting that citizenship without free migration is a birth-right akin to a feudal privilege: "Citizenship in Western liberal democracies is the modern equivalent of feudal privilege – an inherited status that greatly enhances one's life chances" (Carens, 1987: 252). Western liberal democracies, in this context, refer to states that generally aim to uphold individual political and civic rights and freedoms, and that possess democratic forms of government. Migration has played varying roles in these states. For example, settler states such as Australia,

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Canada, New Zealand, and the United States have a history of Indigenous displacement and often genocide that was facilitated by selective European immigration. Conversely, many European countries have an emigration history and currently struggle with accepting immigration.

Despite their differences, Western liberal democracies tend to define membership and belonging in terms of citizenship, which entitles a person to enter and remain in the national territory. The lack of citizenship subjects a person to migration controls. In this context, Carens proposed that "[t]he current restrictions on immigration in Western democracies – even in the most open ones like Canada and the United States – are not justifiable. Like feudal barriers to mobility, they protect unjust privilege" (1987: 270). I suggest that there are striking similarities in the way in which this moral injustice has been enshrined in legal frameworks in the feudal Westphalian territorial state and today's liberal democracies.

Power has always regulated people's mobility. European feudal rulers tended to control the exit of their subjects, while liberal democracies today control the entry of foreigners. However, is it fair to argue that little has changed in this respect between European feudalism and today's liberal democracies? To address this question, I examine the Treaties of Osnabrück and Münster (aka the Westphalian Treaties) to uncover possible links between migration controls and emerging sovereign territorial states. Although the sovereign territorial state was not created solely by the Westphalian Treaties, these treaties occupy a prominent and important position on the path that saw Europe move from its feudal past towards today's global order based upon territorial sovereignty. The Treaties can thus provide clues as to how the migration of people was interpreted at that time with respect to territorial state sovereignty.

My analysis suggests that the Westphalian Treaties generally envisioned that people are not free to migrate and therefore regulated some aspects of cross-border migration. In the feudal past, it was up to the sovereign to decide who can leave or enter a territory. In the modern liberal state, migration policy – rather than arbitrary decisions by the sovereign – has become the central instrument to control population movement. In this way, migration policy maintains an order that is based on the privilege of birth and location. However, rather than bonding subjects to the sovereign, it bonds them to the state and excludes those who were not born with the privilege of citizenship.

In the sections below, I first review the "Westphalian model" (Krasner, 2000) and the concept of territorial sovereignty in relation to human migration. Then I examine the contents of the Westphalian Treaties. Thereafter, I discuss the Westphalian model in an ongoing era a migration that followed after feudalism and that has been driven by technological innovations, transportation advancements, and demographic developments. I conclude by linking the

discussion back to my original claim that migration controls maintain feudal principle.

The Westphalian Model

The concept of sovereignty bridges feudal and modern political orders. Jean Bodin has been credited for the "first systematic modern use of the term 'sovereignty'" (Prokhovnik, 2008: 41). He wrote in the 16th Century that "there are none on earth, after God, greater than sovereign princes, whom God establishes as His lieutenants to command the rest of mankind" (Bodin, 1955[1576]: n.p.). According to Bodin, the sovereign possesses

> the power to make law binding on all his subjects … [which] includes all other rights of sovereignty, that is to say of making peace and war, of hearing appeals from the sentences of all courts whatsoever, of appointing and dismissing the great officers of state; of taxing, or granting privileges of exemption to all subjects, of appreciating or depreciating the value and weight of the coinage, of receiving oaths of fidelity from subjects and liege-vassals alike, without exception of any other to whom faith is due. (Bodin, 1955[1576]: n.p.)

Various enlightenment philosophers elaborated on the concept of sovereignty (Bartelson, 1995; Prokhovnik, 2008). There was disagreement, however, concerning what exactly sovereignty entailed and whether it would be associated with territory and at which scale. John Locke linked sovereignty to the free and rational individual (Prokhovnik, 2008: 81), Baruch Spinoza (1900[1883-1884]: n.p.) applied the concept to Dutch city-states and provinces; Jean-Jacques Rousseau (2003 [1762]: 20) tied sovereignty to "the body of the nation;" and Immanuel Kant (1977[1797]) and Georg Wilhelm Friedrich Hegel (1979[1820]) located it within the legal state (*Rechtsstaat*). The "Westphalian model" associates sovereignty with the territorial state. In this case, a sovereign – which can be represented by a monarch, a dictator, a ruling party, or a democratically elected government – does not rule directly over people but over people within a bounded territory.

The migration of people into or out of a sovereign's realm of authority received considerable attention from the early theorists of sovereignty, especially in the context of the European colonization of territories outside of Europe; hospitality rights – i.e. the right to enter a territory – legitimated European colonization (Cavallar, 2002). While some theorists, such as Immanuel Kant (1946[1795]) qualified that hospitality rights may not justify conquest and colonialization, others, such as Samuel Pufendorf, suggested that sovereigns may very well deny hospitality to visitors (Cavallar, 2002: 201-208). Enlightenment philosophers thus not only disagreed about whether and in which way sovereignty relates to territory, they were also ambiguous about the

rights to enter or leave a territory vis-à-vis the sovereign's right to deny migration.

The Westphalian model did not spring from the theoretical musings of enlightenment philosophers but developed in light of efforts to enshrine existing configurations of privilege and authority in a general political framework for a new Europe. Joseph Camilleri and Jim Falk explain that the enlightenment philosophers' theories of sovereignty "became essentially exercises in abstraction. … By divorcing themselves from the historical context, even though they themselves were often a direct response to prevailing political and socioeconomic conditions, these formulations acquired an air of unreality" (Camilleri and Falk, 1992: 23). Rather than being an abstraction, territorial state sovereignty is an "instrument of the dominant social order" (Camilleri and Falk, 1992: 23). Assuming such a perspective, Thomas Biersteker and Cynthia Weber (1996: 3, parenthesis in original) conclude:

> The modern state system is not based on some timeless principle of sovereignty, but on the production of a normative conception that links authority, territory, population (society, nation), and recognition in a unique way and in a particular place (the state). Attempting to realize this ideal entails a great deal of hard work on the part of statespersons, diplomats, and intellectuals … The ideal of state sovereignty is a product of the actions of powerful agents.

Westphalian territorial sovereignty is an instrument to rule over populations that reside in a territory. Controlling who enters and leaves a given territory is an important aspect to maintain this rule.

The Westphalian Treaties

Prior to the emergence of the modern territorial state in Europe, the medieval rule of empire, feudal lords, and the church generally lacked "territorial fixity and exclusivity" (Sassen, 2008: 27). Political authority was generally directed towards people; and privilege, rights, and obligations were framed in terms of class or cast, not territory. The Westphalian model of territorial state sovereignty is the result of a long and complex process (Sassen, 2008; Foucault, 2007). In this section, I explore how territorial state sovereignty relates to authority over migration and migrants at the time when the Westphalian model emerged.

The Treaties of Osnabrück and Münster were signed in 1648 and together comprised the Westphalian Peace. These treaties are often regarded a milestone towards the establishment of territorial state sovereignty, which became the dominant political organizing framework in Europe and eventually around the globe. The exact historical significance of these treaties is disputed (Kegley and Raymond, 2002; MacRae, 2005). Benno Teschke challenges the "myth" that the

birth of the modern nation-state can be pinpointed to an exact location and time, and argues that the modern nation-state developed in an ongoing dialectical process in conjunction with capitalism (Teschke, 2003). Stephen Krasner (2009), too, suggests that the Treaties of Osnabrück and Münster merely reaffirmed many of the principles that already existed, and aspects of the modern state are credited to the Treaties although they were not formulated in these treaties and did not become international practice until centuries later. Furthermore, territorial state sovereignty has always been compromised by force and coercion, voluntary contracts and international conventions, and capitalist interests (Krasner, 2009). This view is shared by Brendan Simms (2011), who rejects the common conception that the Peace of Westphalia enshrined the sovereign principle that "interference in the internal affairs of another state would be impermissible" (90). Rather, Simms suggests, "the historical reality is that states had always intervened in each other's domestic affairs" (2011: 91). It is not my aim to argue for or against the historical significance of the Westphalian Treaties. Rather, I use the Treaties as a particular occasion – a snapshot in time – to assess whether and in which way control over migration has been associated with sovereignty in the emerging territorial state. While I do not claim to know what the negotiators of the Treaties were seeking to achieve, the outcomes of the negotiations provide legal texts that gain insights into legal and political practice in Central Europe at the time.

The primary purpose of the Treaties of Osnabrück and Münster was to end the Thirty-Years War that had devastated large parts of Europe. To achieve this purpose, much of the contents of the Treaties covered the return and redistribution of territory and possessions between the warring parties. In addition, the Treaties spelled out important political concepts and organizing principles for the German princely states. They specified that the German states possess a considerable degree of freedom "to exercise their territorial right in both political and religious matters" (*Westphalia Treaties from October 24th*, 1648: Article VIII, Paragraph 1) and they granted significant autonomy to states to make and enforce laws and policies that apply in their territories. Although the idea of legal autonomy had been included in the founding document of the Holy Roman Empire, the Golden Bull of 1356, and German princes already possessed the right to sign treaties (Krasner, 2009: 15), the Treaties of Osnabrück and Münster reinforced this legal autonomy and the state's right to forge alliances and sign treaties with other states. By restricting, in particular, the influence of the Holy Roman Empire and the Pope, the Treaties granted

> sovereign authority on every German prince … territorial states were legally permitted to interact with each other without interference by a higher authority. They could now freely manage their domestic affairs and their diplomatic relationships. (Kegley and Raymond, 2002: 131)

By constraining external political influences, the Treaties elevated the authority of German princes while questioning the sovereignty of the Emperor and the church.

Nevertheless, the Treaties also limited state sovereignty (Krasner, 2009: 15). Article VIII, Paragraph 2 of the Treaty of Osnabrück, for example, stipulates that alliances among German states must not go against the German Emperor and observe the oath to the Emperor and the Empire (*Westphalia Treaties from October 24th, 1648*). This Treaty (e.g. Article VII) also constrained the authority of sovereigns by protecting their subjects' religious rights and by prohibiting arbitrary actions against religious groups.

An important feature of the Treaties of Osnabrück and Münster is that they preserved the established systems of ruling. The Treaty of Osnabrück speaks, for example, of "electors", "princes", and "estates" of the Roman Empire ("*electores, principes et status Imperii Romani*") who act on behalf of their subjects (*Westphalia Treaties from October 24th, 1648*: Article VII). In fact, the Treaties declared the practices and mechanisms of how sovereigns enforce domination over their subjects a largely internal matter beyond the authority of other sovereigns, the Pope, or the Emperor. Territorial sovereignty thus protects a sovereign's privilege to rule against other claims of authority. According to Kegley and Raymond (2002), the Treaties "went too far in liberating states from moral restraints" (4) and set "back development of the concept of human rights for centuries" (104). Instead, it presented territorial states – not the individual or communities – as the basic political unit and legal entity to which international law applies. Centuries later, international legal convention continued to speak of the state as "a sole person in the eyes of international law" (*Montevideo Declaration of 1933*: Article 2).

In terms of migration, Krasner (2000) observes that it would be inaccurate to associate the Westphalian model of sovereignty with cross-border migration. Rather, this model fixes claims of authority to geographically-bounded territory at the scale of the state. The Westphalian model is thus about territorial autonomy, not regulating migration. The often-celebrated achievement of the Westphalian model lies precisely in framing political authority in territorial terms in opposition to the direct bondage between subjects and a feudal authority.

Based on the assumption that people are not free to migrate, the Treaty of Osnabrück explicitly *enabled* migration: it ensured that subjects of a religious denomination that differs from the sovereign's denomination are permitted to emigrate (*Westphalia Treaties from October 24th, 1648*: Article V, paragraph 30); it protected the property of emigrants (*Westphalia Treaties from October 24th, 1648*: Article V, Paragraph 36); and it regulated the return of refugees of war (*Westphalia Treaties from October 24th, 1648*: Article V, Paragraph 37). In this way,

the Treaty affirmed the right to emigrate with family and belongings for religious motives (*beneficiun emigrandi*). In addition, it granted safe passage by land and water to persons (vassals and subjects alike) for the purpose of trade (*Westphalia Treaties from October 24th, 1648*: Article IX, Paragraph 2). Furthermore, the Treaty restricted the amount of exit fees the sovereign is allowed to charge (*Westphalia Treaties from October 24th, 1648*: Article V, Paragraph 37). Thus, the Westphalian Treaties did not entirely concede control over cross-border migration to the state as a purely internal matter but rather established rules of migration that could be applied between states.

The Treaties of Osnabrück and Münster regulated cross-border migration as an exception to the general practice of denying people the right to cross territorial borders. The pre-Westphalian feudal rulers, indeed, tended to tightly control the mobility of their subjects (Anderson, 2013). Although in the early Westphalian state in Europe, long-distance migration was not the mass phenomenon that it became in later centuries, rural-to-urban migration was a common practice through which rural peasants escaped feudal bondage and pursued economic opportunities. Feudal lords were therefore keen to impose exit controls (Schwarz, 2008). Correspondingly, the early Westphalian model assumed that people were not free to migrate. Thus, territorial rule was practically synonymous with rule over a fixed population.

In this sense, the Westphalian model changed little in respect to migration: people became subjects by being born on state territory and the unauthorized departure from this territory "was tantamount to treason" (Zollberg, 1994: 160); entry was controlled to prevent the infiltration of enemies and invaders. Aristide Zolberg (1994: 160) calls this rationale "pre-liberal." In the next section, I will discuss how controlling migration has continued to serve as a mechanism of rule over people based on the circumstances of their birth. States – including today's liberal democracies – have evoked this mechanism especially as populations acquired greater capacity to migrate.

The Westphalian Model in an Era of Migration

The Westphalian model of territorial rule gained prominence in the 19th and 20th Centuries in Europe and subsequently in other parts of the world, and it is now firmly engrained in the global geopolitical imagination. John Agnew (1994; 2002: 53) refers to this geopolitical imagination as the "territorial trap," which expresses the normalization of the sovereign territorial state as a universal political organizing principle.

While the Treaties of Osnabrück and Münster assumed that populations are largely immobile and did not explicitly concede control over human migration to the princes, migration controls later became a fundamental feature of territorial state sovereignty (Krasner, 2009). Legal scholars from the mid-19th Century to early 20th Century tended to argue that "no state has a legal duty to

admit aliens, and that … the sovereign state may set limits and specify conditions to entry" (Cavallar, 2002: 388). The idea that the territorial state possesses a monopoly over regulating cross-border migration has subsequently become an important aspect of the territorial trap. Today, the sovereign state's control over cross-border migration is rarely questioned: "in an international state system that still regards sovereignty as its most fundamental principle, no traveler can presume that receiving states will grant access to their soil" (Torpey, 2000: 163).

Over the centuries, sovereign states have maintained policies, laws, and control mechanisms of migration that reflected "extreme diversity" (Fahrmeir et al., 2003: 2). Some territorial states have been concerned about controlling *emigration* to prevent the departure of subjects obligated to perform military service or to block the exodus of skills, knowledge, and labour. In the early 18th Century the Kingdom of Württemberg curbed mass emigration of impoverished families destined for Eastern Europe by denying them exit visas, and Prussia's Frederick William I even authorized the death penalty to prohibit the unauthorized departure of peasants (Torpey, 2000: 58, 64). In the 20th Century, the socialist states of the "Eastern Block" prohibited the unauthorized departure of citizens. A recent study shows that the regime of the German Democratic Republic killed an estimated 327 people at its border to the Federal Republic of Germany between 1949 and 1989 (Staadt und Schroeder, 2017). Today, repressive regimes, such as Cuba and North Korea, continue to deny exit to their citizens.

The increasing number of states following liberal principles of governance no longer deny their citizens the liberty to leave. The United Nations enshrined this principle in Article 13.2 of the Universal Declaration of Human Rights, which states: "Everyone has the right to leave any country, including his own, and to return to his country" (United Nations, 1948). Only in exceptional cases – e.g. when a person is expected to stand trial or intends to join enemy forces – will liberal states impose travel bans that deny the right to leave (e.g. Council of Europe, 2013).

Modern states, however, have devised other ways to tie their subjects to the state. Nationalism, for example, attaches subjects to the nation imagined as a sovereign community (Anderson, 1991). The indoctrination into nationalism, however, does not necessarily require members of a national community to remain on sovereign territory. In fact, nationalism can be quite effective in binding expatriates to the nation (Gamlen, 2008). Overall, in liberal democracies, citizens tend to be formally free to leave state territory temporarily or permanently.

Entry controls have alternatively become a preferred mechanism for population control. States claim their sovereignty when they deny non-citizens access to their territory or when they permit only temporary or conditional entry through visas and work-permit. Immigration and naturalization policies, too, tend to be highly restrictive and selective. By way of exclusion, modern liberal democratic states assert control over their citizenry (Torpey, 2000). This practice evolved roughly over the last century.

During the second half of the 19th Century, states across Europe actually liberalized cross-border migration. Within the Holy Roman Empire, the *Pass-Card Treaty* (*Passkartenvertrag*) of 1850 standardized passports between most German states and eased inter-state mobility. Simultaneously, the requirement to possess visas to enter other states was relaxed or abolished. Similar policies facilitating inter-state migration were enacted by other European countries, including Belgium, England, France, the Scandinavian countries, and Switzerland (Torpey, 2000: 75-81). During this period, the United States permitted the influx of large numbers of migrants, especially in light of the country's rapid industrialization (Fahrmeir et al., 2003). While the Page Act and other exclusionary legislation and policies enabled the US government to deny racialized non-Europeans, the mentally ill, and other undesired groups entry into the country, these laws and policies did not quantitatively limit immigration.

Around World War I (WWI), states increased their control of cross-border migration (Sauvy, 1949; Torpey, 2000). Several factors led to this development: First, due to the war, borders were tightened to prevent enemies from crossing into and defectors from fleeing state territory. The corresponding technical and bureaucratic advances in population monitoring and surveillance made during WWI subsequently became permanent fixtures of states' effort to regulate cross-border migration. Second, with the entrenchment of nationalism among the fighting states "distinguishing between friend and foe on the basis of national background had become common-sense practice and ideology" (Wimmer and Glick Schiller, 2002: 315). The territorial boundary of the state now became the defining marker of migrants' identities, making it more difficult for migrants to belong. In this way, border-controls marked a territory to defend in the fist place. Third, the war disrupted economic globalization that characterized the pre-war period; and the post-war recovery was followed by the Great Depression, during which controlling migration became a way for states to regulate their national economies. Reflecting on these developments three decades after WWI had ended, Alfred Sauvy (1949: 22) observed:

> before the war of 1914, there was little opposition to international migration in Europe. The essential distinction between tourists and the workers was not clearly defined as it is today, with the result that barriers

to migration were of a political, public safety, or health order, rather than of economic order.

In light of rising unemployment after the war, national trade unions pushed for migration controls to protect national labour markets from foreign competition.

WWI war losses, however, also created labour shortages in some regions and occupations. Corresponding bilateral and international treaties permitted the recruitment of workers from other countries to fill these shortages. For example, between 1919 and 1926, France signed labour mobility treaties with Poland, Italy, Czechoslovakia, Luxembourg, and Yugoslavia. Such treaties established important principles of regulating cross-border migration (Sauvy, 1949). On the one hand, they granted migrants equal treatment in terms of pay, social privileges, and taxation. On the other hand, they further enshrined the idea that sovereign states could deny or facilitate entry into their territory based on their own criteria, which often included a migrant's occupation, skills, wealth, and 'racial' markers.

More regulations were put in place after World War II. International agreements, such as the World Trade Organization's General Agreement on Trade in Services (Mode 4) or Chapter 16 of the North American Free Trade Agreement, which came into force in 1995 and 1994 respectively, have tended to grant business persons and entrepreneurs, wealthy elites, highly-educated professionals, and other privileged workers entry into the territories of counties in the Global North. In Europe, a series of treaties and agreements regulating labour mobility culminated in Article 45 of the Treaty of the Functioning of the European Union, which entered into force in 2009, and which enshrined the freedom of movement among workers within the European Union. Corresponding developments expanded migrant rights. The establishment of the European Court of Human Rights, for example, has obliged member states to grant rights typically associated with citizenship to non-EU citizens. The concept of postnational citizenship expresses this expansion of migrant rights in the wake of a strengthening human rights discourse throughout the postwar period (Soysal 1994).

These developments seem to suggest that territorial states are partially surrendering control over migration. However, exclusionary migration regulations that deny or only conditionally grant entry to state territory have remained firmly in place (Andreas and Snyder 2000). The countries of the Global North disproportionately deny migrants from the Global South entry into their territories; or they grant only temporary and probationary access in the form of visas and work permits (Lenard and Straehle, 2012). The US's Bracero Program, which was in place from 1942 to 1964, Germany's guest worker program, which existed from the 1950s to 1970s, and Canada's ongoing

Temporary Foreign Workers Program exemplify how states grant territorial access to workers without extending equal social, political, or economic rights, or the right to remain in the country. Many of the states that participate in international agreements facilitating the mobility of privileged workers, block the entry of less privileged classes or permit entry only through highly restrictive programs that impose residency limitations, curb migrants' rights, or bond migrants to particular jobs or employers (Sharma, 2006; Vosko et al., 2014). These restrictive migration policies create a vulnerable and exploitable underclass of migrants. The selective conferring of status categories based on country of citizenship thus enforces an "international segmentation of labor" (Bauder, 2006: 10-34) that disadvantages some workers based on the national citizenship they most likely acquired at birth (Samers, 2010).

In many other cases, cross-border mobility is strictly denied. While the European Union has opened its borders internally between member states, it closed its "external" border. The almost 3,000 human deaths in the Mediterranean Sea in 2016 alone attest to the brutality with which migration controls are enforced (International Organization for Migration, 2018). The United States has controlled migration at its southern border with Mexico in a comparably forceful manner (Nevins 2002). In this way, entry controls maintain a system of "global apartheid" based on racism (Sharma, 2005; van Houtum, 2010). This system is maintained by legal practice that continues to frame the right to entre and remain in a state – like under feudalism – as a condition of the circumstances of a person's birth.

Conclusion

The above discussion follows a line of critical scholarship that sees the Westphalian model as a historically and geographically specific instrument of political rule (Agnew, 2005; Painter, 2010; Sassen, 2013). The control of human migration is a critical element of maintaining this rule. In this sense, there are parallels between European feudalism and contemporary liberal democratic states. The often-praised achievement of the Westphalian model was to reject the feudal bondage of people in favor of rule over territory; controlling migration into state territory, however, effectively continues an aspect of the feudal way of ruling (Carens, 1978).

Nevertheless, there are decisive differences. Pre-liberal rulers tightly controlled the mobility of their subjects, especially their departure. The Treaties of Osnabrück and Münster still assumed that people were not free to cross borders but that sovereigns possess control over their subjects' mobility. The Treaties therefore specified general rules of cross-border mobility that apply to particular populations and situations. The liberal-democratic Westphalian state differs in that it controls especially the migration (and the circumstances of visitation and residency) of non-subjects. Thus, the feudal logic of rule through

direct bondage was replaced with rule through exclusion. In both cases, privilege is a matter of circumstances of birth: both privileged feudal ruler and the citizen of countries in the Global North, and unprivileged feudal peasants and citizen of countries in the Global South, are born into their situations. Nevertheless, while feudal lords possessed supreme authority over their subjects, the citizens of the Global North exercise their privileges in a less direct manner. In the liberal democratic states of the Global North today, migration controls in the name of sovereignty preserve the birth privileges of citizens by facilitating a system of global apartheid and enforcing an international segmentation of labour that disadvantages those born in the Global South. Although modern racism and labour segmentation under capitalism are a far stretch from feudalism, birth privilege remains at the core of social and political order.

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