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Chapter 14

When and Why Should Liberal Democracies Restrict Immigration?

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Immigration Versus Social Justice?

Have patterns of immigration to the United States in recent decades helped to undermine social justice? The increases in immigration that followed the 1965 immigration reforms roughly coincide with the waning of the liberal reformist energies associated with the New Deal and the Great Society. Many factors contributed to this ebbing of progressivism, and it seems very doubtful that immigration was foremost among them, but was it a significant contributor? Immigration—legal and illegal—shapes the labor market, the incentives faced by voters, and divisions and cleavages in society. Immigration helps determine which parties and policies will prevail in politics. Patterns of immigration to the United States in recent decades may have made social justice harder to attain. But can we justifiably seek to shore up social justice at home by excluding from our shores very poor people from abroad in search of a better life?

High immigration is part of the much-discussed phenomenon of globalization: the increased movement of goods, capital, ideas, and people. Who benefits from globalization is a crucial question, and the immigration part of the puzzle deserves greater attention. The logic that drives globalization is often that of economic markets, and the extension of markets has many good consequences, including for many of the poorest people in the world.¹ But how will social justice fare?

Many have argued that “global integration” undermines “economic se-

curity and distributive justice,” but academics are skeptical. Recent evidence suggests that, in general, it does not seem to be the case that various features of globalization are undermining national-level redistributive institutions. While “globalization in general and capital mobility in particular” may undermine “the bargaining power of low-skilled workers in developed countries,” globalization “does not constrain . . . redistributive policies that raise efficiency,” such as investments in education and other public goods. And yet, the impact of *immigration* specifically on redistributive policies has not been much studied. One of the few studies available suggests that “immigration undermines support for social insurance programs, perhaps by undercutting feelings of identification and solidarity with benefit recipients.”²

I want here to take seriously the possibility that immigration to the United States undermines social justice, and to state this worry as sharply as I can, based on the available evidence. Such concerns deserve more attention from scholars even if (as I also believe) it is important not to allow such anxieties to be exaggerated and exploited.³

I will begin by describing three paths—economic, cultural, and political—by which immigration to the United States may undermine social justice. I then defend the view that citizens have special obligations to one another with respect to distributive justice: those who are related as coparticipants in a political society have special reasons to be concerned about disparities of wealth and opportunity. A political community’s special and urgent obligations to its least well-off members may take priority over the claims of some even poorer people abroad. If particular patterns of immigration worsen domestic economic disparities and undermine commitments to social justice, these are weighty (but not necessarily conclusive) reasons for revising immigration policies. In the end, however, I bring these abstract reflections back to the specific context of American immigration politics and policy. In light of the uncertain magnitude of immigration’s deleterious effects on social justice and the high costs of immigration restriction on poor noncitizens, I suggest (with misgivings) the virtues of mainstream and moderate proposals for immigration reform.

My enduring worry is that we are not adequately weighing the costs of immigration to the worst-off Americans. One attractive vision of the future is to go with the flow suggested by the logic of liberal (or neoliberal) cosmopolitanism, embracing more open borders and a wider social diversity. But would we then be undermining those forms of solidarity—already compar-

atively weak in the American case—on which social justice depends? In response it could be observed that we are the United States of America, not Finland; we are an immigrant society, and that has long been a great strength. There is much truth in this, but we need to know if not all the consequences are good—or if the consequences are not good for all of us.

Immigration Versus Social Justice? Three Paths

Immigration’s Impact on Wages at the Bottom

Over the past half century, American immigration policies and practices have become in some respects more accommodating to the less well off abroad.⁴ The question is whether this “generosity” has exacted a significant cost in terms of social justice at home.

The basic facts are striking. Whereas in 1970, 5 percent of the general population was composed of immigrants, that percentage is now 12 percent, the highest in eighty years. By 2000, there were fifty-six million immigrants and first-generation Americans (children of immigrants), making up 20 percent of the U.S. population.⁵

The sheer volume of increased labor may have a downward effect on wages overall. However, the composition of the growing immigrant pool has changed markedly as well. Immigrants coming to the United States through the 1950s tended to bring considerable labor market skills with them. Since the 1960s, the skills levels and earnings of immigrants have declined considerably relative to those of the native U.S. population. Most of the growth in immigration since 1960 has been among people entering at the bottom 20 percent of the income scale. This is partly because, as George Borjas observes, “Since the immigration reforms of 1965, U.S. immigration law has encouraged family reunification and discouraged the arrival of skilled immigrants.”⁶ Whereas in 1960 the average immigrant man living in the United States earned 4 percent more than the average native-born American, by 1998 the average immigrant earned 23 percent less. At the same time, the ethnic makeup of immigration has also changed, with the percentage arriving from Europe and Canada falling sharply and the percentage from Latin America and Asia rising.

On Borjas’s influential if controversial analysis, recent decades of immigration have lowered wages and worsened income disparities in the United

States. Borjas argues that by increasing the supply of labor, immigration between 1980 and 2000 lowered the wages of native workers overall by 4 percent. However, because of the low level of education among immigrants, the impact on less well-educated Americans—those with only a high school degree or high school dropouts—has been greater. Immigration from 1980 to 1995 increased the pool of high school dropouts in the United States by 21 percent, while increasing the pool of college graduates by only 4 percent, and this, argues Borjas, contributed to a substantial decline in the wages of high school dropouts (roughly the bottom 9 percent of the workforce), which he estimates at 7.4 percent. It is widely agreed that in the United States in the 1980s and 1990s there was a substantial widening of the wage gap between the more and the less well-educated workers. Borjas has argued that a significant portion—perhaps as much as half—of this widening wage gap between high school dropouts and others was due to the increase in the low-skill labor pool caused by immigration.⁷

Questions about the magnitude—if not the direction⁸—of these effects abound. Economist David Card argues that cities in the United States with a high proportion of immigrants seem to experience a modest widening of the wage gap, but an overall rise in average native wages. He argues that “immigration exerts a modestly positive effect on the labor market outcomes of most natives,” but not all.⁹ It is certainly possible that some of Borjas’s estimates are on the high side, but even Card does not argue that recent immigration has been especially good for natives at the bottom of the income scale. More than a quarter of the high school dropouts now seeking work in the United States are Mexican born, so it is hard to imagine that immigration does not have a downward impact on wages among the bottom tenth.¹⁰ I will not here try to resolve this controversy, but it is certainly plausible to think that increasing immigration over the past three or four decades has worsened the relative standing of the poorest native-born Americans.

Of course, all Americans have benefited from cheaper fruits and vegetables and other products and services that immigrants (including undocumented workers) help produce.¹¹ Wealthier Americans have benefited from increased access to cheap labor to perform service work—as nannies, gardeners, and so on. Firms have also benefited from cheap labor. However, Borjas and others argue that native-born African American workers suffer disproportionately because they are more likely than others to be low

skilled and poorly educated and often compete directly with low-skilled immigrants.¹²

When advocates of large-scale immigration argue that Americans don’t want to do the jobs that immigrants do, especially illegal immigrants, one appropriate response is: poorer Americans do not want these jobs, given the prevailing wages and work conditions. Tighten the labor market a lot, and wages will rise. Also, capital will be introduced to provide partial substitutes for labor, eliminating some of the worst jobs and making those that remain pleasanter, with better tools and work conditions.¹³

Let me add one other element to this admittedly controversial labor market story before moving on. As Borjas again observes, nations with notably more progressive domestic policies often have immigration laws that are quite different from those of the United States. U.S. policy since 1965 has emphasized family reunification (including children, spouses, parents, and adult siblings) with a very small percentage of immigrants—around 5 percent in recent decades—receiving visas based on the possession of desirable skills. Canada, by contrast, has a quota system that gives greater weight in admissions to educational background, occupational skills, and English-language proficiency. Canada’s policy favors better-educated and high-skilled workers, and this seems likely to have distributive effects that are the opposite of those from U.S. policy. By increasing the pool of skilled workers relative to the unskilled, Canadian policy tends to lower the wages of the better off and to raise the relative level of the worse off.¹⁴

U.S. policy, by admitting predominantly low-skilled and poorly educated immigrants and their extended families looks generous to some poor persons abroad, but may worsen the relative standing of the American poor. Were the United States to follow Canada and impose an education test on immigration, this would substantially and disproportionately reduce immigration from Mexico and the rest of Latin America.

The discussion so far illustrates one path—via labor market economics—by which recent patterns of immigration may worsen distributive justice in the United States. But there are two other paths—one political and one cultural—by which recent immigration may harm the relative standing of the poorest Americans.

Immigration and the Median Voter

One response to the foregoing argument is that if immigration increases our collective wealth while worsening income disparities across rich and

poor, why not welcome immigration and redistribute the surplus via tax and spending policies? Because redistributive policies could compensate for the malign distributive effects of immigration, we need to ask whether immigration has an impact on the likelihood that redistributive policies will be enacted. In fact, there are two ways in which immigration may undermine political support for social welfare and redistributive programs.

Economic inequality in the United States has increased sharply since 1970, but this has not led to increased pressure for redistribution. If anything, the reverse would seem to be the case: the real value of the minimum wage has fallen, and taxes paid by the better off have been cut, including the top marginal income tax rates and the estate and capital gains taxes.

Nolan McCarty, Keith T. Poole, and Howard Rosenthal argue that recent patterns of immigration help explain why increasing inequality has come about without an increase in political pressure for redistribution. Since 1972, the percentage of noncitizens has risen, and their income relative to other Americans has fallen. "From 1972 to 2000, the median family income of non-citizens fell from 82 percent of the median income of voters to 65 percent while the fraction of the population that is non-citizen rose from 2.6 percent to 7.7 percent."¹⁵ This decline in the income of noncitizens has contributed to the falling income of the median family living in the United States (including voters and nonvoters). Meanwhile, however, the income of the median voter—the voter likely to be the "swing voter" who decides close elections—has not fallen. Immigration to the United States has made the median voter better off relative to the median resident, and this decreases the median voter's likelihood of supporting redistribution. Immigration may have, thus, both worsened the relative standing of the least well-off Americans and made it less likely that crucial swing voters would support redistributive programs.¹⁶

Excluding immigrants from social welfare services is one way to counteract these effects, but immigrants—including illegal immigrants in many places—will still be provided with a variety of social services, including education.¹⁷

Recent patterns of immigration to the United States may, thus, worsen the relative lot of the least well-off Americans while also making redistributive policies less politically popular. There is one more way in which recent immigration may worsen the lot of the least well off.

Racial and Ethnic Diversity and the Decline of Civic Solidarity?

There is some evidence that the feelings of solidarity and mutual identification that help support social justice can be undermined by the increased racial and ethnic heterogeneity associated with immigration.¹⁸ Robert Putnam's recent work furnishes evidence that "in ethnically diverse neighborhoods residents of all races tend to 'hunker down'. Trust (even of one's own race) is lower, altruism and community cooperation rarer, friends fewer."¹⁹ The fact that immigrant groups typically have higher fertility rates than natives amplifies the effect. Putnam and others thus argue that increasing ethnic diversity can, in the short-to-medium term, reduce social solidarity and undermine support for the provision of public goods, including programs aimed at helping the poor.²⁰

The impact of immigration on a society's capacity to sustain redistributive programs is bound to be complex. In a recent study, Stuart Soroka, Keith Banting, and Richard Johnston argue that "international migration does seem to matter for the size of the welfare state. Although no welfare state has actually shrunk in the face of accelerating international movement of people, its rate of growth is smaller the more open a society is to immigration." They further argue that "the typical industrial society might spend 16 or 17 percent more than it does now on social services if it kept its foreign-born percentage where it was in 1970."²¹ Once again, these empirical claims are controversial. Just how immigration and increased ethnic and racial diversity inhibits social spending is unclear: the rise of New Right political parties in Europe is associated with controversies over immigration, and mainstream parties may need to shift to the right in response.²²

American immigration policy may have made the distribution of income within the United States more unequal while also lessening political support for social provision. Admitting large numbers of relatively poorly educated and low-skilled workers may increase competition for low-skilled jobs, lowering the wages of the poor and increasing the gap between rich and poor Americans. New immigrants' ineligibility to vote may make it less likely that swing voters will support generous social provision, including redistributive measures to offset low wages at the bottom. And immigration's contribution to increased ethnic and racial heterogeneity may also weaken social solidarity and undermine support for the provision of public goods,

including those to help the poor. The magnitude of these effects is, as I have emphasized, contested.

The public and political elites seem less committed to public provision of social services than in the days of FDR's New Deal or Lyndon Johnson's Great Society. Have changes in immigration policy contributed significantly to the decline of the American welfare state? The period from the Great Depression through the mid-1960s was one of relatively low inequality, compared with before and after,²³ and also relatively low immigration. Immigration between 1924 and 1965 was defined by the "national origins" quotas that allocated legal immigration on an ethnic group basis in proportion to the ethnic composition of the American population in 1890 (prior to the large-scale migration of Southern and Eastern Europeans). A lot happened between 1924 and 1965 that may have contributed to greater social solidarity; the federal response to the Great Depression and the experience of collective sacrifice and purpose during World War II may well have contributed to what has so often been called "the greatest generation," including with respect to civic life.²⁴ Public policy may also have contributed to the construction of civic solidarity, as with the G.I. Bill.²⁵ A great deal also happened after the mid-1960s to help explain the growing skepticism about government-funded social programs, including the decline of organized labor and growing distrust of government in general. Especially important was the increasing tendency of the media and ordinary Americans to associate welfare benefits with racial minorities.²⁶ Many factors contributed to the decline of progressive energies in American politics after the late 1960s. However, higher immigration and a more ethnically and racially diverse immigration pool may also have played a role.²⁷

Social Justice and Membership

Who Counts and How?

U.S. immigration policy confronts us with apparently conflicting claims from our less well-off fellow citizens and from poor persons abroad. Some of our deepest values may also be in conflict, including freedom of movement and openness to diversity, on the one side, and the sort of solidarity and mutual identification on which social justice may depend, on the other. What does justice require of us when it comes to these conflicts?

The promise of American life remains even now in large measure an egalitarian promise that includes fair equality of opportunity. There is widespread support in principle for the propositions that children should not be held back from competing for good jobs and positions of leadership in society by virtue of the accidents of their birth and that the political community should support educational arrangements that promote equal opportunity.

But why should we understand the promise of American life as extending to members only and not to all of humanity?²⁸ Why are the borders of the political community—the state—morally significant when it comes to the positive obligations we have to one another under the banner of social justice?

Political theorists and ethicists argue for open borders from a great variety of points of view. In a now classic statement, Joseph H. Carens argues that three leading ethical standpoints—utilitarianism, free market libertarianism, and liberal egalitarianism of the sort associated with John Rawls—all argue for largely open borders.²⁹

The utilitarian case depends on showing which combination of policies maximizes human happiness overall. Respecting special concern among compatriots might maximize mutual concern among human beings.³⁰ On the other hand, the great discrepancies in wealth and income across national borders suggest that efficiency and aggregate well-being would increase enormously if free—or at least much freer—movement of people was allowed. Lant Pritchett is among those economists who argue that the free movement of labor might be a far more successful "Plan B" for promoting development among the global poor.³¹

Many free market libertarians argue for largely open borders. It is no business of the minimal "night watchman state" to decide who can be a member, so long as private property rights are respected and everyone pulls his own weight.³² Milton Friedman argued that "it's just obvious you can't have free immigration and a welfare state," and libertarians tend to oppose welfare state transfers.³³ One might think that freedom of movement is especially well justified in an era in which global commerce is increasing.

Neither the utilitarian nor the classical liberal or libertarian point of view accords a fundamental role to special obligations among compatriots, though utilitarianism might endorse such obligations as the best way of maximizing overall utility.

The sort of liberal egalitarianism associated with John Rawls might also

seem to be unfertile ground for according special moral significance to national borders. Rawls's famous thought experiment, after all, asks us to consider what principles of social justice we would adopt if we imagined ourselves in an "original position" behind a "veil of ignorance."³⁴ We imagine ourselves occupying all relevant social positions—especially the least favored—and ask: What principles to guide the design of society's major institutions would be acceptable to all, and especially those occupying the *least favored points of view*? This famous thought experiment highlights the unfairness of social institutions that reward those who are already advantaged by accidents of fate. If social class, race, religion, and gender are to be regarded as arbitrary contingencies from the standpoint of social justice, surely the same would seem to apply to place of birth. If we are to regard it as arbitrary whether one is born a son of Rockefellers or a woman descended from slaves, is it not just as morally arbitrary whether one is born in Mexico or New Mexico? Open borders would, as Carens argued, seem an obvious extension of Rawls's domestic liberalism. A *cosmopolitan egalitarian* says that nationality or place of birth should not determine what we owe to one another with respect to basic justice.

I am going here to leave aside the utilitarian and libertarian frameworks; both are flawed in a great variety of ways.³⁵ The free market framework, in particular, gives far too little weight to the demands of social justice: it is an excessively thin account of the claims that citizens of a political community can make on one another. Both views also fail to recognize the moral weight of the special relations of citizens to one another. The Rawlsian view, properly interpreted, furnishes a much more promising framework for thinking about what we owe to others.

The fullest moral demands associated with social justice are expressed in principles designed to regulate the institutions and public rules that help generate inequalities of wealth and opportunity among members of self-governing political communities. On the membership view the fullest ideals of distributive justice hold among members of political communities who are jointly responsible for shared social and political institutions.³⁶

Those who do not share the relationship of fellow citizens with us make different—but nevertheless important—moral demands on us.³⁷ These include duties of assistance to the poor, and also fairness, nonexploitation, and nondomination in our relations with others, and reparation and redress in response to past exploitation or domination. Further, we have powerful reasons to reform the global institutional environment in order to

coordinate aid, curb unfair and exploitive relations among states, and foster cooperation to solve common problems. On the membership view of distributive justice, it is wrong to think that when we reach the border we fall off a moral cliff. The special relationship among citizens matters, but it is far from being all that matters. The membership view that I wish to defend takes account of the claims of all persons and accords them equal standing as human beings, but it accepts that various particular relations are morally weighty and generative of additional reasons for mutual concern.

The membership view is regarded by some as morally arbitrary in its treatment of nonmembers, needlessly complex, and at odds with the spirit of democratic liberalism. Some argue that freedom of movement around the globe is a basic human right, subject only to reasonable regulations. Others deny moral significance to the specific relations of citizens and adopt "nonrelational" cosmopolitan principles. I am going to focus here on defending the membership view, both because I think it is correct and because it puts in clear relief some important concerns about immigration's domestic distributive impact.³⁸

The Membership-Based View of Distributive Justice

The borders of political societies are morally significant with respect to social justice because principles of social justice are designed to help regulate and justify the relations of participants in systems of collective self-governance. As members of a political community we are joined in a collective enterprise across generations through which we coercively impose an all-pervasive system of law on ourselves.³⁹ We are born into such associations, and our lives are formed by them: the law and principles of our political regime shape every aspect of our lives. From cradle to grave (and beyond) our interests, identities, relationships, and opportunities are pervasively shaped by the political system which we collectively create and within which we live.

Citizens owe one another a robust justification for the design of those basic social institutions and public policies that shape our life prospects deeply and pervasively. Rawls expresses this thought in terms of his "liberal principle of legitimacy": "Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse

in the light of principles and ideals acceptable to their common human reason."⁴⁰

Liberal egalitarian accounts of social justice seek to articulate principles for the design of social institutions that are acceptable to all the reasonable members of the society, especially to those who do least well by the terms of our shared institutions. The basic institutions and laws of society—the “basic structure,” in Rawls’s parlance—which include the constitutional and political systems, the laws governing family life, inheritance, property, commerce, and taxation, pervasively shape people’s relations and life chances. We must either justify or work to reform the institutions within which we live. The moral hope is that insofar as we can articulate mutually acceptable principles and approximate their realization in practice we can then sincerely say to one another that the institutions under which we live, and which shape our prospects and plans so deeply and pervasively, are not the results of blind social forces or mere power but rather are regulated by us with a view to our equal moral standing, and they should be freely acceptable to all.⁴¹

The basic structure is fully legitimate when regulated by principles of justice that everyone (or all reasonable people) should be able to endorse on reflection. Distributive justice plays a crucial role. The principle of “fair equality of opportunity” requires that society take affirmative measures—via public subsidies to education and other means—to ensure that every child has a fair chance to compete for the best jobs and positions of leadership in society, given natural talent.⁴² The “difference principle” requires further that inequalities tend to be to the greatest advantage of the least well off in society. These principles express to the least well off that they matter as moral equals; they are designed to make the social order freely acceptable to those who do least well by its terms.

What generates and sustains powerful obligations of mutual justification and justice? The best answer seems to me to be the complex relations shared by members of political communities. The directly coercive nature of the political relations associated with states is one important consideration—a fact emphasized by Michael I. Blake, Thomas Nagel, and others—but so is the comprehensive nature of governance relations: the fact that political regulation extends across the whole of life.⁴³

The governments of self-governing political communities are recognized by members to be capable of authoritatively resolving conflicts, and of taking decisions that bind us: our government acts as our agent, entering

into treaties, making alliances, declaring war, and conducting various undertakings in our collective name. We acquire collective responsibilities through the actions of our government.

And so, Americans take responsibility for what happens in North Dakota and Mississippi in a way they do not for what happens in Chihuahua and Ontario. Citizens look to one another to jointly establish collective programs concerning health and welfare: they view themselves as jointly responsible for the wellbeing, the culture, and the territory of their political society, in perpetuity. As citizens of a political community we jointly create a shared jurisdiction with extensive powers and responsibilities, and we recognize that it is sustained by reciprocal duties and obligations in support of which we can reasonably expect all to do their part.

It is, moreover, hard to understand the reasonableness of making people responsible for the welfare of others without also making them responsible for their governance. It would be unreasonable to assign ongoing responsibility for the provision of health and welfare without also according the authority to regulate medicine, nutrition, parenting, safety, and education. Transplanting domestic principles of justice and the responsibilities they entail to the global level makes little sense without a commensurate transfer of governing authority, that is, absent a cosmopolitan state and a cosmopolitan political community that hardly anyone seriously argues for.

Citizens have powerful obligations of mutual concern and respect, and mutual justification, to one another because the political institutions for which they are co-responsible determine patterns of opportunities and rewards for all.⁴⁴ This could not simultaneously be true of the international society, and it is not. Membership in international bodies is mediated by membership in primary political units, namely, the member states of the United Nations or their peoples.⁴⁵ International bodies are important, and I support their further development, but they do not have anything like the broad responsibilities of states.⁴⁶ And so, as Blake has argued, borders may be morally arbitrary in one sense—they may be the product of considerable historical accident, negotiations, and pressures of all sorts—but they come to acquire moral significance on account of what takes place within them.⁴⁷

The ground of the particular moral demands associated with distributive justice, on this view, is not our common humanity but rather the fact that with some other persons we are joined in a political community: a highly complex, largely involuntary, and morally consequential set of relations. As citizens in a legitimate political community we participate in shap-

ing the awesome coercive powers of the state and expect our fellows to do their part in supporting these institutions, and this gives rise to powerful reciprocal obligations of mutual justification. As liberal contractualists and deliberative democrats emphasize, citizens should seek to assure themselves that the power they collectively exercise over one another is justifiable, and it should be publicly known that the political community and the arrangement of its institutions is shaped by principles that answer to the claims of all members considered as citizens with equal standing. These strong reciprocal obligations of justification are owed to those with whom we participate in a system of joint governance. "Reasonable" persons are prepared to affirm principles of fair governance given the assurance that others will likewise do so.⁴⁸

But, cosmopolitans will retort, is not the well-being of everyone on the globe increasingly dependent on an international "basic structure" of commercial, political, and military relations? Is not the institutional basis for the membership view breaking down in light of the increasing global movement of goods, money, people, and ideas, all coordinated and regulated by international laws and organizations such as the World Trade Organization, the North American Free Trade Agreement, and rules governing property rights? Globalization, on this view, is collapsing the differences between domestic and international society, giving rise to moral relations and demands transnationally that are the same as those that exist domestically.

These are among the most interesting and vexing questions in political theory today. We want, it seems to me, to avoid two extreme positions. So-called statist often seem to minimize duties beyond borders and the moral significance of transnational relations. Cosmopolitans, on the other hand, often assimilate the moral character of international relations to domestic relations among citizens. The membership view argues that relations among citizens are special but not all-important. We can maintain that the full demands of justice are associated with membership in a political community, without taking the extreme view that outside the state there is no justice, only minimal humanitarian concern. Confusion has been created by running together the idea that *full obligations of distributive justice apply only domestically* with the very different idea that *beyond the state our moral relations, duties, and obligations to others are minimal*.

Trade relations, even as shaped and coordinated by a variety of international institutions and agreements, need not have the same moral implica-

tions as the wide array of directly and pervasively coercive institutions associated with domestic governance. Of course, fairness is relevant to trade relations and the wide array of governance regimes that do exist transnationally: Our trade agreements and international rules of property should be mutually acceptable and not generative of oppression, exploitation, and well-founded resentment. But it is at least far from obvious that repairing these serious flaws in global governance requires that we replicate domestic political institutions and relations at the global level.

Even on the membership view, we have considerable external duties and obligations, which fall into several categories. First, we have general humanitarian duties to relieve those in distress, and to intervene in the event of gross and systematic violations of human rights, insofar as we can effectively do so. As Rawls says, we should aid "burdened" societies that are incapable of decent self-rule. Such aid has a target: it aims to get societies on their feet so they can run their own affairs decently and legitimately according to their own collective choices. Surely at some point—given an appropriate target of aid—this is unobjectionable?⁴⁹

Whatever the threshold or target is, there are countries that are considerably poorer than the United States that would seem to have passed this threshold some time ago (Portugal, for example, until recently the poorest country in Europe, still has a GDP per capita that is about half that in the United States). It is significant that India, where something like 30 percent of the population still lives on a dollar a day or less according to the World Bank, refused international aid after the tsunami disaster several years ago.

In addition, societies have general duties of fair dealing with one another, requiring nonintervention (except in cases of human rights abuse or aggressive war), nonexploitation, and nondomination, including curbing the capacity of one's citizens or corporations to exploit or dominate persons abroad. The general duty of fair dealing would include doing our fair share along with others to address common problems, including environmental issues such as global warming, disaster relief, and humanitarian assistance. We ought not to free-ride on the efforts of others to deal with common problems.

A third set of obligations concerns rectification, redress, and reform in the face of past particular histories of exploitation or domination. If our government has engaged in abusive relations with other states to their detriment, or if we have allowed our corporations to exploit or oppress poorer and weaker societies, then we acquire debts to these other societies. An

account of rectification for past injustices across societies depends on the nature and extent of the injustices, so there is no general story to be told. Moreover, these last two categories argue for an additional and important derivative duty: if current institutional arrangements in the international realm facilitate or permit the domination of weak states by powerful states, then we ought to reform those institutions to curb their characteristic abuses so that their operations and effects are nonoppressive, and to facilitate the development of the poorest regions so that these common trade and political arrangements at the global level are reciprocally justifiable to participants.⁵⁰

On the membership view, which we associate with Rawls, principles of political morality that apply domestically and internationally are different in content. We have at least some special reasons to be concerned about relative shares of wealth among citizens domestically: special reasons to want all children born in our own country to be able to compete for the best jobs and positions of leadership, special reasons to worry about some of the ways in which inequalities of wealth translate into inequalities of power and status (global power is related not only, or even mainly, to per capita wealth but also to size).⁵¹ The idea of a “target of assistance” seems far more appropriate in the international realm. We might also apply the term “distributive justice” at the international level, so long as we recognize that the content and range of application of the appropriate principles will be different.

My sense is that a big part of what worries critics of the Rawlsian view (the membership view) is that differentiating what we owe to members and outsiders sometimes seems to be accomplished by minimizing external moral demands. There are remarks in Rawls’s *Law of Peoples* that give this impression.⁵² But quietism in the face of global poverty is in no way entailed by the general argument.⁵³ I understand Rawls to be saying that we don’t have the *same* obligations of distributive justice to outsiders as we have to insiders, without (himself) saying a great deal about what we *do* owe to outsiders. I have tried to sketch some additional particulars. The membership view can take account of universal human interests and universal ethical demands, while also attributing proper significance to the demands of citizenship and the political community. This reflects a moral cosmopolitanism that is compatible with the *moral primacy for certain purposes* of nation-states, including the *special obligations* of distributive justice that we have to fellow citizens.⁵⁴

Immigration and Domestic Justice in Context

Domestic justice demands that we craft policies that are justifiable not simply from the standpoint of aggregate welfare—or the greatest good of the greatest number. We must consider the justifiability of shared institutions from the various particular standpoints in our society, especially the standpoint of the least well off among our fellow citizens. The liberal theory of justice is egalitarian: major social institutions and policy choices ought to be judged in important part by their impact on citizens’ relative standing. The political equality of citizens requires this sort of “distributive” justification: it is not reasonable to expect poorer fellow citizens to accept policy choices on the ground that they make those with the luck of superior endowment by nature and birth even better off.

Immigration is an especially complex policy arena. We have urgent reasons to shape major public policies and institutions with an eye to the distributive impact. Insofar as immigration policy helps determine our society’s capacity to sustain a commitment to the principles of justice, then immigration policy should be designed with an eye toward basic justice. If immigration laws and practices foster large scale movements of people that systematically worsen the conditions of the poorest among us, then we must consider whether there are sufficiently weighty reasons to justify or excuse this.

We also have urgent reasons to assist those who are in need (in absolute terms), including very poor persons abroad. There is, of course, a variety of possible ways of fulfilling our obligations to very poor people abroad. There are also intense debates about which foreign aid programs are efficacious. Candidates for immigration are typically not the poorest of the poor, but many economic migrants do live in conditions of absolute poverty. Recent estimates suggest that Mexican high school graduates can, by leaving Mexico and finding a job in the United States, increase their income sevenfold; Mexican college graduates can increase their income ninefold.⁵⁵ Many poor Mexicans greatly improve their families’ lots by working in the United States, and the same is true for Turkish workers in Europe and many others. Remittances are a substantial source of income for many developing countries.

As a matter of abstract principle, there need not be a conflict between domestic distributive justice and efforts to make good on what we owe to poor persons abroad. If we think of three distinct sets of claimants—better-

off Americans, worse-off Americans, and very poor people abroad—it is clear that we could fashion our distributive and foreign policies so as to promote both domestic fairness, as understood by liberal egalitarians, and a foreign policy characterized by generous aid to the poorest of the globe and reform of the institutions for global governance. There are countries in the world—including Scandinavian countries—that do better than the United States when it comes to both social justice and foreign assistance. The question remains: Do high levels of immigration tend to undermine domestic justice?

Fundamental considerations of domestic distributive justice may seem to favor movement by the United States toward a far more restrictive immigration policy, or perhaps a policy more like the Canadian immigration policy, favoring skills and education-based priorities and curtailing those associated with family reunification, specifically as concerns adult siblings. Some economists argue, however, that skills-based immigration may not help the relative standing of the poor, especially African Americans, on account of the fact that skilled immigration raises the returns to capital, and poorer African Americans own very little capital.⁵⁶ Such reforms might or might not have the collateral effect of addressing the labor market argument, described above, and also, at least indirectly, the concerns about ethnic diversity and the median voter.

It has been remarked that of all the imaginable egalitarian policies, the attempt to foster greater social justice via immigration restrictions is the one that imposes the greatest collateral costs on the most vulnerable people.⁵⁷ Some argue that the United States cannot at acceptable cost impose far more restrictive immigration policies on account of the fact that it shares a long border with Mexico, income differentials across that long border are extremely high, and there is a long history of movement back and forth. This huge income gradient and the proximity of millions of Mexican peasants creates, it is argued, an economic pull that could only be resisted by cruel border control measures: fences and barbed wire, watch towers and guns, aided perhaps by armed vigilantes.

We must also consider the formidable collateral costs of efforts to restrict immigrants from Mexico and Latin America. The history of recent efforts to control immigration at the border is far from encouraging. Efforts to tighten border security in the late 1980s and 1990s made the immigration problem worse. As Massey, Durand, and Malone explain, tighter border security served mainly to deter migrant return more than entry, leading

Mexican workers to remain longer in the United States and to bring their families with them in many instances. Immigration and Naturalization Service enforcement measures in areas where illegal workers were highly concentrated led them to disperse across the country, making control harder and helping to nationalize the phenomenon of nonlegal migrant workers. While enforcement policies have made illegal border crossing more expensive and often cruelly dangerous, people keep coming.⁵⁸

Creating the apparatus of a police state at the border may be too high a price to pay, even for social justice at home. But there are policy options that could curtail illegal immigration without militarizing the border and imposing the burdens of compliance on poor immigrants seeking a better life. Vigorously enforced employer sanctions, perhaps coupled with a national identity card, would impose the burdens of compliance and law enforcement on American employers. If employer sanctions succeeded in reducing the demand for illegal workers, then potential nonlegal migrants would not be tempted to risk all for the sake of a better life. This is surely the least inhumane way to curtail the hiring of nonlegal workers.

On the positive side, immigration controls that created a very tight labor market at the bottom of the wage scale could help raise wages and work conditions among the working poor. On the negative side, such changes would be a shock to millions of migrant workers and their families from Mexico and elsewhere. It could also be a shock to the American economy—indeed, to American politics and society.

Immigration and Global Development

Rich countries such as the United States also have external duties and obligations to the world's poor, as I have emphasized. So we must also consider the impact of immigration policy on sending countries. As noted above, remittances are a huge part of many sending countries' economies. Poor workers from Mexico can increase their real wages by sevenfold to ninefold by moving to the United States. But what about those who remain behind? Migrants are sometimes relatively highly skilled and enterprising: they and their relatives will benefit considerably from remittances, but the poorest in sending countries are likely to benefit less.⁵⁹ And in some cases, poor countries as a whole may suffer from a "brain drain."

The migration of *skilled labor* out of very poor countries may have negative effects at home. The loss of human capital and investment in educa-

tion—the brain drain—is quite substantial in some of the poorest countries, including some in the Caribbean and West Africa, where the extent of outmigration of persons with college degrees is truly startling. In the Caribbean region in 2000, among those twenty-five years old or older, it is estimated that 41 percent of those with college degrees were living in a country belonging to the Organisation of Economic Co-operation and Development. The corresponding percentage for West Africa is 27 percent, 18 percent for East Africa, 16 percent for Central America, and 13 percent for Central Africa.⁶⁰ These figures provide reasons to worry that developing countries are losing not only important economic resources but also a sizable portion of those with the skills and education needed to sustain effective political and social institutions, and to press for political and economic reform. The loss of educated talent could inhibit both the supply and the demand for more effective institutions.⁶¹

Thus, if domestic distributive justice might call for Canada-style policies that favor high-skilled immigration, justice to poor sending countries may argue for low-skilled immigration, facilitation of remittances, and the encouragement of migrant return after a period of time with enhanced skills and resources.

Conclusion: In Search of the Morally Best in a Complex World

Given the various competing moral demands that I have surveyed above, it is clear enough that it will be a complex matter to discern the ethically best overall immigration policy. It will be more difficult still to enact such a set of policies.

I have argued that we ought to take seriously the proposition that recent patterns of immigration to the United States have been bad for distributive justice. Members of political communities have special obligations of distributive justice to one another. There is a *prima facie* case in light of these considerations for the United States to move toward a more restrictive immigration policy, perhaps especially with respect to those low-skilled immigrants who compete with the poorest Americans for jobs. John Rawls, meet Lou Dobbs.

It would be morally incumbent upon the architects of this new regime to focus enforcement on U.S. employers and not to visit harsh police-state

tactics on poor workers struggling to find a better life. We might also say that in light of the costs of this shift in policy in Mexico, the United States ought to seek ways to increase bilateral aid to Mexico's poorest. Indeed, the United States does not currently do nearly enough to fulfill its duties to aid the world's poorest, and it should act as a much better world citizen in other respects as well.

However, I have also emphasized that the magnitudes of the three negative effects of immigration on social justice are uncertain and contested. While immigration policy is consequential enough to require scrutiny from the standpoint of social justice, we can also now see why many progressives regard immigration restrictions as at best a roundabout and speculative strategy for helping the least well-off Americans. Unlike progressive taxation and inheritance laws, the costs of the proposed immigration restriction fall directly on poor people. There is certainly moral paradox in a policy that is domestically progressive but globally regressive. Some argue that the exclusion of masses of poor and often dark people from our shores in the name of domestic "progressivism" smacks too strongly of a new form of apartheid.⁶²

I sympathize with a package of humane and moderate proposals for immigration reform that appear at least plausibly politically feasible. But while this package of reforms addresses some major shortcomings within the current system, it does not directly speak to concerns with domestic distributive justice. The package of reforms that I have in mind is proposed by scholars Douglas Massey, Jorge Durand, and Nolan J. Malone, and it is similar to the bipartisan compromise that gained considerable support in Washington in the spring of 2007. Massey, Durand, and Malone propose increasing the annual quota of legal entry visas from Mexico from 20,000 (the current level, which is the same as for the Dominican Republic) to 60,000. The second element would be a guest worker program to regularize the temporary migration of workers and to encourage their return to their home country. Massey and his colleagues propose making 300,000 two-year work visas available per year for workers from Mexico; these would be renewable once. The bipartisan compromise in Washington would have made between 400,000 and 600,000 two-year temporary work visas available per year. Eligibility would extend to six years, but with a requirement to return home for a year between each renewal. Either of these proposals—if coupled with tough enforcement measures on U.S. employers—

would regularize the flow of migrant workers and rechannel the flow of illegal migrants into a legal flow.⁶³

Finally, both Massey and his colleagues and the bipartisan bill would curtail the priorities that are now provided to family members of those who become naturalized Americans: they would eliminate the priority given to adult siblings of naturalized citizens. The scholars recommend making it easier for Mexican relatives of U.S. citizens to get tourist visas, so they can visit and return home more easily. The bipartisan bill would establish a point system giving priority in immigration to those who possess special skills that would help the U.S. economy.

This package of reforms addresses some major problems with our current system. There are currently twelve million illegal workers in the United States, and their nonlegal status makes them vulnerable to exploitation; guest worker status can be portrayed as "second-class status," but it is better than third- or fourth-class status, and it could be quite advantageous to many future migrants. The package of reforms is at least plausibly politically feasible (the proposals give something to a variety of constituencies—to business and pro-immigration groups—and there could be tougher enforcement measures).

Of course, these proposals also have a number of problems. Most seriously, the legislative compromise in Washington, in contrast with the scholars' proposals, gave a central place—and temporal priority—to border security measures. The legislative compromise called for 370 miles of border fencing, high-tech radar and surveillance towers, unmanned aerial spy planes, and 18,000 new border patrol agents. The legislative compromise foundered partly on the claim that it would have conferred "amnesty" on the millions here illegally.⁶⁴

The package of reforms proposed by Massey, Durand, and Malone is far superior. A well-designed guest worker program would markedly improve the situations of many working people who would otherwise seek to enter the United States illegally. In addition, we should hope that guest worker programs and immigration preferences more broadly are designed so as to address the brain drain problems that seem to plague some poorer countries.

An additional reservation about the scholars' package of reforms is that the guest worker provisions would preserve some important benefits for American employers, American consumers, and better-off Americans, while regularizing a system that seems to impose downward pressure on

low-wage jobs in the United States.⁶⁵ The distributive justice problem should be addressed by explicitly coupling these reforms with measures designed to improve the condition of the poorest Americans; that is, we should treat the collective surplus of these reforms as owed to the least well-off. In practice, unfortunately, it seems unlikely that more generous redistributive policies would be packaged with immigration reform, given the difficulty of securing adequate political support for either sort of reform.

Immigration policy presents conflicting demands among some of our deepest values. A vast and complicated array of policy options lie before us, and the consequences of reforms are hard to predict. Given the intensely fraught politics of immigration, it may be that the best we can do in the near future is to adjust immigration policy in reasonable ways to improve the conditions of temporary workers and to make it easier for them to work and return home.

Policies governing membership can have a significant impact on political communities' capacity to sustain a commitment to domestic social justice. It is morally incumbent on us to treat immigration policy in relation to domestic justice and to weigh the domestic distributive impact of reforms along with the impact on the global poor.

over de vraag langs welke weg een burger tot emancipatie komt” (“government should not intervene or decide issues of how citizens achieve emancipation”). Amsterdam even requires a “diverse samenstelling van hun eigen bestuur en personeel” (“a diverse composition of its own administration and personnel”). Yet, at the same time there is “behoefte aan woordvoerders van bepaalde groepen burgers en aan vertegenwoordigers van de ‘Marokkaanse gemeenschap’ of van moslims” (“a need for spokespersons of different groups of citizens and for representatives of the ‘Moroccan community’ or of ‘Muslims’”). Dismantling advisory councils for minorities damages the networks between organizations and leads to more isolated organization less able to represent interests and to contribute to the development of social and political trust among their constituencies (see Floris Vermeulen, *The Immigrant Organizing Process* [Amsterdam: Amsterdam University Press, 2006]; Uitermark and Steenberg, “Postmulticulturalisme en Stedelijk Burgerschap”).

55. Maussen, *Ruimte voor de Islam?* 73.

56. Bader, *Secularism or Democracy*, chs. 4, 7.

57. *Ibid.*, chs. 8, 10.

58. E.g., by declaring integration to be a nonissue now, as was tried without much success in the early stages of the 2005 election campaigns by most parties except right-wing parties and Verdonk—a strategy that only helps to further delegitimize political parties and representative democracy.

59. See my six rules of thumb for flexible and wise policies of affirmative action (Veit Bader, “Dilemmas of Ethnic Affirmative Action,” *Citizenship Studies* 2 [3]: 462ff. [1998]). The recommended general policies to fight structural disadvantages of minorities in an indirect way depend on well-functioning welfare arrangements that, paradoxically, are now under attack, under “reconstruction,” or in serious decline in all European states, without viable powerful alternatives. Without such safe institutional backings it is incredibly difficult to prevent strategies of *divide et impera*, particularly under conditions of negative sum games.

60. See Veit Bader, “Dilemmas of Multiculturalism: Finding or Losing Our Way?” *Canadian Diversity/Diversité* 4 (1): 87 (2005) for the immigration/welfare dilemma; *Secularism or Democracy*, ch. 8, for the dilemmas of institutionalization.

Chapter 14. When and Why Should Liberal Democracies Restrict Immigration?

1. On the spread of markets and the impact on the world’s poor see, for example, Jeffrey Sachs’s work (see <http://www.earthinstitute.columbia.edu/>). The opening of China and India to world markets has caused enormous domestic disruption, and their development has been uneven, but it has also led to an astonishing decline in the numbers of people living in desperate poverty.

2. These quotations are all from the editors’ introduction to *Globalization and Egalitarian Redistribution*, ed. Pranab Bardhan, Samuel Bowles, and Michael Wallerstein (Princeton: Princeton University Press, 2007), 2, 7, describing the contribution

to that volume by Stuart Soroka, Keith Banting, and Richard Johnston, “Immigration and Redistribution in a Global Era,” in *Globalization*, 261–317, which I discuss below.

3. Patterns of immigration differ across countries, and the impact of immigration likewise varies, so I limit myself largely to the United States.

4. The pages that follow draw on Stephen Macedo, “The Moral Dilemma of U.S. Immigration Policy: Open Borders vs. Social Justice?” in *Debating Immigration*, ed. Carol Swain (Cambridge: Cambridge University Press, 2007).

5. See George J. Borjas, *Heaven’s Door: Immigration Policy and the American Economy* (Princeton: Princeton University Press, 1999), 8–11. The final statistic, on foreign stock, is from Dianne A. Schmidley, “Profile of the Foreign-Born Population in the United States: 2000,” *U.S. Census Bureau, Current Population Reports, Series P23–206* (Washington, D.C.: U.S. Government Printing Office, December 2001), available at <http://www.census.gov/prod/2002pubs/p23-206.pdf>

6. George J. Borjas, “The U.S. Takes the Wrong Immigrants,” *Wall Street Journal* (April 5, 1990); the quote continues, “75 percent of legal immigrants in 1987 were granted entry because they were related to an American citizen or resident, while only 4 percent were admitted because they possessed useful skills.”

7. Borjas, *Heaven’s Door*, 11, 22–38, 82–86, 103–4; and Borjas, “Increasing the Supply of Labor Through Immigration: Measuring the Impact on Native-Born Workers,” Backgrounder, *Center for Immigration Studies* (May 2004): The impact on blacks and Hispanics is especially great because they form a disproportionately large share of high school dropouts; the effect holds regardless of whether immigration is legal or illegal. See also Borjas, “The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market,” *Quarterly Journal of Economics* 118, no. 4 (November 2003): 1335–74.

8. “It is now generally accepted that immigration has negative economic consequences for low-wage workers in general and for African Americans in particular,” Hannes Johannssons and Steven Shulman, “Immigration and the Employment of African American Workers,” *Review of Black Political Economy* 31, nos. 1–2 (2003): 95–110, here 95.

9. See David Card, “How Immigration Affects U.S. Cities,” Center for Research and Analysis of Migration, Discussion Paper, 11/07, Department of Economics, University College, London, available at http://www.econ.ucl.ac.uk/cream/pages/CDP/CDP_11_07.pdf.

10. George Borjas and Lawrence Katz point out that immigration from Mexico to the United States is a fairly recent phenomenon: “In 1940, 0.5 percent of all male high school dropouts were Mexican immigrants. Even as recently as 1980, only 4.1 percent of male high school dropouts were Mexican immigrants.” By 2000, however, the figure was 26.2 percent. Borjas and Katz, “The Evolution of the Mexican-Born Workforce in the United States,” Working Paper 11281, National Bureau of Economic Research, 9; available at <http://www.nber.org/papers/w11281>.

11. Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and*

Mirrors: Mexican Immigration in an Era of Economic Integration (New York: Russell Sage, 2003), 150–51; conceding the wage effects discussed earlier, see 154.

12. Borjas, “Increasing the Supply of Labor.” For more fine-grained analyses that, nevertheless, confirm the proposition that immigration has worsened the relative standing of many native-born Americans, see the essays in Daniel S. Hamermesh and Frank D. Bean, eds., *Help or Hindrance? The Economic Implications of Immigration for African Americans* (New York: Russell Sage, 1998). In that volume see Borjas, “Do Blacks Gain or Lose from Immigration?” which argues that neither skilled nor unskilled immigration is likely to help blacks relative to others but, paradoxically, the “deficit” that blacks suffer from immigration may be highest when immigration is exclusively skilled as opposed to unskilled immigration, because although skilled immigrants are less likely to compete with black workers, skilled immigration’s greatest positive impact is nevertheless as a complementary factor in production to capital, and native blacks own very little capital; see pp. 67–68. See also the interesting essays by, among others, Cordelia Reimers, Kristin F. Butcher, and Peter Shuck, suggesting (among other things) that while recent immigration likely has a negative impact on the wages of white and black high school dropouts (especially those in this group with relatively high wages), it may increase the wages of native Hispanic high school dropouts, perhaps due to the fact that they can serve as intermediaries and interpreters between employers and immigrants. Shuck also points out that recent immigrants were a major target of political dissatisfaction during debates over the 1996 welfare reform act.

13. Of course, a more fine-grained analysis would break the labor market argument down by employment sector.

14. Borjas, *Heaven’s Door*, 176–77. Australia and Ireland have introduced similar education- and skills-based quota systems, see Steven Malanga, “The Right Immigration Policy: Not amnesty or guest workers, but newcomers who would strengthen us,” *City Journal*, Autumn 2006.

15. Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches*, Walras-Pareto Lectures (Cambridge, Mass.: MIT Press, 2006), Chapter 4.

16. Congress restricted alien access to many federally funded welfare benefits in 1996. This would seem one way to help dampen the downward effects argued for by McCarty et al. Nevertheless, immigrants to the United States receive various forms of public assistance at a higher rate than native Americans. Howard F. Chang, “Public Benefits and Federal Authorization for Alienage Discrimination by the States,” *New York University Annual Survey of American Law* 58 (2002): 357–570. See also Gordon H. Hanson, Kenneth F. Scheve, and Matthew J. Slaughter, “Public Finance and Individual Preferences over Globalization Strategies” (January 2005), NBER Working Paper W11028, available at SSRN: <http://ssrn.com/abstract=645270>, arguing that “exposure to immigrant fiscal pressures reduces support for freer immigration among natives, especially the more-skilled” (online abstract).

17. Malanga argues that “though the federal government bans illegal aliens from receiving many benefits, several states and cities have made themselves immigrant havens by providing government services through a don’t-ask, don’t-tell policy. New York City, for instance, offers immigrants, regardless of their status, such benefits as government-sponsored health insurance, preventive medical care, and counseling programs. Some states have moved to ensure that illegals receive in-state tuition discounts to state colleges, even though out-of-state American citizens don’t qualify for those discounts.” See Malanga, “The Right Immigration Policy.”

18. As David Miller puts it, “A shared identity carries with it a shared loyalty, and this increases confidence that others will reciprocate one’s own cooperative behavior,” *On Nationality* (Oxford: Oxford University Press, 1995), 92. Michael Walzer argues that the provision of social goods depends on shared social meanings, which in turn depend upon the enforcement of political boundaries, *Spheres of Justice*, chapter 2, “On Membership.”

19. Robert D. Putnam, “E Pluribus Unum: Diversity and Community in the Twenty-First Century: The 2006 Johan Skytte Prize Lecture,” *Scandinavian Political Studies* 30, no. 2 (June 2007): 137–74, 137.

20. A. Alesina and E. La Ferrara, “Who Trusts Others?” *Journal of Public Economics* 85 (2002): 207–34, finding that homogeneous places tend to be more trusting; Alberto Alesina, Reza Baquir, and William Easterley, “Public Goods and Ethnic Divisions,” *Quarterly Journal of Economics* 114, no. 4 (November 1999): 1243–84; William Easterly and Ross Levine, “Africa’s Growth Tragedy: Policies and Ethnic Divisions,” *Quarterly Journal of Economics* 112 (1997): 1203–50.

21. Stuart Soroka, Keith Banting, and Richard Johnston, “Immigration and Redistribution in a Global Era,” in Pranab Bardhan, Samuel Bowles, and Michael Wallerstein, eds., *Globalization and Egalitarian Redistribution* (Princeton: Princeton University Press, 2007), 278.

22. Soroka, Banting, and Johnston argue that the “effect seems wholly political and wholly through its direct impact on mainstream governing parties,” and reflects the influence of “perceived cultural threat and economic cost,” *ibid.*, 278–79. The challenge is to devise ways to “combine openness at the global level with social integration at the domestic level,” *ibid.*, 279. There is a burgeoning literature on ethnic diversity and public good provision; see James Habyarimana, Macartan Humphries, Daniel N. Posner, and Jeremy M. Weinstein, “Why Does Ethnic Diversity Undermine Public Goods Provision?” *American Political Science Review* 101, no. 4 (November 2007): 709–25, which notes that “the empirical connection between ethnic heterogeneity and the underprovision of public goods is widely accepted,” though there is no consensus on “the specific mechanisms through which this relationship operates,” 709. See also Alesina and La Ferrara, “Who Trusts Others?”; Easterly and Levine, “Africa’s Growth Tragedy.” It is worth noting that, so far as the United States is concerned, higher immigration also coincides with the increased racialization of welfare policy in the media, a phenomenon described by Martin Gilens, *Why Americans Hate Welfare: Race,*

Media, and the Politics of Antipoverty Policy (Chicago: University of Chicago Press, 1999).

23. Kevin Phillips, *Wealth and Democracy: A Political History of the American Rich* (New York: Broadway Books, 2002). The middle decades of the twentieth century, up to the late 1960s, also coincides with the era of high social capital that Robert Putnam has written about: the “greatest generation” of social connectedness, social trust, and support for improved social justice. Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000).

24. See Putnam, *Bowling Alone*.

25. See Suzanne Mettler’s account, *Soldiers to Citizens: The G.I. Bill and the Making of the Greatest Generation* (New York: Oxford University Press, 2006).

26. A phenomenon described by Gilens, *Why Americans Hate Welfare*.

27. Again, the evidence seems far from conclusive. See Cybelle Fox, “The Changing Color of Welfare: How Whites Attitudes Towards Latinos Influence Support for Welfare,” *American Journal of Sociology* 110, no. 3 (2004), 580–625, which argues that in areas with high concentrations of Latinos, negative stereotypes among whites toward Latinos’ work ethic are undermined, but whites also want to spend less on welfare.

28. I draw on Eamonn Callan’s excellent unpublished paper, “Integrating Immigrants,” presented at the Program on Ethics and Public Affairs, University Center for Human Values, Princeton University, October 4, 2007. The majority of Americans continue to believe in the idea of equality of opportunity; see Jennifer Hochschild and Nathan Scovronick, *The American Dream and the Public Schools* (New York: Oxford University Press, 2003). Some who are here illegally but for a long period of time may also have earned the promise.

29. Joseph H. Carens, “Aliens and Citizens: The Case for Open Borders,” *Review of Politics* 49, no. 2 (Spring 1987): 251–73.

30. See Robert E. Goodin, “What Is So Special About Our Fellow Countrymen?” *Ethics* 98, no. 4 (1988): 663–86.

31. For the impact of labor migration on development, see, for example, Lant Pritchett, *Let Their People Come* (Washington, D.C.: Center for Global Development, 2006), and see the interview with *Reason Magazine*, “Ending Global Apartheid; Economist Lant Pritchett defends immigration, the least-popular—and most-proven—idea for helping the world’s poor,” *Reasononline*, February 2008, at <http://www.reason.com/news/show/123912.html>.

32. See Robert Nozick, *Anarchy State and Utopia* (New York: Basic, 1975). For a recent statement, see Chandran Kukathas’s essay in this volume.

33. Interview with Milton Friedman, *Forbes* (December 29, 1997). Also, see his interview with Tunku Varadarajan, “The Romance of Economics, Milton and Rose Friedman: Dinner with Keynes? Yes. War with Iraq? They disagree.” *Opinion Journal from the Wall Street Journal Editorial Page* (July 22, 2006), available at <http://www.opinionjournal.com/editorial/feature.html?id=110008690>: “Is immigration, I asked,—

especially illegal immigration—good for the economy, or bad? ‘It’s neither one nor the other,’ Mr. Friedman replied. ‘But it’s good for freedom. In principle, you ought to have completely open immigration. But with the welfare state it’s really not possible to do that. . . . *She’s* an immigrant,’ he added, pointing to his wife. ‘She came in just before World War I.’ (*Rose—smiling gently*: ‘I was two years old.’) ‘If there were no welfare state,’ he continued, ‘you could have open immigration, because everybody would be responsible for himself.’ Was he suggesting that one can’t have immigration reform without welfare reform? ‘No, you *can* have immigration reform, but you can’t have *open* immigration without largely the elimination of welfare.’”

34. See John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).

35. For those interested in the flaws, the literature is vast. A good place to begin is Will Kymlicka, *Contemporary Political Philosophy* (New York: Oxford University Press, 2002).

36. I have explored this argument at length elsewhere: “What Self-Governing Peoples Owe to One Another: Universalism, Diversity, and *The Law of Peoples*,” *Fordham Law Review*, Special Symposium Issue on Rawls and the Law, 72 (2004): 1721–38.

37. I leave aside Robert Goodin’s instrumental defense of special duties to compatriots; Goodin argues that, for a variety of reasons, including proximity and administrative convenience, it makes sense to assign compatriots special responsibility for each other’s well-being as a way to best approximate ethically universal duties; see “What Is So Special About Our Fellow Countrymen?” And see the useful discussion in Kok Chor Tan, *Tolerance, Diversity, and Global Justice* (University Park: Pennsylvania State University Press, 2000), 180–91. My defense is not instrumental or part of a maximizing strategy. The position I defend would be closer to that defended by Samuel Scheffler, who argues that special relationships often generate special reasons for action; see his *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001).

38. For a useful development of relational versus nonrelational versions of cosmopolitan morality, see Andrea Sangiovanni, “Global Justice, Reciprocity, and the State,” *Philosophy and Public Affairs* 35, no. 1 (2007): 3–39.

39. The discussion that follows draws on a more extended explication and defense of the Rawlsian position in Macedo, “What Self-Governing Peoples Owe to One Another.” Others have developed versions of this approach, including David Miller, Michael I. Blake, Donald Moon, Joshua Cohen, Leif Wenar, and Andrea Sangiovanni. Sangiovanni’s recent intervention seems to me very helpful, and I draw on it below; see “Global Justice.” I agree with Sangiovanni that the content, scope, and justification of principles of social justice make most sense when conceived of as principles for regulating the mutual relations of citizens in a political community. While it is important to distinguish domestic and global political relations, and the regulative principles appropriate to each, that effort at distinction should not be confused with a minimization of the principles that apply to relations of states and peoples across borders.

40. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 137.

41. I explore the centrality of mutual justification to liberal democratic constitutionalism and its place in defining the virtues of liberal citizens and public officials in *Liberal Virtues: Citizenship, Justice, and Community in Liberal Constitutionalism* (New York: Oxford University Press, 1990).

42. The upshot of Rawls's famous thought experiment is his argument that two basic principles of justice would be chosen by citizens of modern pluralistic democracies: "1. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value. 2. Social and economic inequalities are to satisfy two conditions: (a) They are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and (b), they are to be to the greatest benefit of the least advantaged members of society." Principle 2 (b) is also known as the "difference principle." Rawls, *Political Liberalism*, 5–6. See also his *Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1999).

43. See Michael I. Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (Summer 2001): 257–96; and Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (April 2005): 113–47. Sangiovanni seems to me to get closer to capturing the "complex fact" of collective governance. We should not, in this regard, be misled by the idea that a liberal constitutional democracy is a system of "limited government" and that principles of liberal justice are limited in their content, and perhaps even "neutral" with respect to conceptions of the good life. The political arrangements of liberal democracies regulate our lives as a whole, in their every aspect, even if the content of some political principles is limited.

44. For a related account, see Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2000), 1–2.

45. The U.N. Charter and the Universal Declaration of Human Rights are instruments created by "the peoples of the United Nations" or "member states." Contrast the phrasing "We the peoples of the United Nations" and "We the people of the United States," which open the preambles to the U.N. Charter and the U.S. Constitution. The U.N. Charter closes, "IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter." These matters cannot of course be resolved by these textual or historical facts alone. Provinces and states within nations, autonomous territories, and plural or consociational regimes raise additional issues not covered here.

46. The civil service of the European Union is tiny—roughly equivalent to that of a medium-sized European city—and its taxing capacity and competences are likewise highly circumscribed; see Sangiovanni, "Global Justice," and Andrew Moravcsik, "In

Defense of the Democratic Deficit," *Journal of Common Market Studies*, 40, no. 4 (2002): 603–24.

47. Blake, "Distributive Justice, State Coercion, and Autonomy."

48. It is worth noting that deliberative democrats such as Amy Gutmann and Dennis Thompson also emphasize, as much as John Rawls, the central importance of practices of reciprocal reason-giving and reason-demanding; see *Democracy and Disagreement* (Cambridge, Mass.: Harvard University Press, 1996); and *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004). Deliberative practices answer to the need to justify coercive laws with shared moral reasons, and also promise to improve the quality of decisions.

49. I should emphasize that on the Rawlsian view, "decent" societies that are fully respectable members of international society not only have a sufficient level of material resources but also respect their members human rights and sustain governing practices that, if not fully democratic, really do represent and take seriously the interests and views of all groups in society; I explore these issues at greater length in "What Self-Governing Peoples Owe to One Another."

50. What constitutes fair arrangements for the support of global institutions is an open question to be taken up in the context of those institutions. The Irish have a GDP per capita (\$43,000) about 60 percent greater than New Zealanders' (\$26,000); I am doubtful that this matters in itself, though it may be relevant in assessing relative contributions to multilateral institutions, where the principle of "ability to pay" would seem relevant both internationally and domestically.

51. China and India wield considerable global power, in spite of their per capita poverty. My brief observations on this score run counter to some of what Charles R. Beitz says in "Does Global Inequality Matter?" *Metaphilosophy* 32, nos. 1–2 (January 2001): 95–112.

52. Such as Rawls's remark, citing David Landis, that poverty is often attributable to faulty culture, see Rawls, *Law of Peoples*, 117, note 51.

53. I understand Cohen and Sable to be operating within a broadly Rawlsian paradigm, but at a finer-grained level of institutional and policy detail, which is what is needed; see Joshua Cohen and Charles Sabel, "Extra Rempublicam Nulla Justitia?" *Philosophy and Public Affairs* 34, no. 2 (March 2006): 147–75, and their response to Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (April 2005): 113–47; see also A. J. Julius, "Nagel's Atlas," *Philosophy and Public Affairs* 34, no. 2 (March 2006): 176–92.

54. It confuses matters when critics of the membership view (with respect to distributive justice) raise examples such as starvation in Bangladesh or the unfairness of international agreements on intellectual property and patent protection. It is common ground that there is a duty of assistance, and that global institutions need to be reformed.

55. Mark Rosenzweig, "Global Wage Differences and International Student Flows," *Brookings Trade Forum* (Washington, D.C.: Brookings Institution), figure 4;

and see Devesh Kapur and John McHale, “What Is Wrong with Plan B? International Migration as an Alternative to Development Assistance,” *Brookings Trade Forum* 2006 (2006): 137–72.

56. See Borjas, “Do Blacks Gain?”

57. Economist Brad DeLong said something to this effect on his blog, “Morning Coffee Videocast: Immigration Is a Good Thing” (May 4, 2006), available at http://delong.typepad.com/sdj/2006/05/morning_coffee__2.html

58. See Massey, Durand, and Malone, *Beyond Smoke and Mirrors*.

59. See Kapur and McHale, “What Is Wrong with Plan B?” 137–72, 167–68.

60. *Ibid.*, 163.

61. *Ibid.*, 164–66.

62. See the interviewers’ comments in the *Reason* magazine interview with Lant Pritchett, above.

63. Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 157–63.

64. The bipartisan compromise is described by John Hughes, “Merits of the Bipartisan Immigration Reform Deal: It’s a Welcome Sign That Statecraft Can Rise Above Partisan Politics,” *Christian Science Monitor*, May 23, 2007, available at <http://www.csmonitor.com/2007/0523/p09s02-cojh.html>.

65. Is it possible to combine elements of both approaches? We might limit the sectors in which guest workers may be employed to minimize competition with the native poor. But labor restrictions on migrant workers risk promoting exploitation; see Michael I. Blake, “Discretionary Immigration,” *Philosophical Topics* 30, no. 2 (Fall 2002): 273–89.

Chapter 15. Expatriatism

1. I have offered a defense of open borders elsewhere. See Kukathas, “The Case for Open Immigration,” in Andrew I. Cohen and Christopher Wellman (eds.), *Contemporary Debates in Applied Ethics* (Oxford: Blackwell, 2005), 207–19. For a contrary view in the same volume see David Miller, “Immigration: The Case for Limits,” 193–206. For other works on open borders see Alan Dowty, *Closed Borders: The Contemporary Assault on Freedom of Movement (Twentieth Century Fund Report)* (New Haven: Yale University Press, 1987); Phillip Cole, *Philosophies of Exclusion* (Edinburgh: Edinburgh University Press, 2001); Teresa Hayter, *Open Borders: The Case Against Immigration Controls*, 2nd ed. (London: Pluto Press, 2004); Antoine Pécoud and Paul de Guchteneire (eds.), *Migration Without Borders: Essays on the Free Movement of People* (New York: Berghahn Books, and Paris: UNESCO, 2007); Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, N.J.: Princeton University Press, 2006). For a defense of limits to immigration see Peter C. Meilander, *Toward a Theory of Immigration* (London: Palgrave Macmillan, 2001). The most important advocate of open borders in liberal political theory is Joseph Carens. See in particular his “Aliens and Citizens: The Case for Open Borders,” *Review of Politics* 49 (1987), 251–73. For a survey of ethical issues in immigration see Kukathas, “Immigra-

tion,” in Hugh LaFollette (ed.), *The Oxford Handbook of Practical Ethics* (Oxford: Oxford University Press, 2003).

2. Australia in the late 1990s, when it was worried about the small increase of refugees, began a campaign in selected countries warning of how dangerous Australia was with its many snakes and crocodiles, and how difficult it would be for people to adapt to its permissive moral standards. Nick Squires, “Australia Uses Its Wildlife to Scare Away Refugees Snakes and Crocodiles Are a Deterrent, but Possums Are Owner-Friendly,” *Sunday Telegraph*, June 18, 2000.

3. I note that criminal punishment involving detention or imprisonment supplies a possible exception. However, imprisoned citizens do not lose all rights of participation, even though deprived of liberty; and the deprivation of some rights is temporary.

4. I have not discussed further the ecological arguments, mainly because they seem to me not as substantial as some advocates of border controls think. I mention them only for the sake of completeness.

5. See, among his extensive writings, Joseph Carens, “A Reply to Meilander: Reconsidering Open Borders,” *International Migration Review* 33:4 (1999), 1082–1097; “Live-in Domestic, Seasonal Workers, and Others Hard to Locate in the Map of Democracy,” *Journal of Political Philosophy* 16:4 (2008), 419–445; “The Rights of Irregular Migrants,” *Ethics and International Affairs* 22:2 (2008), 163–186; “The Integration of Immigrants,” *Journal of Moral Philosophy* 2:1 (2005); “Who Should Get In? The Ethics of Immigration Admissions,” *Ethics and International Affairs* 17:1 (2003), 95–110.

Chapter 16. Citizenship and Free Movement

Special thanks to Linda Bosniak, Oliviero Angeli, and Lea Ipy for detailed comments on an earlier draft.

1. For a critical view that regards dual citizenship as an obstacle to immigrant integration see Stanley A. Renshow, *The 50% American: Immigration and National Identity in an Age of Terror* (Washington, D.C.: Georgetown University Press, 2005).

2. One can find a few side remarks on freedom of movement throughout the history of political philosophy, but the contemporary debate really starts with the two contrasting statements by Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, New York, 1983), chapter 2; and Joseph Carens, “Aliens and Citizens: The Case for Open Borders,” *Review of Politics* 49, no. 2 (1987): 251–73. For a comprehensive overview see Veit M. Bader, “The Ethics of Immigration,” *Constellations* 12, no. 3 (2005): 331–61.

3. Eric Cavallero, “An Immigration-Pressure Model of Global Distributive Justice,” *Politics, Philosophy and Economics* 5, no. 1 (2006): 97–127; Michael Blake and Mathias Risse, “Is There a Human Right to Free Movement?” (Immigration and Original Ownership of the Earth Faculty Research Working Paper Series RWP06–012, John F. Kennedy School of Government, Harvard University, Cambridge, Mass., April 2006); Michael Blake and Mathias Risse, “Migration, Territoriality, and Culture” (Fac-