

Immigration and Equality

Inequality motivates many people who are disturbed by current, restrictive immigration policies. Immigration is morally urgent because place of birth has a decisive role in people's life chances in a world of appalling inequality. Coercively preventing desperately poor people from working unpleasant jobs for low wages is hard to reconcile with moral equality and the view that people's choices should determine their prospects. In fact, it is not uncommon to hear that limiting immigration would not raise any qualms at all under conditions of equality. If a wealthy American is refused the right to retire in the Azores, she can move to the Florida Keys instead. When the border guards turn away Guatemalan farmers seeking agricultural work in the US for less than the minimum wage or Algerian laborers trying to eke out a living at the margins of French society, matters appear different.

Lea Ypi succinctly summarizes this concern:

The reason why borders and the movement of people across them stand in need of normative scrutiny is that they constitute a visible expression of a profoundly unequal distribution of spatially-differentiated opportunities. (Ypi 2008: 295)¹

Immigration law prevents the poorer members of the human population from seeking opportunities abroad. Many countries welcome "economic immigrants" with advanced degrees on the grounds that they are expected to make a significant net contribution to the

¹ We see similar passages in Kukathas 2003, Rawls (1999: 9), Shachar 2005, etc.

economy. These same countries spend hundreds of millions of dollars to immobilize the people who stand most to benefit from migrating. If state enforcement of unmerited inequalities is unjust, migration policy is morally problematic.

The upshot is that if the duty to accept immigrants is closely tied to distributive justice, then the duty to accept immigrants and to do one's fair share in dispensing economic justice may be interchangeable. States could meet egalitarian concerns by transferring resources across borders, rather than allowing migration. For example, Will Kymlicka tells us:

If rich countries are unwilling to share their wealth [e.g., by contributing to a global resource tax], then I think they forfeit the right to restrict admission into their borders. It is not permissible, in the liberal egalitarian view, to restrict admission if this involves hoarding an unfair share of resources. However, if states do meet their obligations of international justice, then it is permissible for them to regulate admissions so as to preserve a distinctive national community. (Kymlicka 2001: 271)²

This sentiment extends beyond academic discussions of immigration. In *Reflections on the Revolution in Europe*, Christopher Caldwell writes:

² Other authors: Cavallero 2006, Miller 2007: 206, Shachar 2005, Ypi 2008.

...many Europeans and foreigners have tended to treat immigration to Europe as something immigrants are simply entitled to, part of an outstanding debt that Europe owes the rest of the world for centuries of economic exploitation.

So when the French government began discussing European cooperation to limit migration in 2006, Prime Minister Dominique de Villepin vowed to raise development aid by more than 50 percent over the coming three years.” (Caldwell 2009: 55)³

The link between immigration and equality and the belief that development aid discharges the duty to admit a greater number of the huddled masses is widely accepted. It is also confused and in some respects clearly wrong.

This paper aims to do three things. First, I show that the relationship between distributive justice and immigration is unclear even if we believe that distributive justice extends across state borders. Immigration *affects* distribution, but this does not automatically entail that immigration opportunities are what should be distributed. There is no straightforward argument from lack of immigration opportunities as a factor in inequality to the claim that inequality gives rise to a duty to allow more immigration. A duty to admit more immigrants only exists if borders play a morally culpable role in distributing goods. I make explicit the relationship between distributive justice and immigration and argue that border controls are indeed morally culpable components in global inequality.

³ [Find more examples of countries that advocate this connection]

Second, I argue that immigration admissions and development aid are not interchangeable. Most authors who argue for the substitution of development aid for visas hold that immigration is only needed when people cannot access an adequate range of opportunities in their country of residence. Unfortunately, development aid does not transform neatly into the opportunities that lead people to migrate. To show this, I mobilize Amartya Sen's capabilities approach which emphasizes the importance of freedom and individual difference in any plausible metric for equality.

Third, at the level of practice, immigration and development aid are not independent. Rather, they are tightly bound in a mutually supporting feedback loop. Talk of development aid versus immigration is untenable under globalization. People who care about development need to consider the role of immigration in their proposals.

Part I: Immigration and Equality in Theory

1. Why Inequality Should Affect Immigration Policy

What is the moral relationship between inequality and immigration? Before we ask this question, we need to determine if there is any relation at all. Discussion about the implications of inequality for immigration presumes that distributive justice extends beyond state borders. Not only is this the subject of an inconclusive philosophical debate, but it goes against the "common sense" of policy makers and most citizens.⁴ For the purposes of this paper I will assume that the proponents of global distributive justice will

⁴ A very limited sample of the literature includes Blake 2001, Pogge 2002, Miller 2007, Nagel 2005.

prevail. Of course, if I am wrong, then proposals to use immigration to promote equality have no traction.

Even if we believe that cross-border inequalities are unjust, decisions about immigration might better be analyzed in terms of rights, not equality. Proponents of open borders often appeal to a right to move freely across borders (Bader 2005, Cole 2000) or to freely associate with family or employers (Steiner 2001). Critics appeal to rights to national-self determination, cultural preservation, stability, and so forth. (Kymlicka 1001, Miller 2007, Perry 1995, Wellman 2008) In this case, we don't look at people's socio-economic status, but to the presence or absence of rights and immunities. Potential migrants' economics status or opportunity sets should have no role in determining their admissibility.

This perspective deserves careful consideration. Despite frequent public policy discussion about the role of migration in development, equality rarely plays a role in migration policy. Refugee law is based on a well-founded fear of persecution, whereas family class immigration is grounded in the rights of citizens and residents to unite their families. Economic class immigration normally promotes nations' perceived self-interest, targeting people who are better off than the majority of their compatriots on the grounds that they possess higher human capital.

Though the neglect of equality may be a moral failing, there are reasons for the reluctance to use equality as a criterion for immigration policy even under a cosmopolitan account of distributive justice. We need to distinguish between the ends we hope to realize and the means we use to promote them. There are many ways of addressing inequality and not all are morally permissible. On the domestic front, we shouldn't deport

the chronically unemployed to Antarctica even if this would do wonders for our Gini coefficient. Similarly, immigration could be the wrong medium for promoting equality.

First, the citizens of the host country may have the right to strongly regulate immigration, removing it as a permissible egalitarian strategy. Second, immigration is often an effective way of promoting distributive justice (more on this below), but it has non pecuniary costs as well as benefits for the host society. Immigrants have social as well as economic impacts that deserve consideration. Third, the decision to give added weight to less-well off applicants raises questions about equal treatment – policies that aim at promoting material equality may violate formal equality.

The first and second points have been amply discussed in the debates surrounding open borders. (Abizadeh 2002, Carens 1987, 1992, Cole 2000, Miller 2007, Walzer 1983) The third point has received less consideration. Without a policy of open borders, using immigration to promote equality involves excluding people on the grounds that they are well-off. Is this morally permissible? Consider two applicants, an engineer who graduated at the top of her class from the Indian Institute of Technology and a Guatemalan farm worker with little formal education. If an immigration quota provides space for only one of them, who should get in?

Equality presumably favours the farm worker, since our engineer has comparatively better opportunities in India.⁵ She receives a letter from the immigration department stating that her application is denied because of her high level of education and stable economic status. Are these reasons she must accept? On one hand, the farm

⁵ I write “probably” because the engineer’s overall effect on equality is not limited to her salary, but also to her higher tax contributions and possibility remittances, technology transfer, and international entrepreneurship.

worker will continue to scramble to survive, so her claim is more urgent. On the other hand, being well-off may be the wrong sort of reason for exclusion. After all, the engineer will likely contribute more taxes than she receives, boost GDP, and integrate easily into the larger society. It is unclear how preventing her immigration promotes egalitarian goals. (I leave aside speculation about “brain drain” and the possibility that she would contribute more to development by staying home.) There is not a simple relationship between an egalitarian distribution and the choice of immigrants.

I believe that immigration should have a central place in any egalitarian theory, but that this needs to be argued, not assumed. An account of the relationship between immigration and equality must first establish that there is indeed a morally salient link between the two. Should immigration policy makers consider inequality at all?

The reason why inequality matters for immigration policy is that national borders coercively distribute goods and opportunities. One way in which borders distribute opportunities is through citizenship, typically granted either through *jus soli* or *jus sanguinis*. Joseph Carens famously compared citizenship in developed states to a feudal birthright privilege. In *The Birthright Lottery* Ayelet Shachar draws a perspicuous analogy between inherited property and citizenship:

If affluent political communities wish to continue to bestow membership according to birthright, thereby shaping the life prospects of recipients in a fashion that conceptually resembles the inheritance of entailed fortunes, they must accept a corresponding obligation. In this way, the imperative to provide for those less fortunate in their citizenship assignment is not a matter of charity but of legal

duty. ...we can envisage distributing [the revenues of a birthright levy on citizenship inheritance] to specific projects designed to improve the life opportunities of children in the world's poorest nations. (Shachar 2009: 15-6)

We should note that not only are some people born with more opportunities, but that borders protect this initial privilege and prevent others from improving their lot. Shachar treats citizenship as a form of inherited property and advocates a "birthright levy" to redistribute resources from those who "have disproportionately benefited from the intergenerational transfer of the property of citizenship to those who have not." (Shachar 2005: 97)

I agree with much of Shachar's analysis, but believe it covers only one dimension of how immigration controls foster inequalities. The way in which borders concentrate wealth in particular regions in part by excluding people from territories does more than bolster birthright privilege. National boundaries not only permit unequal distribution of resources, but use violence to ensure that the benefits and burdens distributed by the global economic system privileged developed states and the elites of the developing world.

In other words, border controls are legally enforced market distortions that overwhelmingly favor the privileged people in the world. They keep wages down abroad and prices low at home. Consider the United States and Mexico under the North American Free Trade Agreement (NAFTA). According to the US Census Bureau, in 2007 the US imported 210,799 million US dollars and exported 136,541.3 million US dollars of goods from and to Mexico. Mexican maquiladora plants manufacture many

goods that Americans prize, with the lower Mexican wages helping the US consumer. Inside the United State, undocumented workers make up a significant part of the workforce in agriculture, again depressing prices for the consumer. This is possible because most Mexican workers cannot legally work in the United States: if Mexican workers had easy legal access to the US, employers would have to pay higher wages that would be passed onto consumers. It is not a coincidence that NAFTA eliminates many trade barriers but permits little immigration from Mexico to the United States and Canada. Under NAFTA, “Trade NAFTA” status visas are available for professionals. According to Homeland Security, 6,534 Mexican professionals benefited from these visas.

In summary, inequality is an issue for migration policy because border controls uphold and foster it. Restrictive immigration policies play a causally and morally culpable in reducing people’s well-being and opportunities.

2. Cavallero’s Immigration-Pressure Model

So far I have argued that the inequality is a factor in assessing the morality of an immigration policy. We now need to determine the implications of a link between inequality and immigration. How should considerations of inequality shape immigration policy? Eric Cavallero’s admirably explicit exploration of immigration and development aid provides a useful framework to begin discussion. Cavallero believes that there is an explicit trade-off between the two:

each state should have broad discretion under international law to grant or deny entry to immigration seekers: but more favoured countries that find themselves under immigration pressure should be legally obligated to fund development assistance for countries that generate immigration pressure. (Cavallero 2006: 98)

Cavallero recommends sampling from the population of each country to determine how many people would choose to migrate if they had the opportunity. He feeds this information into a formula that gives the “total immigration pressure” on each country. Countries with positive immigration pressure must contribute to a development fund at a level proportional to their total immigration pressure. Countries receiving development assistance must ensure its “fair and effective use” subject to international monitoring. (Cavallero 2006: 107) Alternatively, countries with positive immigration pressure may choose to accept more immigrants to offset their obligation to provide development assistance.

Cavallero adds a number of nuances to his model to add to its plausibility. He stipulates that we should not immediately aim to reach immigration-pressure equilibrium, but rather aim at favourable long-term human development. He also argues that we should not focus on countries, but rather on assigning quotas for “affluence blocks” of countries with similar levels of development. This allows countries within these blocks to exchange immigration credits to achieve immigration levels that suit their needs. These details are crucial for the implementation of the model, but need not concern us here.

Cavallero’s theoretical argument is based on “systematic disadvantage by law”: “institutions of international law should not systematically disadvantage anyone on the

basis of involuntary citizenship or national origin.” (Cavallero 2006: 98) This systematic disadvantage can be addressed either by allowing more migration or by “a global redistributive regime ... that equalizes opportunities for success across international borders.” (Cavallero 2006: 100)

How should we assess Cavallero’s proposal of using immigration pressure to determine development aid and/or migration quotas? On Cavallero’s model, the obligation to admit immigrants disappears when immigration pressure is null (an equal number of people wish to immigrate and emigrate) or negative (more people want to leave than enter). In particular, is development aid sufficient to quell immigration claims?

Cavallero’s proposal should be congenial to many critics of open borders of liberal egalitarian persuasion. Though the implementation of Cavallero’s proposal is radical under current conditions, it corresponds well with the position that states have a right to exercise considerable control over the labor market, culture or population levels. For example, David Miller treats the right to move as a remedial right that can be exercised when one’s country does not provide sufficient options: “What a person can legitimately claim as a human right is access to an *adequate* range of options to choose between – a reasonable choice of occupation, religion, cultural activities, marriage partners, and so forth.” (Miller 2007: 207)

The plausibility of this trade-off depends on the metric of distributive justice. The substitution of development aid for visas suggests a resource-based approach, though Cavallero identifies “opportunities for success” as the relevant metric. Presumably, resources are the means of creating an environment that provides adequate opportunities. As it stands, Cavallero’s proposal is too thin to adequately examine its implications for

immigration. What counts as “success”? How should we understand opportunity? Which opportunities matter for immigration?

Amartya Sen’s capability approach provides a ready-made tool for beginning to answer these questions. Capabilities are sets of real opportunities that people may or may not choose to pursue. What matters for equality is that people are able to do things they value.

The two main alternatives to the capabilities approach are resource-based approaches (Dworkin 2000, Rawls 1999, Pogge 2002) and welfare-based approaches (Arneson 1989, 2000). Resource-based approaches provide people with bundles of goods that they can use to realize their ends, whatever they may be. In contrast, the capabilities approach focuses on the ends themselves. Capabilities theorists reject resource-based approaches because they focus on means rather than what people can do with them. As a result, people with the same set of resources may not be able to achieve similar goals. (Sen 1979, 1992, 1999, 2009)

Welfare-based approaches usually use subjective measures of preference satisfaction or happiness, while capabilities provide an objective measure of the good.⁶ Capability theorists criticize welfare-based approaches for being insufficiently sensitive to how oppressive social institutions can shape people’s preferences. (Sen 1999: 52-69, Nussbaum 2000)⁷

⁶ Some welfare-based accounts provide an objective account of the human good (e.g., Hurka 1993) or use counter-factual preferences about what people would prefer under ideal conditions to meet well-known objections. I leave these theories aside here.

⁷ Engaging the “equality of what” debate would take us too far afield. I believe that many of many conclusions will also follow if we prefer a sophisticated account of the basic needs and resource approaches. This is in part a result of the response to Sen’s criticisms. It is possible to define needs and

Three more points about the capabilities approach are salient. First, capabilities theorists practice methodological individualism: judgments about how well a society is doing vis-à-vis capabilities derive from judgments about individuals' capabilities. Second, freedom is an essential and basic part of the capabilities approach. We care about people actually being able to realize their ends. This may involve providing them with resources and reforming institutions so these opportunities become accessible. Third, freedom is morally relevant even if it remains unexercised. A highly educated, affluent person has the unexercised opportunity to relocate, whereas her less fortunate compatriot has a significantly narrower capability set. There may be something objectively wrong with this scenario even if people who cannot exercise their opportunities have no desire to do so.

We can now turn to proposals to substitute development aid for immigration visas. How should we view them through the lenses of the capabilities approach? Development aid aims primarily to enable states to build infrastructure and institutions that provide background conditions so that people can have decent lives. It usually takes the form of money, but may also involve sharing expertise and technology. Resources may or may not reach those who need them. The success of development aid is unpredictable and varies widely from impressive successes eradicating small-pox and growing crops to pernicious failures that entrench dictators and foster economic dependency.⁸ Even a massive transference of resources might not serve to discharge one's obligations toward global poverty or lack of opportunity. In contrast, if people

resources rather broadly as do the most plausible accounts of needs-based and resource-based distributive justice. (C.f. Reader 2006, Pogge 2002, Daniels)

⁸ Secondi 2008 collects readings from many of the most important writers on the subject.

move from a low-wage to a higher-wage market, their real income is likely to increase five-fold or more.

For the sake of argument, let's assume that the aid provided in Cavallero's proposal will on the whole contribute to development, leading to the gradual elimination of international inequality. The first thing to notice about his proposal is that development involves a relationship between two states, whereas immigration is a relationship between an individual and a state. Cavallero's model measures a group's overall preference to migrate. Despite Cavallero's allegiance to individualism (Cavallero 2006: 99), individuals disappear in the aggregate. Cavallero informs us that "A citizen of a poor country who would, given the chance, migrate to Canada, but not to Japan, is by definition not excluded from either." (Cavallero 2006: 110)

The capabilities approach tells us that we should focus on individual functioning. Of course, the best way to help individuals is often to enact policies at an institutional or group level. However, some of these policies target individuals. Substituting development for immigration is akin to telling a welfare applicant that she is ineligible for social assistance because the city has built subsidized housing in her neighbourhood.

Consider a parallel case involving immigration. Ethnic strife has led hundreds of thousands of people to flee their homes. Many find temporary refuge at the border of their country in a UN refugee camp. Now imagine a refugee that arrives at the border of a developed state that has made a fair contribution to the United Nations High Commissioner for Refugees (UNHCR). Surely, the proper course of action is to evaluate the person's refugee claim, rather than turn her or him away on the grounds that the state's duty toward refugees has already been discharged. The UNHCR may not have the

means or power to provide shelter or to protect this particular person. A fair procedure needs to listen to individual cases. The substitution of aid for immigration overlooks how immigration policies usually take account of individual difference. There are rules and criteria for admissibility, but immigration officials have considerable discretion in applying them.

Cavallero rightly treats refugees as a special case, but the concern that his model fails to treat individuals fairly remains. Should we accept his claim that poor people who would migrate to Canada but not Japan? There are plenty of good reasons why someone would pass up a chance to migrate to some developed countries. As Saskia Sassen emphasizes, migration is “patterned.” (Sassen 1999) People don’t migrate just anywhere. Rather, they follow family members, friends, and historical routes of their communities. Immigration law recognizes that even people who are reasonably well off may have a claim to reunite with their families. Martha Nussbaum rightly includes “affiliation” in her list of basic capabilities that any community should promote.

People without family ties may have other reasons to favour Canada. They may speak English or French, have skills that are unmarketable in the Japanese economy or share cultural norms with Canada that make integration easier. The capabilities approach requires that opportunities are actually open – it assesses what people can *actually* do or be. Even if Canada and Japan provide the same rights and opportunities, not everyone will be able to take advantage of them. Opportunity piggybacks on cultural capital. Furthermore, the available opportunities may be different.

Finally, Canada is a highly diverse country of immigration that grants citizenship easily. Japan views itself as an ethnic nation and provides few opportunities for non-

Japanese to acquire Japanese citizenship. The upshot is that not all countries provide equal opportunities for immigrants. Discrimination varies from country to country with differential treatment varies according to ethnicity.

So far I have argued that Cavallero's proposal does not sufficiently consider how individual differences may affect their moral claims to migrate even if their regions have received adequate development aid. Cavallero might respond that he is concerned with systematic, not individual disadvantage under international law:

The fact that some member of [country] A might fare better in B is not explained by the fact that members of her national-origin group are systematically disadvantaged under international law. Rather, her relative disadvantage is explained in some other way, for example, because her particular skills command a higher market value in B. (Cavallero 2006: 107)

We should be careful here. As I contended above, immigration controls are a reason that particular skills may command higher wages in some markets because they affect supply and demand. The salaries of Canadian electricians are many times greater than those of their Mexican counterparts. Leaving this aside, international law is central to Cavallero's proposal. If disadvantage has its roots in local institutions, then it is no concern for his model. He defines systematic injustice as follows:

(1) membership is acquired by birth, and members have no effective unilateral right of exit, (2) members tend to be less successful over the courses of their lives

than nonmembers, and (3) their generally lower life prospects are in some part explained by the effects of ongoing legal institutions whose interventions are triggered specifically by the group characteristic. (Cavallero 2006: 98)

Unfortunately, the focus on systematic advantage does not help Cavallero's clause. Criterion 3 is quite weak. All that it requires is that international legal institutions play *some part* in group members' "lower life prospects". Does development aid erase the "systematic disadvantage under international law"? It will if it succeeds in building institutions so opportunities between states are roughly equalized. But as argued above, this may still leave some individuals exposed to lower life prospects. Their capability set may be no larger after development aid than before.

Attention to individual difference is important, but no policy will adequately meet everyone's claims. Cavallero might argue that despite its shortcomings, development aid might do enough. Non-refugee claimants who still suffer individual disadvantage lose their claim to immigrate. This would be analogous to a health care provider not covering every rare and expensive treatment. Justice can only require so much and the need for broad and consistent policies unfortunately allows some people to fall through the cracks.

Whatever we make of this response, there is a more serious concern. Cavallero's focus on systematic disadvantage assumes that countries are homogenous. This leads to another moral dimension illuminated by the capabilities approach. It draws attention to non-material factors that prevent people from achieving functionings. Elizabeth Anderson emphasizes that the capabilities approach is "sensitive to structural and psychosocial injustices" such as "*de facto* group segregation, stigma, shunning, and other unjust

informal social norms” (Anderson 2010: 88). Legally enforced border controls can entrench these injustices and development aid may leave them intact.

Women are probably the most significant group that development aid may fail to help. Leaving aside refugee claims arising from domestic abuse when legal system or the police refuse to protect women, many women are permitted only a narrow range of opportunities. They are denied the rights to work, participate publicly, or choose to enter a relationship. If we care about opportunity, shouldn't this be grounds for immigration? Though some development aid specifically targets women and increases their economy, it is unrealistic to believe that it liberates them from long-standing social and legal oppression.⁹

The retort that the systematic disadvantage sexism causes is local, not international overlooks a number of factors. First, it is also international if border guards prevent women from trying to escape oppressive conditions. Notably, human trafficking and abusive domestic labour conditions stem from the limited opportunities women have to sell their work abroad.¹⁰ Second, we shouldn't pretend that international policies are somehow gender neutral. The feminization of migration in the form of domestic labour and in the clothing industries is a product of globalization. Though sexism does have domestic roots and there is some ambiguity in the effects of globalization, we cannot dismiss the international legal and economic systems in reinforcing gender roles.¹¹

So far I have assumed that development aid can in fact translate into the real opportunities that motivate a moral case for immigration. I haven't specified which

⁹ [Expand this section with references.]

¹⁰ [expand with references]

¹¹ [expand with references]

opportunities matter. Some opportunities are only available in some parts of the world – a career as a kabuki actor will be curtailed outside of Japan. In a puzzling passage, Cavallero seems to affirm this: “No one should be forced to tend sheep all his life when he would rather try his hand at teaching philosophy or dancing in Broadway shows.” (Cavallero 2006: 115)

Though this sentence seems to go against the thrust of Cavallero’s proposal, it isn’t altogether implausible. If we follow Sen in believing that justice is concerned with freedom, condemnation to a pastoral existence is far from idyllic. The opportunity to teach philosophy is not available in most places in the world – as Aristotle recognized, philosophy is an occupation of those privileged with leisure.

Perhaps the demand to teach philosophy or dance on Broadway is too specific and no injustice occurs if people have access to a reasonable range of careers. There may be classes of opportunities that sometimes require migration. Currently, migration is governed by perceived nation-self interest and the power of the stronger states to impose their will on the rest of the world. The aim of a just migration policy should be to give people the freedom not simply to eek out a living, but to flourish.

Instead of starting with a world of states clamouring for authority over their borders, a moral perspective migration should begin by reflecting on the role free movement plays in the lives of people who have the opportunity to travel and immigrate. Which opportunities to people exercise when they have the choice?

I mentioned Nussbaum’s inclusion of affiliation in her list of central capabilities above. Part of a good life involves cultivating relationships. Another frequently cited capability is mobility for its own sake and also to pursue opportunities. Some of these

opportunities are central to people's lives – academic careers, for instance, usually require international travel. Most people have no desire to exercise the capability to migrate across state borders, but my guess is that those who do have this capability would be loath to renounce it even if they enjoy sufficient opportunity at home. Life is too unpredictable and opportunity too precarious to renounce this capability and a world with more freedom, even if largely unexercised, is superior to one with less.

Part II: Some Brief Reflections on Immigration and Equality in Practice

So far the discussion has taken place on a fairly abstract level. A serious engagement with the relationship between immigration and equality needs to consider policy directly in the light of the best empirical evidence about immigration's effect on development. Though the relationship is complex, I contend that in practice migration and development are not two separate streams each that can be substituted for the other. Rather, they are mutually supporting, creating feedback loops in which migration begets development and development gives rise to higher levels of migration. There is no neat trade off between developmental aid and immigration. Rather, immigration is part of any sensible plan for development.

Despite a great deal of support for migration as a key component in development,¹² the relationship is not straightforward. In fact, if equality is important, then we need to ask if it leads to brain drain or otherwise hinders development. In some cases, the effects of “brain drain” – where skilled professionals seek better opportunities

¹² E.g., United Nations Development Program, *Human Development Report 2009, Overcoming Barriers: Human Mobility and Development*. New York, NY: Palgrave MacMillan.

abroad – may even exacerbate inequalities. In this case, egalitarianism might even recommend imposing *emigration* restrictions. I believe reflection on this sort of possibility encourages the view that development is an adequate substitute for migration. Indeed, Thomas Pogge has argued that since immigration will only directly benefit those who migrate, instead of advocating more migration – which face considerable opposition – people should rather focus on promoting global equality by fostering development and removing obstacles in its path. A discussion of Pogge’s arguments usefully focuses our attention on the relationship between development and migration.

According to Pogge, egalitarians concerned about global poverty should not devote resources towards opening borders:

Rather than try to get our compatriots to support admitting more needy foreigners and to support equal citizenship for foreigners already here, we should instead try to enlist them for other moral projects with regard to which our mobilizing efforts can be much more effective. (Pogge 1997: 12)

Instead of opening borders, he recommends:

Other things being equal, those who accept a weighty moral responsibility toward needy foreigners should devote their time, energy, and resources *not* to the struggle to get more of them admitted into the rich countries, but *rather* to the

struggle to institute an effective program of poverty eradication.” (Pogge 1997:
12)¹³

Pogge argues that admitting needy foreigners will hardly make a dent in the sheer misery caused by absolute poverty. Currently, there are perhaps 200 million migrants in the world (around 3 percent of the population),¹⁴ compared to nearly 1 billion people living in extreme poverty defined as earning less than \$1 dollar a day (PPP) and 2.5 billion people living on less than \$2 a day (PPP) (closer to 15 and 37 percent respectively).¹⁵ Clearly, it would appear that migration must be dramatically increased in order to directly ameliorate even extreme poverty – levels that almost certainly would be rejected by the voters of industrial states.

Pogge is correct about the widespread opposition to immigration in the developed world, but his either/or dichotomy is puzzling. He neglects the effect of remissions, skill transfer, the circular migration, technological bridges, and other factors that are known to spur economic development. It is misguided to simply consider the direct effects of immigration, especially when, under current conditions, many indirect factors are more likely to benefit the global poor than top-down poverty eradication programs.¹⁶

Pogge’s argument appears to rely on a distributive principle that gives priority to the worst off. Lexical priority is hard to apply in actual situations since there are almost always other factors involved. Consider two groups of people in a foreign country, where

¹³ [Discuss Pogge’s article on the prioritization of NGOs goals and Joseph Carens’ criticisms.]

¹⁴ Records of immigration are poor, barely existing in many countries. Even when they do exist, they often fail to track emigration and overlook circular migration. Also, many people immigrate illegally.

¹⁵ United Nations Development Programme, *Summary: Human Development Report 2005: International Cooperation at a Crossroads*. New York, NY: United Nations Development Programme, 2005.

¹⁶ [references, more discussion]

one group is more destitute than the other. If the cost of helping either group is the same, then the worst-off group should be helped, *ceteris paribus*. In cases in which the worst-off group can't be helped, then we should help the other group which happens to be badly off. What, though, should we say if the cost or situation differs?

Assume that one group lives in another country that requires substantial investment in infrastructure – investment that they cannot acquire on their own. Long-term progress requires developing sustainable agriculture, sources of clean drinking water, sewage, roads, telecommunications, schools, a dependable police force, functioning financial institutions and accountable government. Otherwise, the people will continue to live in poverty.

The second group is poor compared to most individuals in a developed state, but is well-off in relation to the first group. Regardless, they could increase their income five-fold or more by migrating to another region and taking jobs in the labour and service sectors. Furthermore, there is little or no cost to allow these people to migrate – in fact, their net contribution is slightly positive. Moreover, *stopping* these people from attempting to migrate incurs considerable costs.¹⁷

Would it be worse if we failed to help the first group build infrastructure or actively hinder the second group from migrating? Some may be inclined to think that the latter policy is more problematic. Regardless of where one stands on the comparative badness of each policy, it is hard to see why we cannot pursue both.

Even if the effects of immigration were limited to the direct improvement of the standard of living of the few lucky enough to immigrate, it is not clear why we shouldn't

¹⁷ [figures on US and EU border control budgets]

advocate raising immigration levels. Most of our moral obligations do not focus on the worst-off people; rather, they target people who are worse off than they would otherwise be. If we could only engage in either advocating more immigration or more development, we should favor the one that is most likely to accomplish more good. But Pogge neglects the need for a division of moral labour. We can fully agree that the most urgent task is to reform the global economic regime and that more time, energy, and resources ought to be devoted to this task. But diminishing returns rapidly approach. For any given cause, what is needed is a number of dedicated individuals committed to advocacy, communication, research and other crucial tasks. Once the number of people engaged in these tasks reaches a certain threshold, others wanting to make the world a better place ought to devote themselves to other issues.

As Pogge himself stresses in other writings, any hope of improving the state of the world's poor is through widespread institutional reform. If the institutions are just and run smoothly, then most of us simply have a duty to continue to support them. If they are ineffective or harm people, then presumably ordinary people ought to support feasible reforms – perhaps by voting for representatives who are likely to carry them out. It is not much more burdensome to support a number of valuable causes than to support one – the main cost is making the effort to remain informed about them. If this is correct, conscientious voters should support proposals to both eradicate global poverty *and* to accept more immigrants.

Pogge raises another common objection to the focus on immigration for development: it is unlikely that immigrants will be the neediest members of the world

population.¹⁸ Immigrants tend to be young, healthy, ambitious, and better educated than many of their compatriots. Since international travel is still costly, they are often drawn from the middle classes and have better opportunities at home than many of their fellow citizens. During political upheaval or natural disasters, elites are often in the best position to migrate. With advanced degrees, language skills and international contacts, this is often relatively easy for them.

Pogge also argues that since immigrants are from the relatively well off sectors of the society, remittances are likely to primarily target families who are relatively privileged, perhaps entrenching domestic inequality in poorer states. Even if this is true,¹⁹ it overlooks two factors. One of the reasons that immigration favors elites is that the rules privilege the wealthier, more educated members of developing states. If immigration were open to unskilled workers, it is hard to see how this would entrench domestic inequality, even if these workers were drawn from the naturally more talented, healthy, ambitious members of the population. The second factor is that institutions ought to be designed to maximize the contribution of remittances to the common good. Mexico's *Tres por Uno* (Three for One) program provides a model: every dollar of remittances invested in infrastructure is matched by a dollar from the municipalities and the federal government.²⁰ (Thompson 2005)

Immigration policies could be reformed to accept more unskilled workers. It is doubtful that policies could attract the *least* well off members of society, but they could

¹⁸ [add more references]

¹⁹ For some evidence, see M. Lipton (1980). "Migration from Rural Areas of Poor Countries: the Impact on Rural Productivity and Income Distribution." *World Development* 8, pp. 1-24

²⁰ Information about the program is available at the Secretaría de Desarrollo Social.

<<http://www-nazep.sedesol.gob.mx/index/index.php?sec=3001&len=1>> Accessed July 8, 2010 [add more references]

accept substantially more people who are badly off. They might even subsidize the transportation and integration costs of the poorest immigrants. For instance, this could be paid for by planned migration programs that garnish a small percentage of the initial wages to cover the cost. The lesson here is that we should try to shape migration policies in ways that promote development. This will involve creating and transforming institutions so that they can help redistribute the benefits migrants receive to their countries of origin.

So far I have taken a rather sanguine attitude toward international development aid. We should keep in mind that any possible substitution of aid for immigration depends on the aid actually being effective. This is not by any means guaranteed.²¹ Moreover, there are considerable concerns about how we would administer this trade-off. Cavallero's qualification that developmental aid is subject to the condition of "fair and effective use" is highly problematic given that under his models, the international bodies that govern the transfer of funds also determine the development activities and the internal fiscal and political structure of the country. Cavallero advocates control over receiving countries' macroeconomic policy and makes aid conditional on levels of democratic participation and action against corruption. On one hand, this sort of control seems necessary to ensure that aid is effective. On the other hand, it undermines democratic control over sovereign political institutions and has often led to disastrous economic policies.²²

²¹ [references to development literature]

²² [references to Washington Consensus, Stiglitz, etc.]

Immigration and development aid must work together to help the world's poor, but that considerable care is required to determine how this will occur. I end with a sceptical note in favour of immigration. In his sometimes cynical *The White Man's Burden*, William Easterly introduces a distinction between planners and searchers. Planners impose top-down solutions on countries, often with little knowledge or attention to local conditions. Searchers identify problems and set about resolving them. Immigrants are searchers dedicated to improving their prospects, often enduring horrific conditions and overcoming astonishing odds to do so.

I do not mean to side with the sceptics on development aid.²³ Failure to help the world's poor is not a call to abandon aid, but a demand that we learn from experience and improve its administration.²⁴ Immigration has an important role here. Rather than treating development aid as an excuse to maintain the wall on the Mexican/American border and fortify fortress Europe, we should devote our energy to figuring out how immigrants' energy can feed into institutions that improve the prospects of their compatriots left at home.

Conclusion

Much philosophical work remains. Reflection on immigration ought to consider inequality, but the relationship between development aid and migration is more fraught and complex than usually recognized. Reflection on capabilities exposes some of these

²³ See Sen 2006 for a perspicuous review of the book's shortcomings.

²⁴ [references]

Immigration and Equality, draft
Territory and Justice, Dublin
July 8, 2010

Alex Sager
Portland State University
asager@pdx.edu

complications, showing us that development aid is at best an imperfect substitution for immigration and will often not address people's claims to move abroad. Once we recognize the simple trade-offs between development and migration fail, we can devote ourselves to the most important task: harnessing human mobility to improve the lot of people around the world.

Bibliography

Abizadeh, Arash. 2002. "Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments." *American Political Science Review* 96: 495-509.

Arneson, Richard J., 1989, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56, pp. 77-93

Arneson, Richard J., 2000, "Welfare Should Be the Currency of Justice," *Canadian Journal of Philosophy* 30, pp. 477-524.

Bader, Veit-Michael. 2005. "The Ethics of Migration." *Constellations* 12(3): 331-361.

Blake, Michael, 2001, "Distributive Justice, State Coercion, and Autonomy." *Philosophy & Public Affairs* 30(3): 257-96.

Carens, Joseph H. 1987. "Aliens and Citizens: The Case for Open Borders." *The Review of Politics* 49(2): 251-273.

Carens, Joseph H. 1992. "Migration and Morality: A Liberal Egalitarian Perspective." In *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*, ed. Brian Barry and Robert E. Goodin, 25-47. University Park, Pa.: Pennsylvania State University Press.

Cavallero, Eric, "An immigration-pressure model of global distributive justice." *Politics, Philosophy & Economics*. 5(1): 97-127.

Cole, Phillip. 2000. *Philosophies of Exclusion: Liberal Political Theory and Immigration*. Edinburgh: Edinburgh University Press.

Dworkin, Robert (2000) *Sovereign Virtue*. Cambridge: Harvard University Press.

Hurka, Thomas (1996) *Perfectionism*. New York, NY: Oxford University Press.

Kukathas, Chandran (2003) "Immigration" in LaFollette, Hugh. 2003) *The Oxford Handbook of Practical Ethics*. New York, NY: Oxford University Press.

Kymlicka, Will, "Territorial Boundaries: A Liberal Egalitarian Perspective," in David Miller and Sohail H. Hashmi. (2001) *Boundaries and Justice: Diverse Ethical Perspectives*. Princeton, NJ: Princeton University Press.

Nussbaum, Martha (2000) *Women and Human Development: The Capabilities Approach*. New York, NY: Cambridge University Press.

Immigration and Equality, draft
Territory and Justice, Dublin
July 8, 2010

Alex Sager
Portland State University
asager@pdx.edu

Pogge, Thomas, “Can the Capability Approach be Justified?”, *Philosophical Topics*, 22 (2), 2002,

Rawls, John. *Theory of Justice, Rev.Ed.* Cambridge, MA: Harvard University Press, 1999.

Reader, Soran, “Does a Basic Needs Approach Need Capabilities?” *The Journal of Political Philosophy*: Volume 14, Number 3, 2006, pp. 337–350

Miller, David. *National Responsibility and Global Justice*. Oxford University Press, 2007.

Nagel, Thomas. “The Problem of Global Justice.” *Philosophy and Public Affairs* 33:2 (2005)

Perry, Stephen R. 1995. “Immigration, justice, and culture,” in Schwartz, ed., *Justice in Immigration*. Cambridge University Press, pp.94-135.

Pogge, Thomas. “Migration and Poverty,” in Bader, Veit. *Citizenship and Exclusion*. St. Martin’s Press, 1997.

Pogge, Thomas. *World Poverty and Human Rights*. Malden, MA: Polity Press, 2002.

Pogge, Thomas. 2002. “Can the Capability Approach be Justified?” *Philosophical Topics*, Vol. 30, No.2, pp.167-228.

Sassen, Saskia (1999) *Guests and Aliens*. New York: The New Press.

Secondi, Giorgio, ed., (2008) *The Development Economics Reader*. London: Routledge.

Sen, Amartya (1992) *Inequality Re-Examined*. Cambridge, Mass.: Harvard University Press.

Sen, Amartya (1999) *Development as Freedom*. New York: Oxford University Press.

Sen, Amartya, (2006) “The Man Without a Plan,” *Foreign Affairs*, March/April.

Sen, Amartya (2009) *The Idea of Justice*. Cambridge, Mass: Harvard University Press.

Shachar. 2009. *The Birthright Lottery: Citizenship and Global Inequality*. Cambridge, Mass: Harvard University Press.

Steiner, Hillel. 2001. “Hard Borders, Compensation, and Classical Liberalism.” In *Boundaries and Justice: Diverse Ethical Perspectives*, ed. David Miller and Sohail H. Hashmi, 79-88. Princeton, N.J. Princeton University Press.

Immigration and Equality, draft
Territory and Justice, Dublin
July 8, 2010

Alex Sager
Portland State University
asager@pdx.edu

Thompson, Ginger. "Mexico's Migrants Profit From Dollars Sent Home," New York Times, February 23, 2005.
<<http://query.nytimes.com/gst/fullpage.html?res=9501E0DE163DF930A15751C0A9639C8B63&sec=&spon=&pagewanted=all>> Accessed July 8, 2010

Ypi, Lea, "Justice in Migration: A Closed Borders Utopia?" *The Journal of Political Philosophy*. Volume 16, Number 4, 2008, pp.391-418.

Walzer, Michael. *Spheres of Justice*. New York, NY: Basic Books, 1983.

Wellman, Christopher Heath. 2008. *Ethics* 119: 109–141