**PLCY780: Normative Dimensions of Policy Analysis and Research**

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**Widespread benefits, restricted costs:**

**Why governments should support migration**

**Andre Assumpcao**

# Introduction

Migration is a very contentious issue in today’s political agenda. Most of those who advocate for free markets of goods, services and capital do not feel the same way towards free movement of people. Why is that the case? What is it so bad about immigrants?

The first argument is that immigrants are a threat to identity. Societies share a common set of values, such as language, tradition or history all that binds them together. Incoming migrants break the unity of a community if they do not speak the same language, do not respect the same tradition or do not share a common history. Migrants also pose an economic threat to societies. If they have special abilities, they take away jobs previously held by locals. If they do not possess any ability, they create social unrest by contributing to criminality, dependency on social welfare and various other poverty-related issues.

In this paper, I will defend that these arguments are not true. In fact, many of the moral and economic analysis of migration show that immigrants do good not only for the societies they move to, but also to those they move from. Moreover, I will argue that there is an uneven distribution of benefits and costs of migration: while migrants carry most of the burden of immigration, such as financial and cultural adaptation costs, non-migrants take no part in costs while reaping most benefits.

My argument will be based on moral and economic approaches to immigration. According to Carens (2013), people have the right to move freely if they are so inclined. Carens states that citizenship today works just like a source of the privilege of the Middle Ages. People are born into a country which, in the absence of mobility, sets their faith for life. In light of this, I will argue that immigration is a positive right and so should be supported by government policy.

Economically, there is growing evidence of the benefits immigration has for parties involved. From many different perspectives, which I shall discuss in this paper, migration generates positive externalities which accrue to everyone in both sending and receiving countries, so it would be more just if governments also shared the costs of migration.

The remaining of the paper is structured as follows. Section II discusses migration from the moral standpoint, whereas Section III presents the economic arguments. Section IV proposes policy designs that would be fairer for immigration purposes and Section V concludes.

# Immigration: moral underpinning

## Closed and open borders theories

There are important distinctions between immigrants and emigrants. The former refers to incoming people to a country while the latter is the outflow of individuals[[1]](#footnote-1). In this essay, I am concerned with both types of migration, and in particular with the role that the governments in both sending and receiving State should play to assure that migration policies are just.

The starting point is a central debate in the ethics of immigration literature, which is whether States have the right to exclude. For a contractualist in support of this, societies would have freely chosen to organize themselves under a centralized government, which oversees and is responsible for a territory in which this society’s rights are assured. Borders are the way these ruling governments carry out the right to exclude, so that keeping limited entrance is morally acceptable.

Michale Walzer is probably the most prominent philosopher belonging to the "closed border" school of thought. In Walzer (2008), he attributes the right to exclude to the sovereignty of Nation-States. People would have gathered under representative governments not only as a means to guarantee fundamental set of rights, but also to preserve a common set of values, mostly translated into cultural and historical identity, and this would be achieved by restricting the inflow of culturally diverse people[[2]](#footnote-2).

In addition to the cultural preservation argument, Walzer and other closed border scholars posit that inflows of people present a threat to the balance of the national economy. A market economy is a place where limited resources are allocated amongst the number of members in the community and any newcomer makes the distribution of (social) goods or services[[3]](#footnote-3) worse for everyone else. Scholars identified with the right to exclude will also list various other arguments for why countries can implement immigration restrictions, such as political stability, defense and security, self-determination. I will not address these other justifications for closed borders because I am not interested in challenging its validity; I am only interested in setting out how their argument goes.

The opposing view is that of open borders. In a seminal paper, Carens (1987) makes the case for open borders under the argument that citizenship in today’s society works much like nobility in the Middle-Ages. Because of the stark social and economic differences across countries, a restriction on immigration for people seeking to have a better life would work much like a class privilege that is denied to those from lower classes. If, then, we allow countries to exclude on the basis of citizenship, we are perpetuating an injustice in exact the same way as feudalism did.

Carens finds support for his arguments in Nozickian, Rawlsian, and utilitarian principles and this is particularly interesting: his goal is to show that, even under different philosophical thinking, open borders still stands – and it is an evidence of its validity. The central element borrowed from Nozick (2013), who belongs to the tradition that assigns natural rights to individuals even before the existence of States, is that these rights are not a product of citizenship. What Nozick tells us is that migration is independent of citizenship status; they are rather an intrinsic right of every human being. He strips down governments from the assumed (implicitly) permission to exclude. Citizens do not hold any additional right to exclude and to authorize their State to exclude free movement because they were not entitled to this right in the first place. No one is. Every individual is placed in an equal moral position, whether they are immigrants or not[[4]](#footnote-4).

But is in Rawlsian arguments that Carens finds most support for his viewpoint. Under Rawls’ original position experiment (Rawls 2009), individuals would have to agree to principles of justice to guide the social organization they were about to establish. Since no individual knows about their own social position, nor do they know about innate skills and abilities, it is reasonable to assume that they would all agree to a “freedom of movement” basic liberty. A restriction would only be reasonable if it generated greater benefit for all, which is not a plausible assumption if we do not know our original position as prescribed by Rawls. The “veil of ignorance” prevents that we end up in such pitfall.

Lastly, and less importantly[[5]](#footnote-5), Carens shows that even utilitarians would reject the right to exclude. The utilitarian decision-making process states that societies should aggregate over every individual the gains and losses of a political decision and adopt those in which you can make any person better off without making anyone else worse off. If States restrict entry, they would be favoring one group of people – citizens – over another group – immigrants. This is a strict violation of the principle that every person should be equally valuable and supports the utilitarian argument that no policy is justifiable if it makes any single individual worse off.

The closed and open borders analyzes of the ethics of migration are very important starting points in which to define the role government should play in migration. However, other than presenting both, I do not plan on classifying the morality of policies under each framework. In fact, in the following section of this paper, I will show that governments have a moral duty to support migration irrespective of where they fall in the closed and open borders debate.

## Migration as a positive right

The right to migrate is engrained in Nozick’s and Rawls’ principles of justice. They are both contractualist political philosophers who see freedom of movement as a natural basic right that cannot be banned by formal political organizations. But what does that tells us about government policy on migration? Using opposite views such as Nozick (2013) and Rawls (2009), I will argue first that migration is a basic human right and, second, that it is a positive right, and, therefore, should be supported by the State.

Nozick (2013) follows the argument put forward by John Locke. Individuals, in the state of nature, are entitled to a set of basic human rights (life, liberty, and property) irrespective of the existence of the State. Property rights are one set of these basic rights individuals share. People have the right to hold property over material objects, such as a pen or a mug, or over ideas and inventions, the way in which intellectual property is nowadays defined. It follows intuitively then that there are extensions of natural rights. For instance, if I own a piece of land, I am entitled to the products of this land.

Freedom of movement is then straightforwardly defined as an extension of the right to liberty. If individuals are to be free from restraints and violence of others, it follows naturally that this applies to both liberties in reasoning and in acting, which is precisely what the freedom of movement is. No person can strip another’s right to freedom by using force. Since Nozick posits that no rights arise to the State outside of one's own individual entitlements, then it is clear that the restrictions on migration are immoral in the first place.

Political philosophy is rather uncontroversial in support of this right to liberty[[6]](#footnote-6). Nozick, utilitarians and liberals agree that human beings are entitled to freedom. Rawls (2009) is one of the most important voices of the liberal approach. He lists the right to liberty as one of the ten social primary goods[[7]](#footnote-7) that all can agree in the original position. Under the veil of ignorance, it is reasonable to suppose that people would agree to the right of migration if they did not know a priori where they would fall in the distribution of society.

The controversy between Rawls and Nozick would exist in that the former would allow *ad-hoc* violations of liberty if, and only if, these violations worked to benefit those who are worse off in society. Therefore, immigration could only be restricted if it made the lives of those in the receiving country better. This is, however, a very weak objection, since it is extremely unlikely that any one society might know beforehand that the impact of migration is going to make them worse off. Therefore, even under two distinct political philosophies, it is very difficult to find opposition to defining migration as a human right. Whether freedom of movement is a natural right or whether it arises from an agreement between equally valuable individuals, it is undeniable that it is part of a set of human rights which all should enjoy. Reality, however, does not necessarily reflect theory.

Most States have immigration laws and policies that exclude, at least partially, entry to their territory. The United States and Israel are building walls to keep immigrants away. Brazil has only a few permissions for work or temporary residence. These restrictions are in direct opposition to migration as a basic human right as posited by libertarian philosophers. Nozick (2013) and others classify liberty, and in extension freedom of movement, as basic negative rights, which should be kept away from the interference of the State.

States allude to sovereignty to justify the barriers to migration. But, if the very essence of establishing Nation-States is that people are different and want to preserve their differences by setting up a unique social organization, let alone a government, does that not allow for States to have heterogeneous views over immigration and, consequentially, different policies? And if one government is more aligned with the principles here defended, based on the notions of political philosophy put forth by Nozick, Rawls, and other scholars, does that not allow them to cater to citizens of other countries to guarantee a basic human right?

It certainly does. Under the principle that every human being has equal moral value, and that nations are entitled to no other right than that of their citizens, it follows unequivocally that governments should positively guarantee that migrants to and from their societies face no constraints to carry out their right to freedom of movement. In the world of the state of nature or the original position, it is unreasonable that governments interfere with individuals' freedom. In a world with priors of State wrongdoing, there is no conflict in defining migration as a positive right that is to be promoted by States more attuned to basic human rights.

There is evidence to support this claim. The establishment of the European Union (EU) is symptomatic of the validity of this idea by allowing that nationals of one member-State migrate to another with the same privileges enjoyed by nationals. By allowing that people move for whatever reason, members of the EU are overcoming the exact same conditions of feudalism that Carens attributes to restrictions to migration. Canada, New Zealand, Australia, all have policies that, however imperfect, are signs of an active effort to promote the right that individuals move across borders.

This is the first main contribution of this paper. Irrespective if one single country lives by the principle of closed borders, it is still its duty to provide the right to migrate for their citizens. They do so already, they allow internal migration – potentially no different than external migration: there are cultural differences between communities in a single country; large flows of people would have the same disrupting force that is present in the closed borders argument; and so on. The alleged threats are precisely the same. In the next section, I will present the second main contribution of this paper, which is that governments should take part in the costs of migration– even for sending people abroad.

# Economic justice in support of migration

# The design of just migration policies

# Conclusion

# References

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1. I shall also use ‘receiving state’, ‘destination country’ for States who have to deal with immigrants and ‘sending state’, '’source country’ for those who face the issues of emigration. This follows the classification of Ypi (2008). [↑](#footnote-ref-1)
2. This argument can also be applied to the flow of goods and services. I focus on people under the reasonable assumption that they carry a much heavier cultural baggage than objects. [↑](#footnote-ref-2)
3. Again, public goods and services are also subject to the distributional issue here described. However, since the rationale is more important than what is being distributed, this distinction is irrelevant here and so will be ignored. [↑](#footnote-ref-3)
4. Nozick supports the right to exclude in small communities because these could choose to operate under different principles than States’ do. As long as people are free to leave these communities, they would also have the right to exclude membership. [↑](#footnote-ref-4)
5. The reason why this is a weaker argument is because utilitarianism does not provide a clear answer to the question of whether States have open borders. In Carens (1987) and in my paper, even though we show that there are no bases for exclusion under pure utilitarianism, we cannot prove that utilitarian approaches would justify open borders. Modifications of utilitarianism (prioritarianism, for instance) would suggest support for full freedom of movement because of beneficial economic outcomes or because it is morally acceptable to support first those most in need (immigrants). [↑](#footnote-ref-5)
6. It does have multiple readings on how this right is carried out under the existence of the State. [↑](#footnote-ref-6)
7. And, in some cases, more than once. [↑](#footnote-ref-7)