

IS THERE A MORAL RIGHT TO IMMIGRATE?

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How many immigrants are there? In the United States, immigrants and their native-born children make up a significant share of the U.S. population. There are currently around 45 million first-generation immigrants, or around 15% of the population. Around half of these immigrants have already become citizens, and a little less than 1/3 (11 million) are here without legal authorization. There are, in addition, around 15 million second-generation children living in immigrant households (these children are U.S. citizens). These percentages are roughly similar to those that have characterized the U.S. throughout much of its history, but they represent a major change from the 1920s through the early 1970s, when the U.S. (along with many other rich countries) placed severe restrictions on immigration. These restrictions, for example, led both the U.S. and the UK to deny entry to Jews wishing to leave Germany in the 1930s.

How does the U.S. currently decide which immigrants to accept? Currently, U.S. immigration policy favors immigrants who either (1) have close family connections with American citizens (as spouses, children, parents, etc.) or (2) have high-demand skills, though strict caps keep the number of spots available low, relative to demand. The overwhelming majority of the nearly 1 million immigrants who arrive each year fall into one of these categories, and most arrive from the same areas of the world (Latin America, China, India). By contrast, the US accepts far fewer immigrants (around 100,000 per year) who arrive as **refugees** or as **asylum seekers**. The U.S. (and other rich countries) accepts relatively few people from the poorest, more violent areas of the world, especially in comparison with the numbers who desire to leave. The U.S. deports large numbers of unauthorized immigrants each year (up to 1,000,000).

What's the philosophical debate about? While it's very difficult to tell exactly how many people *would* come to the U.S. (or other rich countries) if immigration "caps" were removed, it would likely be a sizable increase over the current numbers. This is because, in large part, because these people currently live in areas of the world with high levels of political instability, widespread poverty and famine, poor medical care, etc. Moving to a rich country (even if it were only to work a sub-minimum wage job) would offer many of these people (and their children) significantly improved prospects for achieving a decent standard of living. So, the question is: **"Do citizens of rich countries have the moral right (by voting for immigration restrictions) to forcibly prevent ordinary foreign-born people (i.e., the vast majority of immigrants who are not criminals, terrorists, etc.) from living and working in their countries?"**

HUEMER'S ARGUMENT FOR THE PRIMA FACIE RIGHT TO IMMIGRATE

"I ask the reader to consider the following scenario. Marvin is in desperate need of food. Perhaps someone has stolen his food, or perhaps a natural disaster destroyed his crops; whatever the reason, Marvin is in danger of starvation. Fortunately, he has a plan to remedy the problem: he will walk to the local marketplace, where he will buy bread. Assume that in the absence of outside interference, this plan would succeed: the marketplace is open, and there are people there who are willing to trade food to Marvin in exchange for something he has. Another individual, Sam, is aware of all this and is watching Marvin. For some reason, Sam decides to detain Marvin on his way to the marketplace, forcibly preventing him from reaching it. As a result, Marvin returns home emptyhanded, where he dies of starvation. What is the proper assessment of Sam's action? Did Sam harm Marvin? Did he violate Marvin's rights? Was Sam's action wrong?" (Huemer 2010)

Micheal Huemer (2010) argues that there is *prima facie* right to immigrate. That is, it a right that holds in the absence of any other factors. Many rights are like this. So, for example, people have a *prima facie* right not to be killed; so, in the vast majority of circumstances, it's morally wrong to kill them. However, this right has exceptions (e.g., the person is attempting to kill *you*, or they asked to be killed). Here's the basic idea:

1. Sam significantly harms Marvin when he stops him from getting the food. Absent some very good reason which we don't know about (e.g., Marvin being a known criminal), Sam's behavior here is morally wrong, and violates Marvin's rights.
2. Marvin is relevantly similar to many potential immigrants, who could significantly improve their lives (and perhaps even save their lives) by immigrating to the U.S.
3. Sam is relevantly similar to the U.S. government, who uses force to prevent immigrants from doing things like finding jobs and housing in the US (from perfectly willing employers and landlords). The mere fact that Sam didn't cause Marvin's original problems (or the U.S. didn't cause the problems that immigrants want to escape from) doesn't justify their behavior.
4. So, by analogy, the U.S. government harms potential immigrants by denying them entry. Absent some very good reason, this violates their rights.

Does the U.S. have very good reasons? The above argument doesn't show that the U.S. government (or Sam, for that matter) is necessarily in the wrong by restricting immigration. It just shows that the government would need to have a good reason that could *override* the *prima facie* right to immigrate. What might this reason be? We'll turn to this in the next section.

Note: In order to avoid confusion, it's important to remember that Huemer's arg doesn't necessarily entail "open borders"—e.g., it still might be perfectly fine to do (reasonable, timely) background checks to make sure that "Marvin" isn't a threat. The argument is simply intended to establish that shouldn't have "caps" on the NUMBERS of people we let in, once we've done this sort of check.

ARGUMENTS FOR RESTRICTING IMMIGRATION

Huemer argues that immigration restrictions are a form of **harmful coercion** and, as such, are *prima facie* wrong. However, there are at least some cases where harmful coercion is OK, such as if we need to use it to prevent greater harm to others (arresting a murderer). With this in mind, Huemer examines common defenses of immigration restrictions. He argues that all of these arguments FAIL:

Arg 1: Forcibly keeping immigrants out is OK because this provides economic benefits to (some) other people. On the whole, most economists have argued that increased immigration actually *helps* the citizens of rich countries (e.g., because immigrants purchase goods, create new jobs, etc.). However, increased immigration would likely lead to decreased wages and increased competition for at least certain sorts of industries. So, the current workers in these industries would be harmed by immigration.

Problem with Arg 1: Huemer finds this argument unconvincing. After all, Sam couldn't defend his decision to forcibly stop Marvin from buying (life-saving) bread simply by saying "But that's going to make bread more expensive! And my daughter wanted to buy cheap bread [even though she could afford to buy more expensive bread.]" The only way this argument would work is if we had some reason for thinking that Sam's daughter's interests were *much, much* more important than Marvin's: so much so that the Sam could use physical force on Marvin to prevent him getting what he needed to live. But this seems wildly implausible.

Arg 2: Forcibly keeping out immigrants is OK because promotes the interests of current citizens (even if it hurts immigrants more). A second argument for restricting immigration might be that the U.S. government's job is to take care of the interests of current U.S. citizens, even if this means ignoring (or even harming) others. So, the idea is that Sam is justified in stopping Marvin's buying bread because Sam wants to help out *his daughter*. Or maybe Sam has a policy of always buying bread for poor people, but he can't afford to buy any more bread, so he doesn't want Marvin to show up. (The analogy here is the social insurance programs like Medicare, Medicaid, Social Security, minimum wage, etc.).

Problem with Arg 2: While it is certainly plausible that we might have *some* special duties toward fellow citizens, it is NOT plausible to claim we can simply treat non-citizens however we like. (So, it seems clearly unacceptable for Sam to do something that causes Marvin to die, just to secure a much smaller benefit for his daughter). Moreover, if the government is worried about welfare programs, they have an easy option: allow immigrants to opt out of them. Many of the people (especially refugees and asylum seekers) would be happy to accept something less than full citizenship—they are just looking for safety, employment, etc. It hardly seems fair to say "since we can't afford to give you full citizenship right now, we're just going to let you die." Going further, one might also reasonably wonder *why* native-born citizens *morally deserve* better welfare benefits than others (especially when we are talking about children, as we often are). Finally, it's worth emphasizing that we have very little reason to suppose that immigration harms the citizens of a nation as a whole.

Arg 3: Forcibly keeping out immigrants is OK because it helps preserve "Western (or Chinese, Japanese, etc.) culture." One common reason for restricting immigration is that immigrants would change the "culture" in ways current citizens would dislike. So, in terms of Sam and Marvin, perhaps Marvin is (an especially well-spoken) advocate of a religion that Sam finds disagreeable, and Sam really doesn't want to give Marvin the chance to convert people. So, *that's* why Sam feels like it is OK to forcibly stop Marvin from buying food.

Problems with Arg 3: The problems here are both factual (is Western/Chinese/Japanese culture *really* this fragile?) and moral (can you really use *physical violence* against strangers to maintain cultural/religious purity?). Huemer suggests that, if we don't think these sort of "my way or the high way" motivations are acceptable in other areas of life, we shouldn't think the case is different for immigration. For example, most people would (rightfully!) be upset if a local government made laws prohibiting Jews/Muslims/Buddhists from buying houses or enrolling in public schools. However, this is basically what the above argument amounts to: it says that it's morally OK to keep people out on the grounds of cultural/religious difference.

Arg 4: It's OK to forcibly keep SOME immigrants out because if we let them ALL in, the country would collapse. Some people have argued that eliminating immigration caps would lead to absolutely massive number (perhaps a billion) of people to move to rich countries, which lead to a wholesale collapse of the social institutions of both the rich countries (and perhaps the poor countries as well).

Response to Arg 4: While many immigration opponents seem to worry about scenarios, there currently isn't good evidence that this is a *likely* outcome of allowing immigrants in. Humans, as a rule, simply don't move in these sorts of numbers. In any case, if this really is what they are worried about, there's an easy solution: don't eliminate all of the immigration laws all at once. So, for example, perhaps we allow 2 million in next year, 3 million the year after, and just see how it goes. These numbers are tiny (compared to the billion this argument worries about), but would represent a very significant improvement over the status quo. Moreover, this would allow us to get a good sense of how many people actually *do* want to immigrate, and the extent to which our social institutions can accommodate these increased numbers.

REVIEW QUESTIONS

1. In Huemer's article, he considers a final argument: the state is like a "private club," and that it has the right to choose its own members, just like a club. Describe this argument, and why Huemer thinks it ultimately doesn't work.
2. Huemer argues that much opposition to immigration is NOT based on any sort of rational argument, but is instead more closely related to anti-immigrant (or "pro-American") emotional bias. (Do you agree with this? Why or why not?)
3. Huemer tries to formulate his argument in a way that doesn't rely on any specific ethical theory. Why do you think he does this? How well do you think he succeeds?