

Three perspectives on the ethics of immigration:
utilitarian, liberal egalitarian and libertarian

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ABSTRACT

The focal point of this dissertation is the recent discussion on the ethics of immigration. The main question considered is: “Should a state promote immigration?” Promoting immigration means allowing immigrants to enter inside and also offering them rights in view of treating them properly in the course of integration within the host communities. In answering this question, three perspectives are critically examined: utilitarian, liberal egalitarian and libertarian.

In the first chapter I assess the utilitarian arguments on immigration and weigh the objections related to them. The core of this chapter represents the analysis of the consequences of immigration on the following categories: immigrants, native workers, home and host countries, with implications on issues such as national culture, labor market, entrepreneurship, capital flight, remittances and brain drain.

In the second chapter, I discuss the liberal egalitarian arguments concerning immigration, the difficulties met in promoting the symmetry between the right of exit and right of entry. Issues discussed in this chapter include freedom of movement, asymmetry between exit and entry, and the cosmopolitan account of open borders.

In the third chapter I present the libertarian position on immigration, reveal the gaps in the argumentation and the inconsistency of promoting closed borders within this framework. The main problems reveal a discussion on self-ownership and freedom maximization, the conflict between the collective consent and the individual’s decision in the case of immigration.

The final conclusion argues that the moral principles presented so far for each framework can make us sustain open borders and promote immigration, even in the real world situations where immigration may have some negative effects.

DECLARATION

This thesis has been composed by the candidate and is her own work. The work has not been submitted for any other degree or professional qualification.

Signed:

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CONTENTS

ABSTRACT

DECLARATION

INTRODUCTION 4

1. UTILITARIANISM AND IMMIGRATION 17

2. LIBERAL EGALITARIANISM AND IMMIGRATION 49

3. LIBERTARIANISM AND IMMIGRATION 97

CONCLUSIONS 127

APPENDIX 129

BIBLIOGRAPHY 131

Introduction

Immigration is a contemporary issue that is debated across many disciplines. The fervent discussions in the past twenty years have linked immigration with attacks on the national culture, citizens losing their jobs to alien workers, threats on national security, terrorism and racism. A rich literature exists on immigration in political theory, which focuses on different aspects of this process. My focus in this thesis, however, is more modest: to offer a closer look to the philosophical arguments on the ethics of immigration.

This thesis examines three philosophical perspectives on the ethics of immigration: utilitarian, liberal egalitarian and libertarian perspectives. I weigh whether the existing arguments on the issue of immigration capture correctly its ethical dimension, which I believe is wider and more complex than presented in the traditional literature. The importance of presenting both parts of the debate is crucial. This is the reason why I draw together the inconsistencies in the argumentation and suggest new arguments that can fit with the original examined framework from an ethical point of view.

I begin with the assumption that immigration presents a close link between the state and the individual, in particular citizens within a nation-state and immigrants. The relation can also be viewed from the perspective of duties, according to the distinction between general and special duties. The utilitarian perspective is traditionally presented as being in favor of immigration, but different arguments attack the main thesis that immigration is beneficial for the welfare of individuals. The liberal egalitarian perspective is mainly in favor of immigration but recognizes some particular cases where it should be restricted and resumed after a certain interval of time, thus favoring closed or porous borders. The libertarian perspective is inconsistent with its arguments and lacks clarity in presenting a solid position on this issue. As the literature on the subject of immigration is very wide, I mainly focus on the philosophical literature supported by empirical economic facts and a broader discussion on international human rights.

Within this introduction firstly I begin to define the main concepts (political and economic concepts) behind the discourse on immigration: ‘immigration’, ‘refu-

gee', 'asylum seeker', 'economic migrant', 'home country', 'host country' (or 'sending country' and 'receiving country'), 'labor market', 'brain drain', 'debt-forgiveness', 'remittances', 'capital flight', 'high-skilled workers', 'low-skilled workers', 'foreign aid', 'globalization'. The philosophical discussion is determined by a proper understanding of these specialized terms. Throughout the thesis, I focus only on the broader sense of the term 'immigrant' understood in all its instances (refugees, asylum seekers, economic immigrants). When I refer to a particular category I use the specific denomination for it in order to avoid confusion.

Secondly, in this introduction I explain the important assumption behind the overall discussion on immigration, which reflects the relation between states and immigrants. I explore the debate over general and special duties and specify the importance of understanding the relevant distinctions.

Proceeding to the first part of the introduction I start defining the main concepts used throughout the thesis. 'Immigration' refers to the entrance of foreign individuals (called 'aliens') on the territory of new countries with the purpose to gain permanent residence. The factors that lead to immigration are part of a broader process of migration and can include economic, religious, political motives. Immigration is often accompanied by violence or reactions of nationalism from the residents of the host states if high influxes of immigrants are registered. To give just two examples from Europe, Germany has had a long process of integrating Turkish immigrants and recognizing them as citizens with full rights after they legally worked on their territory for many years. The nationalist reaction was to treat Turkish immigrants as foreigners "separate from the rest of society, with fewer social rights; even their children born and raised in Germany had little chance of becoming German citizens."¹

The second example is from France where nationalist reactions are visible at the social level because legally France recognizes immigrants as French citizens easily if they prove they belong to the French culture or are born on France's territory. Despite acquiring rather easily civil and political rights, nevertheless the resentment against immigrants is highly noticeable, translated in a racist attitude and discriminatory behavior. In 2005 riots emerged in France as non-white immigrants protested

¹ Philippe Legrain, *Immigrants: your country needs them* (London: Little, Brown Book Group, 2009), 259

that they were not fully integrated in society and continued to be discriminated because of their skin colour. Journalist Philippe Legrain notes: “The French model of assimilation exacts a heavy toll on personal freedom, by striving to erase cultural differences, without delivering the equality and national cohesion it espouses.”² And these are only two important examples from Europe but the list can be extended for the American continent as well.

In the category of ‘immigrants’ we include refugees, asylum seekers and economic migrants. According to the UNHCR the term ‘refugee’ applies to any person who

as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.³

I also offer Matthew Gibney’s definition of the term ‘refugee’ because it includes a broader account than the previous standard definition. He correlates the term ‘refugee’ with the term ‘migrant’ and describes it as a person who ultimately needs protection because he is being persecuted in his home country. Hence, he classifies refugees as “those people in need of a new state of residence, either temporarily or permanently, because if forced to return home or remain where they are they would—as a result of either the brutality or inadequacy of their state—be persecuted or seriously jeopardize their physical security or vital subsistence needs.”⁴

Asylum seekers are different from refugees in the sense they arrive at the borders of the foreign states in search of asylum. We can simply distinguish them from refugees by saying that they are the individuals located at the borders of foreign states with the demand of asylum. Other individuals that escaped from home coun-

² Ibid., 261

³ United Nations High Commissioner for Refugees, *Convention and Protocol relating to the status of refugees*, Convention Relating to the Status of Refugees 1951, Protocol Relating to the Status of Refugees, 1967: 16, <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>

⁴ Matthew Gibney, *The ethics and politics of asylum-Liberal democracy and the response to refugees* (Cambridge: CUP, 2004), 7

tries due to a situation of war and violence and are located elsewhere not nearby the borders of foreign states are considered to be refugees. The asylum seekers' arrival at the borders of a state implies a moral duty for that particular state. They are persecuted in their home countries and they knock at the doors of new states with the same moral claim as refugees. Should that state open its borders to asylum seekers because otherwise they experience persecution back home and should they have priority over other immigrants?⁵ This is the main moral question that needs to be answered in relation to the asylum seekers' claims.

In relation to the moral claims invoked in the case of asylum seekers, their situation raised a fairly new discussion on humanitarian principles and practice. If asylum seekers are left to suffer without states collectively assuming responsibility for their misfortune, their international human rights are violated according to the humanitarian practice. Supporters of international human rights thus claim that asylum seekers' continuous struggle of entering foreign lands in search for either food, shelter, protection or education is unacceptable in the modern age, where United Nations should play a role in keeping them safe (comparing nowadays' situation with post-World Wars' case where refugees and asylum seekers were given special attention and their rights as asylum seekers were recognized individually).⁶ This remark points to the relevance of bringing up the issue of humanitarianism when speaking of open borders and asylum seekers, supported by claims of defenders of international human rights in the broader context of immigration. Likewise, this would reinterpret the traditional view over the asymmetry between the right of entry and the right of exit in support of granting both exit and entry to foreigners, an issue that will be discussed in depth later in the chapter on liberal egalitarianism.

Next, economic migrants can be defined as those migrants who are attracted by host countries from an economic point of view because they want to escape famine or worse conditions in their home countries or/and because they search for better jobs or economic support, which is not available in their home countries. Comparatively, economic migrants use a weaker moral claim to enter foreign states than refugees and asylum seekers, which makes it easier for host states to refuse their entry based on moral grounds or at least invoke conditions of selecting between immi-

⁵ Ibid., 9-10

⁶ Joppke, ed., *Challenge to the nation-state*, 111

grants. Economic migrants are a representative category of immigrants and tend to outnumber the rest of the groups presented as people in need of better opportunities immigrate more than asylum seekers or refugees. The difference between economic migrants and refugees or asylum seekers is that while economic migrants can change their destination and search for other host states, refugees and asylum seekers are forced to look for protection at the borders of a limited amount of countries, usually the neighboring states surrounding their home countries.

Another distinction is between ‘push’ and ‘pull’ factors used as a traditional method to explain why economic migrants prefer some states instead of others and to justify high influxes of immigrants in a given interval of time, for example. To define ‘push’ factors, merely in order to provide an outline for the general mechanism of migration, these are considered to be “negative influences that encourage people to emigrate from a country, such as political instability, a low standard of living, civil war, etc.”⁷ On the other side, ‘pull factors’ define “positive influences that draw immigrants to a particular state such as a high standard of living, democratic political institutions, excess demand for labour, etc.”⁸

The host country (or the receiving country) is the country that welcomes the foreigners on a temporary or permanent basis. Conversely, the home country (or the sending country) is the immigrants’ country of origin, from which people emigrate for various reasons. The host country will choose between different immigration policies: open borders, closed borders or porous borders meaning partially open borders. Open borders means allowing unrestricted exit and entry to everybody (e.g. European Union allows free movement for EU citizens, countries from South America that signed the Mercosur agreement, Australia and New Zealand also allow free movement and open borders for their citizens according to the Trans-Tasman Travel Arrangement), which can attract cross borders circulation of goods as well.⁹ I will use official documents like the Universal Declaration of Human Rights to remind the legal connotation of the right of free movement, free association and assembly and integrate it in the relevant philosophical framework. These documents will show why

⁷ Ibid., 11

⁸ Ibid.

⁹ Christian Joppke, ed., *Challenge to the nation-state: immigration in Western Europe and the United States* (Oxford: OUP, 1998), 65

is important to link the ethics of immigration with philosophical frameworks, creating new arguments over older or traditional disputes on the issue of immigration.

Closed borders means restricting the migration of non-citizens who search for residence in host countries permanently or temporarily. Another policy is semi-open borders (or partially opened borders or porous borders) and allows the host country to impose certain requirements of acceptance, which can encourage economic exchanges between immigrants and the residents in the host country and can overall benefit the economy of the host state. This could also mean that the host country wants to welcome a specific category of immigrants in preference to other categories for different purposes, more likely economic. For example, a state can welcome low-skilled workers or high-skilled workers, a certain nationality of immigrants like Latin Americans or White Europeans or professionals specialized on a specific labor sector like doctors, nurses, technicians, etc. or it needs to limit the amount of immigrants for specific purposes (e.g. protecting the political institutions, public services or the infrastructure of the state).

The case of open borders is an influential trend in the contemporary political economy supported especially in the financial press. Open borders and immigration are usually associated with the term of ‘globalization’ and those in favor of it acknowledge that host states adopting this policy experience consistent economic and social benefits.¹⁰ In the words of contemporary social theorists “globalization refers to fundamental changes in the spatial and temporal contours of social existence, according to which the significance of space or territory undergoes shifts in the face of a no less dramatic acceleration in the temporal structure of crucial forms of human activity.”¹¹ For example, globalization can be matched with the industrial revolution (18th-19th centuries) and with other major events that shaped our society since its early stages; in our times we associate globalization especially with technological inventions: the internet, the radio, television, global networking, and other economic factors associated with the rapid connection of the entire global market. In this current framework, globalization is considered to include other major processes, which

¹⁰ See Jacob M. Appel, “The Ethical Case for an Open Immigration Policy”, *Opposing views: Issues, experts, answers*, May 4, 2009, <http://www.opposingviews.com/i/the-ethical-case-for-an-open-immigration-policy>.

¹¹ William Scheuerman, “Globalization”, *Stanford Encyclopedia of Philosophy*, 2006, <http://plato.stanford.edu/entries/globalization/>

sometimes we perceive as happening individually, such as immigration. Nevertheless, political economists, for instance, like to associate the phenomenon of immigration with the broader context of globalization.¹²

Capital flight refers to capital flow from one country to another triggered by either immigrants that reside in a host country or the residents themselves. Capital flight is considered to cause financial crisis as the local capital is estranged in foreign banks or outside the territory of origin.¹³ In relation to immigration, this capital is sent back in home countries in the form of ‘remittances’¹⁴. As remittances represent an important part of the capital registered by the home countries, this aspect is highly relevant for the sending countries and the home population. Remittances affect the host countries because the capital flow determines local banks to lose immigrants’ deposits, but in return host countries can register a return of capital from the families of immigrants situated in home countries (e.g. money sent to students or young professionals studying or working in foreign countries). Capital flight can be registered in both directions: from host countries to home countries and vice-versa. In this context, we are speaking of capital circulation between countries, which favors the global market overall.

As I was talking of low and high-skilled workers, these terms are relevant in connection with the level of professional expertise of immigrants. Low-skilled workers are the workers that possess little professional expertise and minimal education (compared to unskilled workers, which are not trained or educated). Another classification, taken from the press, describes ‘low-skilled workers’ as “those without GCSE grade A to C qualifications or level two qualification in NVQs or other vocational qualifications.”¹⁵ While these classifications of low and high-skilled workers can vary across continents, the main idea is that local low-skilled workers can be easily replaced with low-skilled immigrant workers or with workers in other parts of the

¹² Cf. John Ravenhill, ed., *Global political economy* (Oxford: OUP, 2008), 100-101: “Of course globalization is not simply a matter of trade in goods and services; it also involves international flows of the factors of production themselves—the migration of workers between nations, and international investment and lending that transfers capital across borders.”

¹³Darryl McLeod, “Capital Flight”, *The Concise Encyclopedia of Economics*, <http://www.econlib.org/library/Enc1/CapitalFlight.html>

¹⁴ See Jonathon W. Moses, *International migration-globalization’s last frontier* (London: Zed Books, 2006), 127-128

¹⁵“What is a ‘low-skilled job?’”, *BBC News*, November 8, 2004, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/uk/3993029.stm>

world, where the wages are less than in richer countries for the same job executed by low-skilled workers in these richer countries.

High-skilled workers are workers who are professionally trained or possess a higher education diploma. This means that there are high-skilled workers who might possess a higher education diploma, but do not possess enough or relevant experience in a certain labor sector. Nevertheless, they are considered to be high-skilled workers vis-à-vis the educational background they possess, which can make them desired workers in a specific labor sector. However, both categories constitute an important percentage of the overall mass of immigrants, which defines immigration mainly through an economic dimension.

Next, the term ‘brain drain’¹⁶ refers to the emigration of highly skilled workers described in the traditional literature as having a negative effect for home countries. My interest in using the term of ‘brain drain’ is a practical one: I need to describe the overall effects of migration, on the home countries as well and analyze if these effects are indeed negative as traditionally described. The main point here is that while a lot of educated individuals from developing countries and poor countries consider emigration to be in their personal interest, still the home countries claim that these individuals have a moral responsibility to come back and sustain the nation as this is a part of the nation’s investment in its citizens. These arguments will be analyzed in the thesis in the chapter on utilitarianism.

Foreign aid is a plausible substitute for immigration, in the following perspective: rich countries subject of large inflows of immigrants can offer foreign aid to developing or poor states that face huge fluxes of emigration. In other words, rich countries can choose and, some authors highlight, can be made responsible to pay foreign aid to poor states in order to regulate and equilibrate the rates of incoming foreigners world-wide as part of their moral duty as rich nations towards poor states.¹⁷ Poor countries can use foreign aid to invest in their economies and correct the flawed labor sectors, create new jobs for low or high-skilled workers in order to

¹⁶ Moses, *International migration*, 173

¹⁷Cf. Anup Shah, “US and Foreign Aid Assistance”, *Global Issues*, April, 2009, <http://www.globalissues.org/article/35/us-and-foreign-aid-assistance>: “Even though these targets and agendas have been set, year after year **almost all rich nations have constantly failed to reach their agreed obligations of the 0.7% target**. Instead of 0.7%, the amount of aid has been around 0.2 to 0.4%, some \$100 billion short.”

avoid mass emigration. In return, the future immigrants will find more reasons not to immigrate and stay within their countries if enough opportunities are provided for them.

Hence, foreign aid is associated with the notion of development, which also triggers the distinction between ‘developed’ and ‘developing countries’¹⁸. Aid is sent from developed countries to developing countries in order to help their markets and establish new jobs for their residents. The aid also determines economic relations between the developed country that offered the aid and the developing country, which is responsible of initiating new businesses.

Debt-forgiveness is a second plausible substitute for immigration because old debts of poor countries to richer countries can be forgiven or reduced in order for poor countries to stabilize their economies and contribute more to the labor market’s development.¹⁹

Finally, the term ‘labor market’ defines the interaction between employers and employees, which determines the labor services, the wages, the incomes and the employment rate. The labor market is the witness of all economic changes on a domestic and international level. Consequently, labor markets can be classified as domestic labor markets or international labor market, host countries’ labor market if we refer to receiving countries and home countries’ labor market if we refer to sending countries. The importance of framing the immigration process within a certain labor market is crucial because this can determine the exact consequences of immigration on a certain category of individuals (e.g. immigration will influence the domestic labor market on the aspect of job competition between incoming workers and native

¹⁸ See Iain McLean and Alistair McMillan, eds., *The concise Oxford dictionary of politics* (Oxford: OUP, 2009), 8

¹⁹See Anup Shah, “Debt Cancellation and Public Pressure”, *Global Issues*, July, 2005, <http://www.globalissues.org/article/36/debt-cancellation-and-public-pressure>: “Also, the IMF and World Bank are the biggest remaining creditors to the poorest countries, so there is a long way to go, even though the previous link shows that **the IMF and World bank can afford to cover the costs of cancellation without affecting their ability to function**. Accompanying some of these announcements at possible partial debt cancellations, has been vocal concerns about ensuring that the freed up money is used for things like poverty eradication, health and education provisions and so on, instead of any continued corruption or wasteful spending. While the concerns are fair, the following quote highlights why those concerns should not be a stop gap: <<[F]ears that the money will not be used well cannot be offered as an excuse [to not cut the debts of the poorest nations] here either. ... All these countries have jumped through every hoop and over every hurdle put in their way in order to qualify for debt relief, meeting highly unpopular conditions that, if implemented in western countries, would provoke electoral obliteration for the government of the day.>>
— Adrian Lovett, Tear up the envelope!, DebtChannel.org, May 30, 2001.”

workers, as well as casting an immediate effect on the group of native employers and the wages; similarly, within the international labor market the effects of immigration will be different like employment rate, capital flight, employment demands and offers).

General duties v. special duties

In the second part of the introduction I focus on the main distinction between general duties and special duties. I make another distinction between the ethical universalist account and the ethical particularist account that usually accompanies the discussion on the states' duties towards immigrants. In my thesis I assume and defend the position that states should incorporate special duties within the broader account of general duties and circumscribe the ethical particularist account within the ethical universalist account. In the following paragraphs I provide a very brief overview of the origin of this discussion supported by philosophical arguments, which can outline a more substantive ethical background in favor of immigration.

I distinguish between the duties of a state to let the immigrants enter its territory and the duties of a state to assist the immigrants in their integration after they entered the community and discuss them in this order. The background for sketching the duties of the states towards immigrants consists in understanding the role of the state vis-à-vis its citizens and strangers. As far as the duty of the state towards its citizens is commonly understood, this involves protection from the external attacks and making sure the citizens are given priority in regards to their civil rights and liberties. Considering that a state does not limit itself only to the perimeter of the territory it defines via a particular nation-state, there is much more to extract from the simple definition of a state. The prolongation of the internal duty is reflected in the outside world in the simple purpose of representing its citizens.

A state has a further duty to the outside world of representing its people and also in regards to the consequences of their actions. For example, if Italy speaks in behalf of its people and starts a war with the surrounding countries then the consequences of its actions will affect other nations as well. The collective moral obligations are thus applicable to other countries affected by the actions of a certain nation-

state. The state personifies the individuals inside it and has duties towards them as well as towards other individuals from other nation-states.²⁰

Following the application of moral duties of states for citizens and strangers we can distinguish between general duties states that should have towards all individuals and special duties that states have towards their citizens. Special duties are best illustrated by the special relationships a state or an individual holds for other individuals (e.g. states have a special relationship with their citizens just as parents have with their children, workers with their colleagues etc.). It can be objected from an ethical perspective that if states take care only of their citizens other individuals do not matter in issues of maximum importance. If refugees, for instance, or asylum seekers and even economic migrants are considered to be a threat for the citizens of a nation, then this ultimately can lead to the violation of human rights, political rights and it further raises important ethical disputes.

No state can claim that its duties extend only to its own citizens, any more than any head of a family can declare that he has no duties except to those who belong to his family: he has special duties towards them, but he has duties to all who can be affected by his actions, inasmuch as they and he belong to the same worldwide human family. By just the same token, the citizens of any country share with others the citizenship of the universal society of human beings, and the state, which represents them therefore has moral duties towards other states and citizens of those other states.²¹

The distinction between general and special duties can be better understood if linked with the distinction between the ethical universalist account and the ethical particularist account. These distinctions accompanied by relevant empirical evidence will be presented in depth in the chapter on utilitarianism. The ethical universalist account is focused on general duties and regards universal human rights to be important in all circumstances. The ethical particularist account, on the other hand, holds that special duties are more important due to special relations they generate between individuals. I propose in this thesis to circumscribe the ethical particularist account to the ethical universalist account and aim for a balance between general and special

²⁰ Michael Dummett, *On immigration and refugees* (London: Routledge, 2001), 46

²¹ *Ibid.*, 49-50

duties. In order to maintain a correct ethical perspective, we need to understand the reasons for correlating the two sets of duties, which define and protect basic human rights.

Philosophers like Michael Dummett have shown the importance of general duties in issues such as immigration and in particular in regards with the situation of refugees. In these types of situations, imposing only the perspective of special duties means to violate basic human rights, which in real world cases have dramatic consequences. For example, Dummett defends the rights of immigrants based on the general duties account and arguing that states have moral duties for refugees and in general for all immigrants, which cannot be replaced with the justification that a state has special duties only for their own citizens: “The idea that its duty is only to its citizens stems from a faulty conception of the purpose of the state’s existence – its mission, in today’s jargon.”²²

Belonging to a nation-state means much more than taking care of its citizens; it morally extends to taking care of all individuals because we are all human beings. The duties of states are applied domestically but they should be applied globally as I will argue throughout my thesis. This issue of applying the general duties globally will be discussed in depth in the chapter on liberal egalitarianism, when I will compare the open borders policy with the no borders policy.

Structure of thesis

This thesis explores the current debate on the issue of immigration from three perspectives: utilitarian, liberal egalitarian and libertarian. My main aim is to analyze the traditional philosophical arguments on immigration that usually picture immigration as a threat to society, and to show if there is an inconsistency with these arguments and the framework they are part of. I integrate the philosophical discussion within a broader view, the ethical dimension, and establish if the existing arguments are conflicting with morality. I propose new approaches within each framework that can draw a better understanding on the issue of immigration and sustain this with arguments.

²² Ibid.

The thesis is divided in three chapters. The first chapter explores the utilitarian arguments on the issue of immigration. I present the overall utilitarian framework, with the definition of utilitarianism and then proceed to the traditional utilitarian arguments about immigration. I sum up discussions from economy and political theory and propose new philosophical arguments in relation to the issue of immigration. I evaluate the view contrary to immigration and propose arguments in view of sustaining it.

The second chapter focuses on the liberal egalitarian framework and its arguments on the issue of immigration. I start by defining the liberal egalitarian position and then propose Rawls' account as a model of a liberal egalitarian theory. I proceed to a very brief presentation of Rawls' theory of justice and explain its main features. Next I address the question of whether immigration is a moral right. The answer to this question takes the form of the exposition of the liberal egalitarian arguments, which is divided in two parts connecting the value of freedom with the value of equality. In this chapter, I also examine the possibility of conflict between freedom of association and freedom of movement, the asymmetry between the right of exit and the right of entry, and the radical view of sustaining no borders within the cosmopolitan framework.

The third chapter shows the libertarian position on the issue of immigration. I explore the definition of libertarianism and then present the traditional libertarian arguments on immigration in the right and left libertarian account. I proceed by showing the relation between self-ownership and immigration and analyze the arguments for and against immigration, pointing out the inconsistency of sustaining closed borders within the libertarian framework.

I conclude this thesis stating that in all three analyzed frameworks open borders and immigration should be promoted despite its potential negative effects because from an ethical perspective our general duties towards all human beings should integrate special duties towards citizens, thus avoiding any discriminatory behavior against immigrants.

Chapter One

Utilitarianism and immigration

In this chapter I explore the utilitarian arguments focused on the issue of immigration. In the first section I define utilitarianism and present three types of theories: hedonist utilitarianism, preference utilitarianism and objective list theories. In the second section I analyze the utilitarian position on immigration by pointing to the consequences of immigration on different categories of people, from immigrants to native workers, including host and home countries, divided according to the following subsections: immigrants, national culture, labour market and entrepreneurship, capital flight and remittances, brain drain. In the third section I present Wellman's objection of supporting immigration in the utilitarian framework and my arguments in response to this objection. I conclude that utilitarians should be promoters of immigration and they provide sufficient solutions for richer states to assume their responsibilities vis-à-vis poor nations by respecting the general moral duties.

1. Definition of utilitarianism

The utilitarian theory is part of the broader view, consequentialism, which holds that “normative properties depend only on consequences”²³. Classic utilitarianism represented by Jeremy Bentham, John Stuart Mill and Henry Sidgwick, opposes the deontological view and denies that: “moral rightness depends directly on anything other than consequences, such as whether the agent promised in the past to do the act now”²⁴. So according to classic utilitarianism we judge the consequences of an agent's action and classify the action as wrong or right according to these consequences, for example not to the promise given previous to the performance of the action.

Utilitarianism rests, in essence, on two principles: “1) the consequentialist principle that the rightness or wrongness of an action is determined by the goodness,

²³Walter Sinnott-Armstrong, “Consequentialism”, *Stanford Encyclopedia of Philosophy*, 2006, <http://plato.stanford.edu/entries/consequentialism/>

²⁴ Ibid.

or badness, of the results that flow from it, and 2) the hedonist principle that the only thing that is good in itself is pleasure and the only thing bad in itself is pain.”²⁵ These two principles entail the greatest happiness principle, which holds that “the rightness of an action is determined by its contribution to the happiness of everyone affected by it.”²⁶

Utilitarianism also promotes the impartiality principle, according to which everyone’s happiness has the same weight and when the individuals maximize the good; this is impartially considered, without reference to a particular agent (agent-neutrality)²⁷. Utilitarians are interested in maximizing the well-being of individuals, which is considered to be the good. To define the concept of ‘well-being’ I refer to the concepts of health and happiness. Well-being is often understood in relation to these notions, according to which an individual measures his degree of well-being. Therefore if the individual enjoys a good health and is happy then we can draw the conclusion that he also enjoys well-being.

I use Scanlon’s distinction between the ‘quality of life’ and ‘well-being’. According to Scanlon’s account, the first notion consists in enjoying stable material and social conditions in our lives and being more successful than other individuals who possess equal material and social conditions as us. In opposition, the notion of ‘well-being’ involves also the concepts of happiness and success rather than limiting only to material good and social conditions.²⁸ Well-being may be a narrower notion than the notion of ‘choiceworthiness’. The notion of ‘choiceworthiness’ refers to selecting a life that has more value for ourselves even though it presents a low level of well-being or vice-versa, not selecting a life because the sacrifice in our well-being would be greater than the value it presents for us.²⁹

This definition leads us to three different accounts on well-being, which I briefly analyze in the following subsections. In short, these accounts are the following: hedonism (Scanlon presents experiential theories referring to something that

²⁵ Anthony Quinton, *Utilitarian ethics*, (London: Duckworth, 2003), 1

²⁶ Ibid.

²⁷ See Julia Driver, “The history of utilitarianism”, *Stanford Encyclopedia of Philosophy*, 2009, <http://plato.stanford.edu/entries/utilitarianism-history/>

²⁸ Thomas Scanlon, *What we owe to each other* (Cambridge: The Belknap Press of Harvard University, 1998), 111

²⁹ Ibid., 112-113

“contributes to well-being if, but only if, it affects the quality of one’s experience”³⁰), desire theories (which, according to Scanlon’s account, hold that “a person’s life can be made better or worse not only by changes in the experience of living that life but also by changes in the world that affect the degree to which the world is the way that person desires it to be”³¹) and objective list theories (‘substantive good’ theories in Scanlon’s account, which hold that “there are standards for assessing the quality of a life that are not entirely dependent on the desires of the person whose life it is”³²).

To clarify the notion of well-being in the context used, it is a “prudential value” different from other aesthetic or moral values.³³ Welfarism is the theory that supports well-being as the key value. Next, I will analyze these three well-being accounts in more detail in answering the question: ‘What does well-being consist in?’

1.1. Hedonist utilitarianism

I start by examining the hedonist position, which plays an important part in the overall utilitarian theory. We can define hedonism in the following manner: “the value of the consequences depends only on the pleasures and pains in the consequences (as opposed to other goods, such as freedom, knowledge, life, and so on).”³⁴

Jeremy Bentham classified the pleasures according to intensity and duration. John Stuart Mill, following Bentham and trying to ‘cure hedonism’ from the objection of ‘philosophy of swine’, added a third factor: quality. Hence, we can distinguish between intellectual pleasures and bodily pleasures, following Mill’s account, which means that we can dissociate between high and low pleasures. For a hedonist well-being consists in pleasure, thus trying to find and commit to the right balance between pain and pleasure. Maximizing pleasure becomes the central purpose of this position.

In this context, the value of the pleasures is set by their quality (the intellect is considered to be the source of higher pleasures versus the body, which is the source

³⁰ Ibid., 113

³¹ Ibid.

³² Ibid.

³³ Roger Crisp, “Well-being”, *Stanford Encyclopedia of Philosophy*, 2008, <http://seop.leeds.ac.uk/entries/well-being/>

³⁴ Ibid.

of lower pleasures). Another measurement can be set according to the quantity of pleasures: if one individual experiences more pleasures then we can say that he is happier than another individual who experiences fewer pleasures. Then the point of reference becomes the quantity not the quality.

According to this classification, we can distinguish between qualitative hedonism and quantitative hedonism. Mill's account on qualitative hedonism rests on the idea of preference: "He distinguished higher and lower qualities of pleasures according to the preferences of people who have experienced both kinds".³⁵ Later, this distinction opened the road for another type of utilitarianism, called preference utilitarianism. I will expand on this type of utilitarianism in a following section.

An objection addressed to hedonist utilitarianism is the experience machine objection formulated by Robert Nozick. Many philosophers interpreted this objection to be fatal to hedonism, but others have tried to rescue hedonism despite this objection (see Roger Crisp's account). I very briefly present Nozick's experience machine objection and Roger Crisp's response to this.

Nozick's objection is intended to attack hedonism understood as "a form of mental state theory according to which what matters to well-being is experiences alone"³⁶. The experience machine then is a machine that offers to an individual the desired experience he aims to have without accomplishing the required action, e.g. if someone wants to climb Mount Everest plugged to the experience machine he is able to have this experience without actually climbing Mount Everest. The result is that individuals can have the experience they want without performing the action itself. The conclusion is that if we have this experience machine that offers us our desired experiences then we lack the feeling of achievement present only in performing the real action. If the experience machine offers us the experience we desire so much, nevertheless, the feeling of actually performing the experience is missing along with the sensation of achievement and inner satisfaction, the most important elements for our personal satisfaction.

Roger Crisp answers this objection on behalf of hedonists by making an appeal to the notion of accomplishment. Besides the traditional answer that the experience machine is not good enough to offer us the 'real experience', the claim is still

³⁵ Ibid.

³⁶ Roger Crisp, *Reasons and the good* (Oxford: OUP, 2006), 117

strong that both types of experiences can be equally enjoyable (climbing Mount Everest and virtually climbing it). Crisp intends to formulate a distinct argument that can sustain hedonism linked to the notion of well-being.

He uses the notion of accomplishment in relation with the notion of well-being³⁷ and holds that for us, internally, being accomplished is more important than having an experience, which is measured externally (for instance, if I complete writing my novel then this action will accomplish me as an individual because it will make me happy and it will also be very valuable to me personally, but to the exterior world this action might not count as much being viewed as an ordinary action, accomplished maybe by many other individuals).

Roger Crisp follows this line of thought and holds that accomplishment involves ‘performing the action’ not simulating it, as it is the case of the experience machine. The enjoyment people have from the realization of an action is strongly connected to the personal excitement of performing that action with respect to the value it holds for the agent himself. Having a simulation can merely bring an excitement to the agent though of not the same intensity or/and value as the action itself can bring. Next, I shall focus on preference utilitarianism, the arguments involved and the objections to this position.

1.2. Preference utilitarianism

The development of preference utilitarianism comes in response to the experience machine objection. Preference utilitarianism (Roger Crisp refers to desire theories in this case) aims to fulfill the individual’s preferences or desires, which remain unsatisfied in the case of the experience machine. Another way to see the emergence of preference utilitarianism is in relation to ‘welfare economics’, which considers that it is very hard to measure the desires and preferences of individuals because they are in their heads. The answer to the question ‘What does well-being consist in?’ is ‘desire/preference satisfaction’.

³⁷ Cf. Crisp, *Reasons and the good*, 123: “Accomplishment as a constituent of well-being is tied in various significant ways to values other than well-being. When someone writes a great novel, the greatness of the novel itself-its aesthetic value, or its historical significance, say-is essential to understanding why it is that we count such activities as potentially part of well-being.”

In the perspective of welfare economics, these desires can be measured according to the individuals' testimonies, which constitute an important content for utility maximization and desire satisfaction.³⁸ Preference utilitarianism holds that an individual ought to perform an action if and only if that action maximizes the preference fulfillment. In this context, the desire satisfaction is the purpose of an action, regardless of whether it brings pleasure or not.

Preference maximization means that if a person desires to accomplish an action then he should do it, because this is his preference. The main objection addressed to this view is that: if a person has a preference to kill, steal from, torture or hurt another person then, according to this account, this preference should be given as much weight as any. But this conflicts with the preferences of the victim, who obviously would prefer not to be put in danger. The problematic aspect refers to fulfilling a preference; the content of a preference must also be taken into account and verified as being safe for other people as well. The response that preference utilitarians offer is that preferences must be good in order to be maximized.³⁹ Still the ambiguity resides in the fact that preference utilitarians must offer an impartial set of preferences that count as good in order to maximize them instead of others.

So the desire theories or preference utilitarianism offers us an account of desire/preference satisfaction different from hedonism, which is focused on pleasure maximization. We can distinguish between maximizing the pleasure in performing an action and maximizing the desire of performing an action because the two values (pleasure and desire) are different notions that cannot be equivalent. Next, I shall analyze the account of objective list theories and the objections encountered.

1.3. Objective list theories

Objective list theories are considered in the literature to be opposed to desire theories because they present a list of items that constitute well-being, but might not contribute to desire satisfaction. Objective list theories can be compared to hedonism

³⁸Roger Crisp, "Well-being", *Stanford Encyclopedia of Philosophy*, 2008, <http://seop.leeds.ac.uk/entries/well-being/>

³⁹ Ibid.: "Preference utilitarians can respond by limiting the preferences that make something good, such as by referring to informed desires that do not disappear after therapy".

as the latter might be considered to be a “list” theory. In essence, “objective list theories are usually understood as theories which list items constituting well-being that consist neither merely in pleasurable experience nor in desire-satisfaction.”⁴⁰

On the list we can count all goods that form well-being, but if someone puts on his list friendship and pleasure, then from this perspective it can be proved that friendship and pleasure can also affect people’s well-being.⁴¹ The tool of selecting the items that go on the list is the reflective judgment. One objection is that objective list theories are élitist because they prescribe some items, which are good for people even though they do not acknowledge them, want them or enjoy them. In a way, they are prescribed contrary to the will of individuals. The response can sound that even if they prescribe goods that benefit people independently of pleasure maximization and desire satisfaction, still we can select those items when they satisfy our desires or bring pleasure. In this way, the list becomes applicable to what individuals really want.

2. Utilitarianism and immigration

In order to apply utilitarianism to immigration I need to take into consideration whether the individuals benefit or not from the consequences of immigration. I plan in this section to analyze the effects of immigration on different groups of people in order to evaluate the impact of immigration on their well-being. All the groups of individuals (immigrants, the remaining people in home countries, the native population in host countries, local entrepreneurs from home and host countries) are considered to be equal in the utilitarian framework. I focus on the following division within this section: the effects of immigration on immigrants, the national culture, labour market and entrepreneurs, capital flight and remittances, brain drain. Each issue will be analyzed in relation to further implications on the sending countries, receiving countries and immigrants.

It is important to remind the fact that utilitarians aim to follow strictly the impartiality principle and separate between general duties and special duties, giving priority to the first category. I present Robert Goodin’s account on general duties, in

⁴⁰ Ibid.

⁴¹ Ibid.

relation to his criticism of special duties and also present his vulnerability model (protecting the vulnerable individuals) explored in his book “Protecting the vulnerable”. His account is relevant for this chapter as immigrants are the vulnerable individuals in this paradigm and the host countries should always try to respect the general duties even though the tendency is to protect the compatriots and the native population’s interests as a priority.

In analyzing the case of compatriots vis-à-vis the immigrants, Goodin states that we have ‘general duties’ towards people in general because they are people and ‘special duties’ towards particular individuals because they share a special relationship with us (e.g. family members, friends, lovers, compatriots, etc.). Utilitarians favor the general duties and find the argument of giving priority only to special duties to be flawed.

Next, Goodin argues that as modern moral philosophy is universalistic, one important corollary is impartiality (e.g. Kant’s Categorical Imperative requires us to do different things for particular people, but this is not a manifestation of partiality for them, it is a manifestation of our impartial respect towards each single individual). Therefore, sustaining special duties means to violate the impartiality principle and obey the particularist framework, in which special duties count more than general duties. Goodin will apply this distinction to the case of compatriots and foreigners and argue that we should obey the general duties for all individuals including immigrants.

By ethical particularism I mean showing a particular preference for a group of persons within a nation, community, which can reveal a special relationship with the agent. For example, a person might feel a certain affiliation with a particular group from the same ethnic community based on the fact that they share common customs, language or common history. In the same sense, a person might show a particular preference for members of a nation or for individuals within the same family, to friends, lovers, etc. Thus, the preference for a certain group of people falls under the description of ethical particularism because it reflects a special behavior the agent shows to that particular group (or individuals within the group). In relation to ethical universalism, ethical particularism is therefore sympathetic to special treatment of certain groups of people or particular individuals and it does not offer a universal at-

tention to all people (thus revealing a particular attention only to ‘some’ individuals).⁴²

Then, in the same perspective, utilitarians and Kantians argue that this particularist manifestation of special duties is derived from general moral laws.⁴³ So even if we state our responsibility towards our fellow countrymen, this action does not override our responsibility derived from general moral laws, like helping foreigners. The two sets of duties can work together obeying a single principle: the impartiality principle. Having a special relationship with our countrymen does not exclude having a responsibility for other individuals, including immigrants.

Another point Goodin makes it that some people have special duties towards other people in contrast with the universality principle (special duties demand special treatment towards particular other people). For example, in the case of immigration, it is considered that the nation-states possess special duties for their citizens and they need to offer special treatment to these individuals prior to other persons, including strangers. Then the clash between special duties and general duties refers to a moral debate, which aims to prove that the immigrants are a part of the general duties of nation-states. Insofar as poor strangers will always want access in different nation-states, the claim that nation-states should take care first of their citizens due to the special duties restricting the access to newcomers is debatable on this basis.

Goodin sustains that the manifestation of special duties within particularism contradicts the impartiality principle (which reflects the general moral law), reflecting a contradiction within morality itself (special duties are a part of the general duties we should have towards all individuals and if we disregard the general duties then we also violate the general moral law).

Goodin sees a problem with the special treatment we give to our fellow countrymen, from the perspective of general moral laws. Because these general moral laws assign us the duty and responsibility to treat all the people alike (the utilitarianism’s point of view), then disfavoring the immigrants according to this justification represents a violation of the general moral laws.

⁴² I used this distinction following the description of ethical universalism and ethical particularism from Alan Gewirth, “Ethical universalism and particularism”, *The Journal of Philosophy* 85, no. 6 (1988): 286, <http://www.jstor.org/stable/pdfplus/2026720.pdf>

⁴³ See Robert E. Goodin, *Utilitarianism as a public philosophy* (Cambridge: CUP, 1995), 265-267

Goodin does not agree that in some cases special duties can override general duties. Goodin argues that, on the contrary, these special links to particular individuals have negative effects on both categories of individuals (either those within the favored group or those outside it).⁴⁴ Thus, discrimination is not the proper solution for obeying the special duties because all individuals are part of the universalistic framework. Next, I focus on the effects of immigration on the category of immigrants.

2.1. Immigrants

I start by presenting Goodin's vulnerability model, which stresses the duties we should have towards the vulnerable. This discussion is important because in our case the immigrants are the vulnerable individuals. If immigrants' rights are respected in receiving countries then the negative effects of brain drain for instance, in the sending countries, can be reduced and the exploitation of immigrants avoided.

Goodin's definition of 'vulnerability' comes down to "a matter of being under threat of harm; therefore, protecting the vulnerable is primarily a matter of forestalling threatened harms."⁴⁵ The distinction between positive and negative duties does not apply in this case as well as in the case of special responsibilities. Goodin argues that positive duties are on a par with negative duties⁴⁶ and what counts in protecting the vulnerable can be subject to either positive or negative duties. In relation to protecting the vulnerable it is important to understand the duties we have towards the vulnerable: mainly, it refers to the duty of providing the vulnerable 'primary goods', e.g. food, shelter, water. The notion of 'vulnerability' implies, in Goodin's terms, two agents: the powerful agent and the vulnerable agent. These two agents are in a relationship, from which one individual will always make use of his power in order to constrain or establish a negotiation in his favor but in the detriment of the vulnerable individual.⁴⁷

⁴⁴ Ibid., 269

⁴⁵ Robert Goodin, *Protecting the vulnerable: a reanalysis of our social responsibilities* (Chicago: University of Chicago Press, 1985), 110

⁴⁶ Ibid.

⁴⁷ Ibid., 112

Another important notion that comes in conjunction with the notion of ‘vulnerability’ is the notion of ‘responsibility’. The definition of ‘responsibility’ “amounts to being held to account for the consequences of your actions and choices.”⁴⁸ These notions play an important part in understanding the relationship between co-nationals (or fellow countrymen) and immigrants (or foreigners). As Goodin observes this relationship is the embodiment of the vulnerability model. In this scheme, immigrants are the vulnerable ones and are dependent on the powerful ones, the fellow countrymen.

However, not all immigrants can be classified as being vulnerable if for instance they are not in an inferior position in relation to the host countries and their citizens. For instance, it might be argued that there are immigrants who are well-off and have enough resources and capital to travel or reside in foreign countries on their own expense and their status does not qualify them as being inferior to the citizens of the host country or the ones from the home country for that matter. But, this is not problematic for our case, as we are interested to motivate states in opening their borders and receiving the worst-off: e.g. those immigrants who are in an inferior position vis-à-vis the host countries. For the immigrants who are not in an inferior position the argument of protecting the vulnerable might not work in the utilitarian framework, but still other considerations have to be weighted: e.g. maybe these well-off immigrants only want to visit foreign states. If they would invoke utilitarian reasons to be accepted within then it can be objected that they are not vulnerable individuals under Goodin’s account.

Immigrants are vulnerable to any sort of deal the members of a richer state (or a powerful state on that matter) might propose to them in the perspective that immigrants will accept it due to their inferior position. To apply the notion of ‘responsibility’ means that the members of a richer state will be responsible of any consequences they cast upon the immigrants, in the scenario where they refuse to help them or respond to the duty of providing them the ‘primary goods’.

Goodin’s argument goes even further: the principle of protecting the vulnerable is fundamentally consequentialistic in form.⁴⁹ This means that we need to evaluate the consequences of our actions on the vulnerable ones. If the consequences are

⁴⁸ Ibid., 113

⁴⁹ Ibid., 114

negative then we are violating the principle of protecting the vulnerable, if the consequences of our actions are positive on the well-being of those vulnerable, then we are respecting the principle.

Goodin extracts two interpretations of the principle of protecting the vulnerable: 1) the consequentialistic interpretation, which frames “your actions and choices in such a way as to produce certain sorts of consequences, namely, ones that protect the interests of those who are particularly vulnerable to your actions and choices”⁵⁰; 2) the welfare consequentialistic interpretation, according to which “actions and choices are evaluated on the basis of their consequences, and consequences are evaluated on the basis of their impact on people’s welfare”.⁵¹

The first interpretation seems to me to be the most plausible in this context, because Goodin is interested in protecting the interests of those vulnerable and secondly is interested in the welfare of individuals. The second interpretation I find to be secondary to the first one and this is the reason why we should apply the first interpretation of the principle in our discussion. The effects of our actions on the overall welfare of individuals are nevertheless important and should be taken into consideration within the utilitarian framework.

In the utilitarian framework, immigration has a positive influence on the lives of immigrants and their well-being. The reason for leaving the home countries in the first place means that immigration is the solution to get out of a difficult economic/financial situation or/and to find better opportunities for education or/and profession. Thus, immigration improves the situation of immigrants in the sense that they find better opportunities of education, to work and live. In return, the immigrants also pass important financial changes because they have to contribute to the host countries’ tax scheme and assure that they live and work on the foreign territory in full legality. The level of improvement in the well-being of immigrants is in direct proportion with their adaptation to the foreign customs, life conditions, work expectations and social interaction. These factors represent the key to a successful integration in the host countries and determine in a high degree the future evolution of immigrants’ well-being in all aspects of life.

⁵⁰ Ibid.

⁵¹ Ibid.

Next, I focus on Singer's account of applying the case of refugees to the utilitarian framework. Singer argues that the refugees face three options for their situation: "voluntary repatriation, local integration in the country they first flee to and resettlement"⁵².

As voluntary repatriation is not a possible alternative for refugees due to the conflicts in their home countries, which in most cases have not ceased and local integration in the country they first flee is an impossible option due to the scarcity of resources and political instability of the neighboring countries, the resettlement option is the only possible alternative left for them⁵³. Moreover resettlement is a temporary solution for the refugees who are in this difficult situation (the policies of the countries of their first settlement are hard on refugees because they cannot afford the economic challenge to welcome a big number of such individuals) and perhaps this represents their only way to survive from a life-threatening situation.⁵⁴

Even in the case of asylum seekers, the argument is compelling for welcoming those individuals who are in a stringent need to be accepted within a richer state that can offer them basic support and primary goods. In the events of their immediate death, the responsibility for these asylum seekers is important and should be avoided with any costs. It does not pay to offer the justification of inconvenience when human beings are on the edge of their lives. Singer perceives that this argument can be extended for refugees as well, whose problem will not disappear overnight if asylum seekers will be helped. Singer notes that refugees are dependent on the benevolence of states. If they are allowed to enter this is due to "an *ex gratia* act."⁵⁵ If the refugees cannot prove that they belong to that specific community (either politically or ethnically) they cannot oblige the community to accept them within.

Further on, Singer offers a criticism of this position in the case of refugees. He presents the consequentialist argument according to which the interests of all individuals should be taken into account. Therefore, the refugees' situation is a pressing situation that should be solved. In this instance, we need to "identify those whose interests are affected."⁵⁶ Obviously, the pressing problem of refugees is an urgent

⁵² Peter Singer, *Practical ethics* (Cambridge: CUP, 1993), 251

⁵³ *Ibid.*

⁵⁴ *Ibid.*, 252

⁵⁵ *Ibid.*, 255

⁵⁶ *Ibid.*, 256

matter that overrides the importance of compatriots' safety or well-being. Next, the group affected by the acceptance of refugees is made from the nation's residents. They perceive this integration as a threat, but as previous arguments have shown they will benefit in the long run from the immigrants' presence.⁵⁷

The refugees are different from other types of immigrants. Because they cannot return back to their home countries, they will make their best to integrate within host countries and to create a safe environment for themselves and for native residents. Singer takes into account other possible negative consequences of refugees intake: 1) accepting a large number of refugees from poor countries will determine a continuous inflow of refugees to that host country in the future; 2) the sending countries of these refugees will reduce their efforts and lose their ambition in finding a solution to the political and economic problems they currently face; 3) also sending countries (countries with politic conflicts and economic problems are not probably best seen as 'sending countries' in the normal sense of this expression) will slow the population growth in order to prevent new generations from fleeing the country.⁵⁸

The other set of consequences is dependent on the action of not welcoming refugees: "economic stability and world peace depend on international co-operation based on some measure of respect and trust".⁵⁹ Rich states and states with vastly unoccupied territories should accept more refugees in the light of the international co-operation. Another argument is that if we redouble the number of refugees currently accepted by richer states then this action will not cause severe damages to host countries, according to Singer. He sees no evidence in the support of the claim that a large influx of refugees will cause harm or reduce the local resources dramatically. On the contrary, the positive effects of welcoming refugees will weight more in the balance than the negative effects.⁶⁰

⁵⁷ Ibid., 257: "We should not assume that residents of the recipient nation will be affected for the worse: the economy may receive a boost from a substantial intake of refugees, and many residents may find business opportunities in providing for their needs. Others may enjoy the more cosmopolitan atmosphere created by new arrivals from other countries: the exotic food shops and restaurants that spring up, and in the long run, the benefits of different ideas and ways of living."

⁵⁸ Ibid., 257-258

⁵⁹ Ibid., 258

⁶⁰ Ibid., 261-262

2.2. National culture

In this section I consider the effects of immigration on the national culture, the arguments for and against the idea that immigration has in general a negative influence on the national culture. The general background related to worries about multicultural immigrants' 'invasion' in the culture of nations can be sketched thus: in the contemporary age nation-states are faced with a large number of immigrants. This action poses two problems: the first problem is that if the nation-states decide to welcome immigrants within their communities, then they have to protect their culture from a possible assimilation or severe mixture with the other immigrants' influence, and the second problem is that if they decide to reject these immigrants they are faced with an inflexible method of dealing with pressuring economic and social factors, which might lead to the loss of political and economic relationships.⁶¹

The main issue that nation-states consider to be pressuring is: how exactly the cultural minorities should be integrated if the nation's culture will be affected either in the present or long term by the mixture of 'old' and 'new' elements? This is an essential question present even in anterior centuries, but very stringent in our times. Immigration affects dramatically the shape of a nation and also its elementary features. Throughout history this problem separated minorities from the main culture, ethnic populations from native population, creating social and political conflicts. From a philosophical perspective, the interest remains concentrated on the arguments formulated in favor of immigration process, which is my main aim in this thesis to show.

For this section the main question is: how does immigration impact the well-being of immigrants in the first place? I intend to prove that immigration has positive consequences for immigrants and for the residents of host states, including the culture of both immigrants and established citizens.

Following the literature on immigration there is an important distinction to present between public goods and private goods. The market usually controls in a

⁶¹ Cf. Stephen Castles, Mark J. Miller, *The age of migration-International population movements in the modern world* (Basingstoke: Palgrave, 2009), 41-42: "Immigration of culturally diverse people presents nation-states with a dilemma: incorporation of the newcomers as citizens may undermine myths of cultural homogeneity; but failure to incorporate them may lead to divided societies, marked by severe inequality and conflict."

very efficient way private goods, like the food industry, film industry, etc., whose goods are afterwards sold to private individuals according to a set price. Immigration, however, is considered to affect public goods, among which the culture of nations. In this perspective, nations are very sensitive to the effects of immigration upon their cultures because any alteration involved in this process also affects the nation itself as an entity.

I define the notions of public good, private good and nation in the following paragraphs. A public good refers to “any good that, if supplied to anybody, is necessarily supplied to everybody, and from whose benefits it is impossible or impracticable to exclude anybody. [Also] each individual’s consumption leads to no subtraction from any other individual’s consumption of that good.”⁶² Examples of public goods are: the clean air, the national defence. Another remark to be made is that some public goods are built or supported by private parties not only by the public authority. The idea is that the government usually supplies these public goods, not the market in order to avoid further complications with the free riders. A private good is made for consumption and has the qualities of being rivalrous and excludable. An excludable private good refers to the idea that consumptions by one consumer prevent simultaneous consumptions by other consumers. A rivalrous private good means that it can reasonably be possible to prevent a class of consumers (e.g. those who have not paid for it) from consuming the good. In this context, private goods always aim for profit, while public goods do not.⁶³

The national culture can be considered a public good according to the above definition. It can be argued that a national culture is opened to all citizens of a nation and it is their pride to learn from it, develop it and pass it on to future generations. Just like in the case of parks or statues from public squares, for example, a national culture is a public good because it can be accessed by anyone who is a member of that nation and can also be subject to external interference and also cannot be sold. The general argument against immigration focuses on the idea that immigration is a menace for the national culture. We can draw the analogy between a national culture

⁶² See Iain McLean and Alistair McMillan, eds., *The concise Oxford dictionary of politics*, 441

⁶³ Cf. definition of ‘private goods’ in John Ravenhill, ed., *Global political economy* (Oxford: OUP, 2008), 484: “Goods and services that can be withheld from those who do not pay for them, and that cannot be used by others without additional production taking place.”

and public parks or streets or monuments to which everyone has access in order to better understand the reasons for considering national cultures as public goods. Foreigners can threaten a national culture if they do not respect it, similarly with the case where foreigners can make public damages in a park, on streets, or other public domains. In this sense it is important to impose restrictions on borders from the host country's perspective.

There is another argument that runs in the same perspective: there are some communities that need protection from the external influence because they foster 'dying cultures' (e.g. the Native Americans' reservations in US foster cultures that are very fragile to a possible mixture with immigrants and are also protected by local laws). These communities cannot represent open markets for potential immigrants, because their cultures need protection and they cannot offer economic openness to foreigners.

The concept of nation refers to "the population within, sharing a common culture, language, and ethnicity with a strong historical continuity. This manifests itself in most members in a sentiment of collective, communal identity."⁶⁴ In the literature the concept of nation-state is also used frequently, referring to a "sovereign entity dominated by a single nation."⁶⁵

I begin by presenting the arguments focused on this issue and the objections addressed by philosophers to the idea that immigration threatens the cultures of nation-states. As it can be observed, the national culture is a public good and the market has no practical ability in managing it for a better outcome. Samuel Scheffler expresses his concern regarding the use of the terms 'nation', 'national culture', and 'multiculturalism' in the context of immigration. He offers an account of his own experience coming from a Jewish background. His view is that a culture needs to adapt and evolve and changes vis-à-vis external factors that are a part of this process. Immigration is one of these external factors, which involves the circulation of people.

Firstly, Scheffler draws our attention on two important aspects of immigration: 1) "the presumption that each individual ultimately 'has' a single, well-defined culture is false, and if we decide fundamental political questions based on that pre-

⁶⁴ See Iain McLean and Alistair McMillan, eds., *The concise Oxford dictionary of politics*, 360

⁶⁵ Ibid.

sumption, we are bound to go seriously astray”⁶⁶; 2) immigrants’ culture and the host country’s culture experience noticeable changes as an effect of immigration.⁶⁷ I think Scheffler makes an important point concerning the need of change, which is inherent in our human society. As cultures are constantly evolving based on the external influences, immigration should not represent a problem for the essential elements within a national culture. A culture is shaped according to external influences throughout history and moreover it grows according to the rationalization and power of adaptation to new foreign elements, either by incorporating those elements within its pattern or modifying them.

Secondly, Scheffler argues that the national culture will change “because the introduction into society of a new set of people presents the old residents—the putative bearers of the national culture—with a new predicament. (...) It will change because changing is what cultures do when they confront new situations, and immigration, by definition, presents the host society with a new situation.”⁶⁸ The culture of a nation has the essential trait of changing as it is evident in all nations’ history involving changes at the level of the language and also at the level of customs.

Although immigration represents an influential factor for the change of the national culture, nevertheless, the definitional trait of a culture remains unchanged. This is Scheffler’s main thesis in relation to this point: a national culture must prove that it has the ability to survive the external changes including immigration among others. As a language changes in the light of new foreign influences these also enrich its vocabulary and make it more flexible. Otherwise, the point of adapting to the requirements of the modern age becomes useless. To deny the importance of immigration is the same as admitting that a culture should embrace a conservative attitude towards the international events.

National culture has a direct influence on the well-being of both immigrants and remaining citizens in the home countries as well as on the well-being of citizens in the host countries. In sum the effects are positive because immigrants will gain important experience from the interaction with the host countries’ citizens and will

⁶⁶ See Samuel Scheffler, “Immigration and the significance of culture”, *Philosophy & Public Affairs* 35, Issue 2 (2007): 102, <http://www3.interscience.wiley.com/cgi-bin/fulltext/118493944/PDFSTART>

⁶⁷ Ibid.

⁶⁸ Ibid., 103

contribute to the enrichment of the national culture. Immigrants tend to form cultural and social clusters in order to preserve their national customs. However, due to social and economic interaction with the members of host states they will adopt their social and cultural characteristics that will be passed onwards to friends, families or future generations of immigrants.

The case of Native Americans constitutes the most relevant empirical evidence where immigrants destroyed the local culture and killed many local inhabitants. It is true that in this case immigrants forced their way into the culture and the lives of local inhabitants, which constitutes a violation of human rights. We are speaking of conflicts and wars lead for other reasons than peaceful ones. In our times, however, when immigrants do enter into conflict with the local culture and the local residents measures of punishment and of deportation/exclusion from the local territory have to be inflicted. In our theoretical case we presume that immigrants have proper intentions and want to cooperate with the existing inhabitants in order to follow the argument.

A rectification might be useful in the case of natural reservations like the ones in the US, which protect the habitat of Native Americans and their “dying cultures”. I refer here to ‘old cultures’ that barely survived the process of assimilation after long conflicts and forced social interactions with foreigners. In these situations, immigrants have to obey certain rules imposed to local residents as well: e.g. if immigrants want to pass through the territory of such reservations they would have to use established paths for general access without harming or desecrating the reservations or damaging the culture protected by these reservations. If it is necessary they have to obtain special permission to pass through their territories and paths of access will be available for their trespass. I propose that mutual agreement between local authorities and immigrants might be the best solution for a peaceful cooperation in which both parties’ rights should be respected.

Immigrants will pass an important share of cultural and social knowledge to the citizens from the host countries the result being the enrichment and development of the host countries’ culture. Further more, the immigrants will learn from their cultural experiences with the residents in the host countries and they will pass these influences once their return to their home countries sharing an important knowledge

about the national cultures of host countries. The exchange of cultural information is vital for intercultural relations between states and immigration plays a valuable role in this process of cultural enrichment. The home countries benefit from interaction with the returning immigrants even from the distance through the exchange of information. The home countries' national cultures enrich in the same manner as the national cultures from the host countries.

Thirdly, connected with the above point, it is important to remember Schefler's remark concerning culture's influence in structuring people's lives. His argument is that a culture should face the foreign challenge in order to select those elements, which can enrich it and modernize it. The foreigners' influence through their customs and language is not threatening but challenging: the national culture can adapt in view of a new important experience for its people and its development.⁶⁹

National cultures are constantly changing as a result of the immigrants' interaction with the host countries' population. The general effect is positive on each category presented so far: host countries, home countries, immigrants, remaining citizens in the home countries and native citizens in the host countries.

2.3. Labour market and entrepreneurship

In this section I present the consequences of immigration on the labour market and entrepreneurship. I start with the effects on the host country. The attitude towards immigrants has changed in the 20th century mainly because of large inflows of immigrants waiting to enter richer, developed states in search for new opportunities. After a big influx of immigrants in the US at the beginning of the 20th century, things started to change in the attitude of host countries. This involved the reappearance of nationalistic feelings, negative opinions about the effects of immigration and the fear that foreigners will rapidly steal the jobs of native residents.⁷⁰ The predominant negative thinking towards the effects of immigration started to be severely criticized in the contemporary literature. I next focus on the arguments that try to counterattack these negative trends on immigration.

⁶⁹ Ibid., 108

⁷⁰ Alan Dowty, *Closed borders-the contemporary assault on freedom of movement* (New Haven & London: Yale University Press, 1987), 239

Moses proposes an efficient analysis of the benefits of immigration on host and home countries from the perspective of open borders policy. Firstly, in the case of receiving countries, Moses argues that economists reached the conclusion that in the 20th century immigration had a positive effect on the American economy (due to important research applied to this geographical area). More immigrants are attracted to USA and the impact on the local economy is visible as industries developed rapidly and the majority of immigrants permanently settled in America.

Secondly, in the case of open borders Moses states that there is a real uncertainty on the assumption that immigrants actually compete with the native workforce: the data shows that the incoming workers aim for undesired jobs and thus cover an important sector of the job market, insufficiently exploited by the native workers. In fact, native workers turn down low-skilled jobs and are more interested in high-skilled jobs that offer more money and benefits. Foreign unskilled workers are interested to take these jobs, thus filling a gap in the job market and helping the local entrepreneurs to develop and run their industries.

There is serious doubt on the assumption that immigrants are usually less skilled than the native workers or that immigrants' skills level depends mainly on the countries considered for analysis. This means that the general tendency has changed a lot in the recent years as high skilled workers are attracted to richer states that offer them higher salaries and better opportunities. In many cases, the incoming workers are more ambitious than the local workers and very hard working, aiming for specific labor sectors that need specific professional skills (e.g. doctors, engineers, professionals dealing with technical domains).⁷¹

Thirdly, the impact of immigration on the local wages is not negative, it only decreases the low-skilled workers' wages but the overall wages in the developed world are positively influenced or are not affected at all.⁷² This point is very important as it proves that incoming immigrants positively influence the labor market and also the distribution of wages on the local job markets. Because unskilled native workers might feel threatened this effect is unjustified because a spirit of competitiveness determines the high skilled native workers to earn more in the long run. The effect on the labor market is positive where the balance between wages is realized for

⁷¹ See Castles, *The age of migration*, 225-229

⁷² See Moses, *International migration*, 112-115

the benefit of both immigrants and native residents. The only negative effect is noticed on the unskilled native workers that are indeed threatened by the incoming low-skilled/unskilled foreign workers.

The structure of the labor market is based on a compact layer of unskilled workers supplied by incoming workers and high skilled workers are dependent on filling the gaps within the lower labor sectors. The wages are dependent on a homogeneous job market that can supply labor force at the lower level in order to promote higher salaries for high skilled workers.

Moses' conclusion in the case of host countries is that the overall effects of immigration are positive, not negative: "Allowing immigrants to supplement the shrinking and ageing populations in the developed world might generate even greater national savings. Without the influx of younger immigrant labour, the developed world may find its standard of living failing rather substantially over the next fifty years. Here the economic argument for liberalizing human mobility is clear-cut and powerful."⁷³ I consider Moses' interpretation of the economic facts to be encouraging and applicable to the overall utilitarian framework. As host countries are important in controlling immigration worldwide the fair conclusion to draw from these data is to encourage host countries to be optimistic about the overall consequences immigration can have on people's lives.

As I have already shown immigrants supply host countries with fresh labour force that usually compensates for the unfilled gaps in the labor market. The following aspects need to be mentioned in regards to the consequences of immigration: 1) immigrants are constantly in search of new job opportunities and are attracted by welcoming labor markets (in consequence, they benefit from the labor market securing new and more rewarding jobs than in their home countries); 2) not all the immigrants are fully integrated in the host countries, in the professional area or in society; 3) a large percent of immigrants still aim for low-skilled jobs in order to make sure that they have work once they arrive in the host country; 4) high-skilled incoming workers are usually more successful than their predecessors in occupying the desired professional positions; 5) immigrants' success in the host countries depends on the chosen location (e.g. US and Australia are more open to immigrants from all kinds of

⁷³ Ibid., 122

backgrounds than Western Europe), 6) the second generation born from immigrants settled in host countries have a high rate of success among native generations and first generation of migrants (they can integrate better in all backgrounds inheriting valuable input from their parents' experience and the host country's educational training).⁷⁴

Among the immigrants that wanted to find better opportunities and secure a safe future for them or their families, we can encounter immigrants who started their own business in the host countries. The entrepreneurial spirit is noticeable among those immigrants that found the necessary capital and had the ambition to start a business. This influence is a positive one for the category of immigrants in general and also for the host country's economy because it generates new jobs and diversifies the labour market. Immigrants that couldn't find suitable jobs for their skills or desired to start afresh in a new country began to create local and in many cases profitable businesses.⁷⁵

On the other hand, we can also measure the impact of immigration on the local businessmen or entrepreneurs. The local employers usually find cheaper labor force among the incoming workers and are satisfied in filling the gaps in the labor sector in this way. The negative effect of this action is that while immigrants settle for low-skilled jobs they can also fall into traps set by the local employers who find many ways either to exploit them or refuse to pay them correspondingly. In these cases, the best solution is to demand a fair immigration policy that protects the rights of immigrants. This negative consequence deepens in the case of illegal immigrants: many of them are treated badly, violently and sometimes can be tricked in entering prostitution, joining drug chains or are sold as slaves on the black market.⁷⁶

The consequences of immigration on the native population are positive in the sense of diversifying the labor market, occupying unwanted jobs, stimulating the local market through the creation of new businesses (entrepreneurial migrants) or creating positive competitiveness between native workers and foreign workers. The negative effects are those related to local immigration policies (if they promote anti-discrimination towards immigrants then these immigration policies should be applied

⁷⁴ See Castles, *The age of migration*, 225-229

⁷⁵ Ibid., 229-230

⁷⁶ Ibid., 253

consistently) and to local employers' attitude towards immigrants. The negative consequences are those mentioned above and they generate racist feelings among the native population, which usually are motivated by a bad application of immigration policies or lack of proper immigration policies.⁷⁷

The native population can dramatically influence the process of integration of newcomers by invoking either a welcoming attitude based on anti-discrimination or a racist attitude, which usually creates violent conflicts, separatism and can lead to wars.

2.4. Capital flight and remittances

In this section I consider the effects of capital flight and remittances on home countries, host countries, immigrants and the remaining population in the home countries. Overall, the sending countries gain a lot of income from the immigrants' residency in richer states. Compared to the local income, the foreign income that comes in the home countries is very valuable as it balances potential financial crises. Sending countries are dependent on remittances (the capital immigrants send back home) and this constitutes an important share of the annual income.

This process is still ongoing as the EU is making the entrance of foreign individuals possible within European states. The difference in being allowed to work full-time or part-time is not highly relevant here; the essential point is that a strong labour force enters in European states each year and is responsible of generating important capital. There are two possibilities for directing this capital: 1) some immigrants choose to store their wages within the host countries contributing to the local economy of host countries, 2) other immigrants choose to send their wages back home creating the phenomenon known as capital flight. In the second case, the sending countries benefit from capital flight and the receiving countries lose an important capital used mainly to reinforce the financial market.⁷⁸

In sum, the positive effects of capital flight and remittances are:

⁷⁷ Ibid., 268

⁷⁸ Ibid., 58

- Migrant remittances can have a major positive impact on the economic development of countries of origin,
- Migrants also transfer home skills and attitudes – known as ‘social remittances’ – which support development.⁷⁹

From an economic and social perspective, the consequences of remittances are positive permitting the immigrants to secure an important return if they return in the sending countries. The remittances can be evaluated as financial deposits or social and professional skills useful for the immigrants and for the home countries as well.

The home countries and the remaining population will overall benefit from immigration because their co-nationals send an important share of their wages back home, either to their families or home banks. This helps reinforce the local economy and stabilizes the local industries. Also the remaining workers in sending countries will not be forced to pay extra taxes as an effect of labour force loss. On the other side, immigrants themselves secure their wages in a disciplined way: they pay taxes in the host countries and they send back remittances securing an extra share of their incoming either as savings for their families back home or simply as aid.

The effect of remittances on the well-being of the immigrants is positive: they secure a stable economic situation for their families back home or they secure their savings in the home countries’ banks reinforcing the home countries’ financial market. Either way, immigrants are positively influenced by capital flight because this is their only way of securing their future planning in either home countries or host countries. The effects of remittances on the host countries do not influence the overall situation because remittances cannot positively or negatively affect the host countries’ economy in a serious way. At the most, remittances can be used as investment in the host country reinforcing the financial market. Otherwise, it cannot be deduced that remittances sent to home countries will cast serious negative effects on host countries.

In conclusion, if immigrants choose to stay in host countries or return back home, the social remittances represent a powerful advantage for them on the profes-

⁷⁹ Ibid.

sional level. The labor market distributes these social and financial remittances for the benefit of the entire international framework (immigrants traveling in different foreign states use their social and professional skills for the benefit of the receiving countries, in return if they come back to the sending countries they invest in the local labour market and contribute to a general increase of entrepreneurship).

2.5. Brain drain

But even if remittances largely contribute to the development of the sending countries, the supposedly negative effect of immigration (or emigration) is represented by the phenomenon of ‘brain drain’. Brain drain involves the loss of educated individuals from poor or developing countries and constitutes a reason of worry for the sending countries. Here are four points that highlight this trend, from a positive perspective, which I analyze in detail.

1) Brain drain should not be interpreted as a negative consequence of immigration. When educated individuals leave their countries of origin this can entail positive effects in the long run. It involves brain circulation between sending and receiving countries generated by high skilled workers. The loss of educated individuals can be weighted with the incoming educated or high-skilled individuals from other states. The brain circulation permits a constant flux of high skilled individuals to leave and enter nation-states for the benefit of sending and receiving countries as well as for the immigrants themselves (this refers to a balanced outlook on both emigration and immigration).

To give an example for brain drain: top students that leave their home countries to study in richer states in top universities are asked to come back to their home countries once their study period is finished. This type of agreement is used by several developing states in Europe to reduce the negative effect of brain drain and strengthen the local economy and education benefiting from the social and professional skills the students acquire in the host countries. Emigration is seen as a potential harm for the home countries because it generates positive benefits for the host countries (as they experience as immigration) and in return the home countries are left with a smaller amount of high-educated people.

This example is typical for the 'brain circulation' phenomenon because sending countries are controlling emigration for the benefit of both sending and receiving countries (receiving countries do not have to deal with a large number of students in search for jobs after they finish their studies and the sending countries are benefiting from the original investment in their students once they are integrated in the local labour market). The negative effects of brain drain can be controlled systematically and in agreement with the outgoing students creating a balance between the negative effects of emigration (from the home countries' perspective) and the positive effects of immigration (from the host countries' perspective).

2) The second point refers to another effect of brain drain within the circular labour migration, which can stimulate economic development across states. Hence, if high skilled workers and professionals are leaving their countries in search of better opportunities they can influence the labour market from each state they visit or reside in temporarily. As skills are transferable from one group of workers to another, the effect of brain drain can have a significant positive influence on the international labour market in this perspective.

3) The third point refers to migrant Diasporas that can communicate with the home countries exchanging ideas and resources. Even if the home countries experience the negative effects of brain drain in the present moment or in the short term, nevertheless, the positive effects reveal themselves in the long run. The communities of migrants within the host countries tend to socialize and keep contact with the home countries representing important clusters of economic and social reinforcement for these. The role of migrant Diasporas reflects a positive consequence of brain drain once the social cohesion is strong enough to generate exchange of resources, skills and information.

4) The fourth point shows that if home countries tend to stabilize their economies or reinforce them, then the chance of brain drain is reduced. The educated individuals do not need to find opportunities in richer states or neighboring states and can contribute to the development of their home countries' financial market.

Moses backs up these observations and focuses his analysis on the American history. His analysis includes historical evidence and economic research. In short, Moses agrees with the fact that both sending and receiving countries benefit from the

‘brain circulation’, involving important economic gains.⁸⁰ As to remittances, this phenomenon is highly influential for developing and poor countries, as it was mentioned above. Moses balances the benefits brought by remittances with the effects of restraining immigration in the developing countries and the conclusion is striking: immigration controls deprive developing countries of an important capital used for enforcing their economies and stabilizing the financial market.⁸¹

Analyzing the effects of immigration on the remaining population from the home countries we can distinguish between positive and negative trends. As it was already shown home countries benefit from immigration through brain drain and remittances. The workers that remain at home benefit from brain drain at the level of the labour market: “With fewer workers remaining (after emigration), their relative bargaining power (vis-à-vis employers) increases-empowering them to demand higher wages.”⁸²

From another point of view, the costs of brain drain have an immediate effect on the remaining population. With fewer individuals to pay the taxes and help the local economy, the population registers an increase in local taxes and there are more gaps to fill within the labour market. One category of individuals severely affected by this process is the local entrepreneurs and employers. Without a high-skilled labour force and in general with fewer workers they need to supplement the labour force with new employers, important costs that will affect the local businesses in the long run. But remittances will partly cover for these costs and will help stabilize the local economy. So, as costs of emigration are noticeable, important benefits fill the gaps in the local economy and labour market and offer the remaining population a source of capital.⁸³

Seglow argues that there are a few problems with the utilitarian outlook on migration in general. Seglow points to the fact that those high-skilled individuals who choose to leave their countries of origin might be those ones the sending coun-

⁸⁰ Moses, *International migration*, 127

⁸¹ *Ibid.*, 129-130

⁸² *Ibid.*, 130

⁸³ *Ibid.*, 131

tries can dispose of and once they arrive in the host countries they suffer from marginalization and discrimination.⁸⁴

As it was already pointed out, high-skilled individuals that leave countries of origin create negative effects in their home countries because it takes time for an equal amount of high-skilled individuals to take up their places in either the professional domain or in education. I do not believe that sending countries can dispose of their high-skilled individuals so easily without claiming that this action affects them in a negative way in the present time. For instance, medics from Romania are massively leaving the country, as well as students following undergraduate or postgraduate programs in technical fields like: IT, biology, chemistry, mathematics, physics, etc.⁸⁵. These students or young professionals are very valuable in their home countries either as future professors or practitioners. This situation is also present in other European countries like: France, Portugal, Germany, Poland, Greece, etc. If these individuals leave their countries of origin the gaps created in the labor market will be noticeable, contrary to what Seglow claims.

If immigrants suffer from marginalization and discrimination in the host countries this can only be an effect of the general attitude on the issue of immigration. As I previously argued, this attitude can be corrected if host states realize that they have general duties towards immigrants and they should leave aside any type of racist treatment. Of course, this measure can be enforced if immigration laws are correctly stipulated in favor of immigrants' rights and if these laws are obeyed in host countries. The fault does not pertain to sending countries for the marginalization of their fleeing citizens, this is a general issue that can only be corrected by being morally impartial and displaying a general understanding for the condition and legal status of immigrants.

Brain drain is an important issue for home countries implying negative and positive effects. The measures home countries and host countries adopt are important in regards to the protection of immigrants when they arrive in the host countries (by recognizing immigrants' rights and applying the relevant immigration laws). These

⁸⁴Jonathan Seglow, "The ethics of immigration", *Political Studies Review* 3, (2005): 326-327, http://rhul.org/politics-and-ir/About-Us/Seglow/Pdf/Seglow_Political_Studies_Review_article_2005.pdf

⁸⁵Mihai Sarbu, "Fears of a 'Brain drain'", *Ludwig von Mises Institute*, Mises Daily, November 27, 2006, <http://mises.org/daily/2371>

measures can also help to minimize the negative effect of brain drain in the home countries (by creating scholarships or professional contracts with an obligation to come back after the period of study/work in the home countries and practice their profession there for, at least, a limited period of time) and to maximize the brain circulation between home and host countries.

This implies a general awareness on the impact of immigration on the international scale, which can only bring benefits to the parties involved if these measures will be taken. Within the utilitarian framework, negative effects of issues such as brain drain can be minimized if the political institutions and the immigration laws correspond to the needs of all parties without giving preference to a certain category (e.g. giving preference only to host countries because they are richer and they can impose their own rules without consulting the immigrants versus the scenario where both immigrants, home countries and host countries discuss these issues and collectively choose rules to regulate the negative effects of immigration).

3. Wellman's objection

I present a general objection addressed to the utilitarian account of immigration. As utilitarians like to consider that immigration contributes to the well-being of all parties involved and because of this reason states should favor open borders, Wellman describes an interesting objection to this. He argues that sometimes parents want to raise their children in a suboptimal way comparative to the Platonic model of raising the children collectively without their parents' involvement being taken care of by all members of the community. The argument goes on that it is justifiable for parents to desire this degree of sub-optimality because as parents they prefer to raise them in their private cluster.

Another example refers to the fact that Norway's refusal to join EU can be considered a case of inefficiency because EU and Norway could be better-off if Norway joined EU. However, Norway chooses inefficiently to remain neutral to this aspect and therefore this action is condemnable from a utilitarian perspective. In the same respect, states cannot be condemned to refuse entry to some immigrants inefficiently because this is part of their internal logic as particular states and their effi-

ciency is their own private matter to decide.⁸⁶ Thus, if Norway refuses to join EU then it can also refuse other individuals to join its territory.

I examine the first example in depth: the analogy with the parents is not applicable for the case of states. First of all parents are connected with their children on a different level than states are connected with their citizens. States do not give birth to citizens or promise them to give them food otherwise they would die. The relation between parents and children is a parental one, based on blood liaison, which involves a high degree of responsibility and care. If a parent chooses to raise his child within the private sphere of the family this can also be an efficient way to educate and raise the child maybe even more so than in the case of collective education. A second thought can be addressed to the fact that the Platonic model of raising the children does not really relate to our case of immigration, even if it stands on utilitarian grounds.

We can imagine immigrants mixed with citizens of a particular state without that state to dispense of its special obligations towards its citizens. Having special duties towards citizens does not overrule having general duties towards immigrants and letting them inside, as Goodin argues, for example. This is not comparable with the case of parents that can raise their children only in the private sphere of their homes under their care. If the parents are unfit to take care of them then a form of taking care of them collectively is justifiable.

In reference to the second example, Norway's refusal to join EU might stand on different considerations than Norway's refusal to admit immigrants. Utilitarians can argue that even though Norway had inefficiently chosen not to enter EU, based on economic, social matters, it still can decide to accept immigrants in an efficient way. I do not think Wellman's argument works very well in reference to the two cases, other than proving that Norway has its own right to choose whatever policy finds fit. Analyzing the data on the immigration process in Norway we find out that the number of immigrants has risen considerably from 1950, showing important growth in 2000. The public reaction nevertheless is not overall in favor of immigration but still facts show that Norway accepts immigrants from different backgrounds,

⁸⁶Christopher Heath Wellman, "Immigration", *Stanford Encyclopedia of Philosophy*, 2010, <http://plato.stanford.edu/entries/immigration/#Uti>

including asylum seekers and students attracted by friendly Norwegian educational schemes.⁸⁷

These data might prove that in fact immigration policies do not stand on the same grounds with other political policies. Moreover, even the countries neutral in issues like joining EU have a friendly policy of immigration despite the public skeptic reaction towards this issue. Encouraging friendly immigration policies can attract a lot of benefits for countries such as Norway, which can refuse to join EU for other reasons proving that opening the borders to immigrants does not necessarily conflict with the decision to join or refuse to join other treaties/unions etc.

To conclude this section, the negative consequences of immigration on all the categories of individuals presented so far including the sending and receiving countries can be prevented or dealt with in a safe manner by adopting the right immigration policies and showing the right attitude vis-à-vis the immigrants themselves (this means adopting an antiracist attitude and respecting the legislation with regards to the status and recognition of immigrants' rights).

4. Conclusion

In this chapter I analyzed the consequences of immigration, the arguments focused on the positive and negative effects of welcoming foreigners. As I have shown, the balance between special and general duties can point to the most urgent matters without decreasing dramatically the level of well-being of the existing residents within nation-states. Utilitarians proved that the effort of helping the vulnerable, offering aid to refugees, assisting the economic immigrants with primary goods is worth pursuing. In the next chapter, I shall consider the liberal egalitarian arguments on immigration and how the objections can be overcome.

⁸⁷ "Immigration to Norway increasing", *Immigration, work visas and work permit services*, May 8, 2007, <http://www.workpermit.com/news/2007-05-08/norway/record-immigration-statistics-2006.htm>

Chapter Two

Liberal egalitarianism and immigration

In this chapter I present the liberal egalitarian account of immigration. In the first section I define liberal egalitarianism. In the second section I expose Rawls' account of liberal egalitarianism. In the third section I focus on the arguments in favor of freedom of movement and open borders from the perspectives of two values: freedom and equality. I explore the main question if immigration is a moral right based on the argument that freedom of movement should be counted as a basic liberty. Also in this section I dispute the arguments on the asymmetry between the right of entry and exit and argue for the symmetry between these two rights. In the fourth section I compare freedom of association with freedom of movement and explain whether there is a conflict between the two. In the fifth section I propose a short thought experiment that promotes the principle of just immigration and how this works in the original position.

In the sixth section I extend the case of open borders to no borders within cosmopolitanism from the perspective of finding solutions for global inequalities and world poverty. Finally, in the seventh section I assess whether immigration undermines the liberal egalitarian values. I conclude that liberal egalitarians should favor in general open borders and freedom of movement with the possibility of imposing a radical policy like no borders policy.

1. Definition of liberal egalitarianism

In order to give a proper definition of 'liberal egalitarianism', I need first to define the terms 'liberalism' and 'egalitarianism'. Liberalism refers to "a political ideology whose central theme is a commitment to the individual and to the construction of a society in which individuals can satisfy their interests or achieve fulfillment."⁸⁸ As key values, liberalism gives importance to individualism and freedom

⁸⁸ Andrew Heywood, *Key concepts in politics* (Basingstoke: Palgrave, 2000), 60

among other values. Though individuals are free to pursue their plans as long as they respect the freedom of all, equality plays an important part in highlighting the idea that all individuals are equal since birth and they should enjoy equal opportunities. In this context, liberals favor the principle of meritocracy (people are promoted according to their abilities rather than their social background⁸⁹) and stress the idea that individuals can get different merits depending on their different talents and desire to work. Hence, even if individuals are morally born equal they can reach different results according to particular skills and investment in labor.

Egalitarians, on the other hand, encourage equality between individuals in terms of wealth and income. An egalitarian can refer to different types of equality, for instance moral equality (all individuals are morally equal by birth and should be treated with the same dignity as human beings) rather than resource equality (all individuals should be equal in wealth, income or resources). Apart from this distinction, egalitarianism can be instrumental or non-instrumental. Instrumental egalitarianism values equality as a means to some independently specifiable goal⁹⁰ whereas non-instrumental egalitarianism values equality for its own sake—as an end, or as partly constitutive of some end.⁹¹

To illustrate this distinction, imagine that a person aims to promote solidarity within a group of people and equality is a good measure to realize this aim. In this case he qualifies as an instrumental egalitarian for using equality as an instrument for another purpose. However, a non-instrumental egalitarian will promote justice within a group of people because he also values equality as part of the notion of justice, morally speaking. This person values equality as an end in itself not as an instrument for realizing another purpose.

Liberal egalitarianism values both freedom and equality within the same political doctrine. For example, a liberal egalitarian can find that equality should take priority over freedom in his theory valuing more equality of wealth or income, whereas another liberal egalitarian might favor freedom on the background of equality considering that individuals are free to attain their level of wealth according to

⁸⁹ Iain Mclean and Alistair McMillan, eds., *The concise Oxford dictionary of politics* (Oxford: OUP, 2009), 342

⁹⁰ Richard Arneson, "Egalitarianism", *Stanford Encyclopedia of Philosophy*, 2002, <http://plato.stanford.edu/entries/egalitarianism/>

⁹¹ Ibid.

their capacities. I shall explore more this definition in the following section, when I shall present Rawls' theory of justice.

2. Rawls' liberal egalitarian theory

I briefly summarize Rawls' account of liberal egalitarianism. Rawls' theory of justice is a perfect example of a theory combining the values of freedom and equality. Rawls argues for both basic liberties and equality of opportunity for all individuals and sets a redistribution scheme for the worst-off. His theory of justice focuses on the principles of justice, which guide the entire social framework and the distribution process. The two principles of justice are accompanied by two rules of priority. I shall argue that among these liberties, freedom of movement can be chosen as part of basic liberties under the veil of ignorance in the original position. If individuals will choose freedom of movement they will also prefer the principle of just immigration, described in the following sections. The two principles of justice and the priority rules are the following:

First principle: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second principle: Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

First priority rule (the priority of liberty): The principles of justice are to be ranked in lexical order and therefore the basic liberties can be restricted only for the sake of liberty. There are two cases: (a) a less extensive liberty must strengthen the total system of liberties shared by all; (b) a less than equal liberty must be acceptable to those with the lesser liberty.

Second priority rule (the priority of justice over efficiency and welfare): The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is prior to the difference principle. There are two cases: (a) an inequality of opportunity must enhance the opportunities of those with the

lesser opportunity; (b) an excessive rate of saving must on balance mitigate the burden of those bearing this hardship.⁹²

Rawls' liberal egalitarian account gives priority to an equal share of liberty to all individuals. Within a system of liberty for all each individual has an equal right to a set of basic liberties that is compatible with the initial liberty system. This means that if an individual does not enjoy an equal right to these liberties he is outside the liberty system and in consequence deprived of basic liberties. Referring to equality of wealth and income these social and economic benefits should satisfy in the highest degree the least advantaged person according to the just savings principle and should respect the equality of opportunities for all.

The first priority rule advocates for a less than equal liberty that must be acceptable for those with lesser liberties and such an account must strengthen the overall system of liberties. The second priority rule of justice over efficiency and welfare indicates that in the case of inequality of opportunity and excessive rate of saving the second principle of justice intervenes in order to favor the worst-off. In other words, the second priority rule entitles the second principle of justice to take control in matters where the worst-off are disadvantaged by either of the circumstances reminded above. The two priority rules act in cases where freedom and equality need to be balanced in favor of the worst-off. Rawls chooses these priority rules to maintain a balance between the principles of justice and real world cases where the accumulation of resources or basic liberties come into conflict.

Both principles of justice create a balance between the worst-off and the better-off in order to help the situation of the worst-off in the perspective of fairness. Moreover, the principles of fairness aim to establish both political and liberty rights for all individuals in order to create a balance of opportunities not only from the egalitarian perspective but also from the liberal perspective. This liberal egalitarian account helps improve the well-being of individuals from two perspectives: as free agents enjoying an equal right to basic liberties and as political agents enjoying the equality of opportunity.

⁹² John Rawls, *A theory of justice* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1999), 266-267

Rawls' account tries to avoid the situation where individuals feel constrained by the socio-political system they live in by providing them with an equal right to basic liberties and equality of opportunity. If the worst-off reach the desperate point of bankruptcy the system is there to assure that they will be helped with resources acquired from the better-off according to the principle of just savings (those who own more will contribute to help the worst-off, thus not abusing the basic liberties system or the equality of opportunity).

The original position contributes to the overall background of social cooperation because individuals choose the principles of justice in this state. Rawls describes the original position as

a fair procedure so that any principles agreed to will be just. The aim is to use the notion of pure procedural justice as a basis of theory. Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations.⁹³

Leaving aside the risk of inequality and violation of liberty in the real world circumstances, Rawls proposes the original position as an alternative to weigh our general principles in advance to acting in real life. The principles of justice will then permit all individuals to think in advance before committing any violation or abuse on other persons. Rawls' original position is a thought experiment in which we all are under the same circumstances and no rules of acting are set. In this scenario, everybody will tend to rationalize their choices before passing to actions and second, everybody will try to assume the other individual's position as an alternative role for their own situation. As matters are not fixed yet, individuals can establish the rules according to which they want to live bearing in mind not only the costs of the action but also the responsibility that follows from performing it.

Another purpose of the original position is to trigger a rational framework for social cooperation, which can be initiated by anyone who needs to evaluate the alter-

⁹³ Ibid., 118

natives for him and for the other individuals and weigh the consequences of actions before performing them.⁹⁴ In addition to these principles of fairness, Rawls subscribes to the idea of social cooperation, which embodies “the central liberal ideas that cooperation should be fair to all citizens regarded as free and equal”⁹⁵. Rawls argues for the positive distributive thesis of equality-based reciprocity, which simply states that all social goods must be distributed equally among all members of society unless an unequal redistribution will be for the advantage of all. Justice must start from the presumption that if all individuals are born equal then all cooperatively produced goods must be distributed equally among all individuals. Then, if inequality arises according to the idea of justice, all individuals must benefit from it particularly the worst-off.⁹⁶ The liberal background is lead by the redistributive scheme from which everybody benefits especially the worst-off.

In sum, the advantages presented by the justice of fairness account over the utilitarian theory refer to the idea that: “the four-stage sequence formulates an order of agreements and enactments designed to build up in several steps a hierarchical structure of principles, standards, and rules, which when consistently applied and adhered to, lead to a definite constitution for social action.”⁹⁷

3. Is immigration a moral right?

In the current section I focus on the arguments establishing immigration as a moral right. I consider that immigration can be classified as a moral right, part of freedom of movement in its double apprehension as freedom of exit and freedom of entry. Immigration cannot be a legal right because it is not recognized by the law and cannot be integrated within the legal right of entry because such a right is not recognized in the law. I further argue for a moral right of immigration supported by philosophical and ethical reasons.

In proving this, I firstly present the arguments in favor and against freedom of movement from two perspectives: from the perspective of freedom and from the per-

⁹⁴ Ibid., 120

⁹⁵Leith Wenar, “John Rawls”, *Stanford Encyclopedia of Philosophy*, 2008, <http://plato.stanford.edu/entries/rawls/#BasStrSocIns>

⁹⁶ Ibid.

⁹⁷ Rawls, *A theory of justice*, 496

spective of equality. Whether immigration can be considered a moral right will depend on the arguments I provide for the symmetry between the right of exit and the right of entry. Secondly, I focus on the distinction between freedom of association and freedom of movement and if these freedoms conflict and if they can be compatible within the liberal egalitarian framework.

3.1. Freedom of movement

I make a distinction between the arguments formulated through the perspective of freedom, considered as primary value and the arguments formulated through the perspective of equality according to the definition of liberal egalitarianism. Each category of arguments will highlight the advantages freedom of movement brings in terms of either freedom or equality and I discuss them in turn.

The right to freedom of movement is enshrined in article 13 from ‘The Universal Declaration of Human Rights’ from 1948. Thus, freedom of movement is constituted of the freedom to move within the boundaries of a state and the freedom to exit and return to the home country: “1) Everyone has the right to freedom of movement and residence within the borders of each State; 2) Everyone has the right to leave any country, including his own, and to return to his country.”⁹⁸

From this definition we can observe that there is an asymmetry between the right of exit and the right of entry. The right of exit from one’s country is acknowledged as a human right and one can also move freely within the borders of its country. I argue for the symmetry between the right of entry and the right of exit and propose that freedom of movement should be considered as a conjuncture between these two rights, as a more extensive freedom.

a) Freedom-based arguments for freedom of movement

I start by explaining the orthodox view according to which freedom of movement is based on the moral asymmetry between the right of exit and the right of entry. Whereas the right of exit is acknowledged as a right in the Universal Declara-

⁹⁸ “Right to freedom of movement”, *The Universal Declaration of Human Rights*, Art. 13, December 10, 1948, http://www.claiminghumanrights.org/udhr_article_13.html#at14

tion of Human Rights, the right to enter still poses problems for the majority of political philosophers. I argue that in a liberal egalitarian perspective the right of exit should be symmetrical with the right of entry because if people come out of countries without a place to go this action does not seem justifiable from the perspective of individual freedom.

My main argument is that even if states can oppose the entrance of individuals as they choose their own admittance policies, nevertheless exiting a country without having another area of access to enter does not offer the individual a basic liberty or human right in the first place. The membership to one community should be subject to change because all individuals enjoy the liberties of free movement.⁹⁹ I will return to this argument shortly.

As liberal egalitarians consider freedom of movement as a basic liberty everyone must enjoy, we can focus on the two parts that form it. Freedom of movement is constituted of freedom of exit/right of exit (to have the right to exit your own country) and freedom of entry/right of entry (the right to enter another state than the state of origin). As we already have seen, the right of exit is stipulated in the article 13 from The Universal Declaration of Human Rights at number 2. What happens with their right of entry to other territories if individuals are free to exit the home countries and return? For instance, we can interpret freedom of movement as being available only for tourists that travel in purposes of study or business and reside temporarily in foreign countries. But what happens with the rest of people like asylum seekers, economic immigrants and refugees? Their need is more urgent than traveling with tourist purposes and waiting for consent from host countries usually turns into an ordeal on their behalf. Does the right of exit have a correspondence in the right of entry? Moreover, how can liberal egalitarians plead for a moral symmetry between exit and entry?

An interesting account is presented in the ‘International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families’

⁹⁹ Joseph Carens, “Migration and morality: A Liberal Egalitarian Perspective,” in Barry and Goodin, eds., *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*, (New York, London: Harvester Wheatsheaf, 1992), 27.

adopted in 1990.¹⁰⁰ In the article 39 it is stipulated that migrant workers and their families benefit from freedom of movement within the state of employment and are also free to apply for residence.¹⁰¹ In the article 38, states of employment should authorize under all their efforts the migrant workers' absence and recognize the duties they might have towards the states of origin.¹⁰²

There are some difficulties in proposing the open borders policy for liberal egalitarians. One difficulty is that in proposing freedom of movement and opening the borders to all immigrants, in facing massive influxes of strangers from different cultural and political backgrounds this might endanger the liberal egalitarian institutions when dealing with redistributive issues. This might happen when social institutions cannot redistribute correctly the resources possessed at present between residents and immigrants and when the influx of immigrants can supersede the supply of existing resources. The liberal egalitarian institutions have to be solid and trained in dealing with immigration in order to integrate them adequately within the local community.

It can be replied here in favor of freedom of movement that basic liberties have lexical priority so the objection that the influx of immigrants might endanger the stock of resources is not strong in this perspective because basic liberties can only be restricted for the sake of liberty. In this case we cannot argue soundly that immigrants are ruining the stock of resources from the host country and therefore they should be constrained from entering. Maybe the objection would work better if immigrants would constrain the residents' degree of liberty, but even in this case a

¹⁰⁰ See 'International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families', *Office of the United Nations High Commissioner for Human Rights*, December 18, 1990, <http://www2.ohchr.org/english/law/cmw.htm>

¹⁰¹ Cf. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 39: "1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.

2. The rights mentioned in paragraph 1 of the present article shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals, or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention."

¹⁰² Cf. International Convention on the Protection of the Rights of All Migrant Workers, art. 38: "1. States of employment shall make every effort to authorize migrant workers and members of the families to be temporarily absent without effect upon their authorization to stay or to work, as the case may be. In doing so, States of employment shall take into account the special needs and obligations of migrant workers and members of their families, in particular in their States of origin.

2. Migrant workers and members of their families shall have the right to be fully informed of the terms on which such temporary absences are authorized."

liberal egalitarian framework is not concerned with the degree of liberty but with basic liberties as such.

To return to my previous argument about the freedom of movement as incorporating both the right of exit and the right of entry, allowing the right of exit but restricting the right of entry in my view undermines the human right for freedom of movement in the first place. Let us consider, for the sake of the argument, the case of asylum seekers who desperately need to find a new home, at least on a temporary basis until the political or economic situation in their home countries is ameliorated. According to the UDHR, freedom of movement is at half way in accomplishing its purpose from the perspective of human rights. An asylum seeker has the right to exit his home country but due to calamities, wars, famine or other desperate situation he urgently needs to enter another territory and access the existing resources (either in a financial manner or directly by consuming resources).

If the surrounding or available states to welcome the asylum seeker forbid him the right to enter their territories as part of their border policy the asylum seeker will soon die. According to UDHR this situation is acceptable because there is no stipulated right of entrance on foreign territories if the concerning states do not explicitly allow this. The death of the asylum seeker is acceptable under this definition of freedom of movement. My questions are: could a liberal egalitarian find this situation just and moreover, what is the purpose of a right of exit without a right of entrance in situations like these?

The answer to the first question is that a liberal egalitarian would find this situation very unfair because such a human right stipulated by UDHR conflicts with basic liberties everyone should enjoy. This means that under a life-threatening situation an individual should be helped with resources, humanitarian aid, which defines a normal conduct for any human life. In the case of asylum seekers, a liberal egalitarian can argue borders should be opened even if temporarily to allow these individuals to escape a life-threatening situation and be helped. At least temporarily, these individuals should have access to the host countries' resources mainly because no other alternative of helping these people is available.

However, in the case of other immigrants a liberal egalitarian can impose some conditions: the situation of immigrants must be weighed thoroughly before ac-

cepting them but should be evaluated in an efficient time according to the urgency of the request. If economic immigrants, for example, are not in a life-threatening situation but still their condition is not a decent one for a human being their request should be analyzed (if the country does not allow open borders for the current moment) and the selection of these immigrants should be made carefully based on how much they will consume in the future and the stock of resources existent in the present moment in the host country.

To answer the second question an adjustment on the current human right of freedom of movement is necessary from a liberal egalitarian perspective: a right of entry is necessary when life-threatening situations are met and where immigrants face a very poor life in their home countries, which according to the decent living standards are unacceptable. In these situations, states should welcome at least a minimum number of immigrants in direct proportion with the available resources they have at the current moment as part of their moral duties and in respect for the basic liberties.

Freedom of movement should be perceived as a basic liberty in this scenario, where the lives of immigrants depend on their admittance in host countries. It is true that many immigrants would try to use this right in their own benefit, but nevertheless, if such a right is not recognized, innocent people will die or their lives will be seriously threatened due to the absence of a right to entry. Moreover, immigration should be considered a part of freedom of movement enclosed in the right of entry and recognized individually as a moral right (e.g. in the case of a asylum seekers or refugees the moral constrain in opening the borders is even higher than in the case of economic migrants but nevertheless the moral right of immigration should be open to all human beings as part of their basic liberties). If open borders are not applicable in a certain state due to economic or political reasons at a given moment in time, still porous borders should be considered as an alternative according to these needs immigrants justifiably possess.

I stress the importance of considering the right of entry as part of freedom of movement even if the current political and economic conditions of different states contradict this fact. Improvement can be realized in terms of integrating immigrants along with the improvement of economic and maybe political conditions in host

countries. The distinction is between the moral action of recognizing the right of entry as symmetrical with the right of exit and as part of the overall human right of freedom of movement contrary with the current empirical economic/social/political situation of host states. This point will move forward our discussion of integrating immigration within freedom of movement based on a moral argument.

Another sensitive remark to be made is the fact that many host countries ignore the moral need of immigrants who wish to enter their territories due to economic factors. I argue that it is a wrong interpretation of two different perspectives: one is economic and the other is moral. Arguing that it is justifiable to reject the right of entry based on economic factors means not to answer the real moral problem: are immigrants supposed to die, starve or experience moral and physical pain in order not to conflict with the welfare of host states? Are the two problems even on the same level in our discussion?

I answer no, because avoiding the moral problem by defending the welfare of nation-states is not a proper solution and does not answer the real question here. Treating this question properly would mean to agree with the fact that many immigrants (among which the desperate cases of asylum seekers, refugees or economic immigrants) will die or experience serious harms if the host countries do not open their borders. This means that further on we need to recognize the right of entry as symmetrical with the right of exit and as part of freedom of movement, understood as a human right. Next, agreeing with these parameters, immigration will naturally fall under the category of basic liberties and as part of the human right of freedom of movement.

In this way we answer the moral problem we are faced with. To answer the second problem, economic or political flaws can be solved in different ways. One solution will be immigration and another will be foreign aid and debt-forgiveness, which will work together in reducing global inequalities. This in the future will reduce severely the numbers of emigrants and will lead to an even distribution of immigrants across richer countries. I add another solution: richer states that face a big influx of immigrants, either asylum seekers or refugees can make a common agreement of distributing these people according to the skills they possess or according to the willingness of integrating different nationalities within their communities. This

will create a market of immigration, which can function justly if we apply the principles of justice and the principle of just immigration. These issues will be treated properly in the next subsection when I treat the same issue from the equality perspective. For the sake of the argument I wanted to establish the possibility of the symmetry between the right of exit and the right of entry and enumerate my main arguments for this.

One problem is the economic situation of the incoming immigrants, which in the majority of cases are poor and have to find jobs in order to sustain themselves. A second problem is the number of the immigrants, which means a lot of bureaucratic work for the local political institutions (registering the immigrants, making sure they possess visa or the necessary documents, etc.). A third problem can be the security issue of making sure, firstly, that the immigrants are not potential criminals (or ex-criminals) and secondly, that the immigrants are either in the process of getting a job or performing a legal activity on the territory thus avoiding the most immediate risk of stealing or performing an illegal action.

The liberal egalitarians argue that the expulsion of members is not justified. If we assume an international approach to the issue of free movement, then we can understand the need for symmetry between the right of exit and the right of entry. The rights of exit and of entry are seen in the same international framework, where the egalitarian perspective can be easily spotted. The universal right of exit needs to have a correspondence in the right of entry as part of the basic liberties Rawls described.

Liberals promote freedom of exit in the first place because they promote individualism and freedom as core values of their theory. If individuals would be constrained to stay within the borders of the state, then their basic liberty of developing their abilities would be violated and would contradict the core values of liberalism. As opposed to communist regimes for example, liberals acknowledge the importance of freedom of exit as part of the fundamental liberty of human beings. However, the basic liberties and rights defended by liberal egalitarians conflict with the need of consolidating the social and political institutions in the decision of closing or opening the borders.

I argue that this conflict should not exist in the first place because the core values, basic liberties and rights of human beings weight more than the consolidation

of social and political institutions. Ultimately, legalizing the right of entry would make individuals stand on different legal grounds and the crime of entry foreign countries illegally would be suppressed. This could also help countries to better regulate the influx of immigrants and collaborate with them discussing common issues about human rights and the need to consolidate the welfare system.

Human rights are in Roger Nett's account "the category of liberty that humans reserve for each other to provide for individual development and to give one form of ultrastability to the social system by limiting waste of talent and insuring creative variety."¹⁰³ Exploring the idea of freedom of movement means to rely on two dimensions: "one material, the right of people who are trapped in overcrowded areas or areas without sufficient resources to go where resources are not so taken up."¹⁰⁴ The other dimension is political referring to "the right of people to move away from oppression, persecution, unfair restriction, or even disagreeable social environments and social orders."¹⁰⁵

I agree with the fact that freedom of movement can offer a solution for internal conflicts within a nation-state, which in many ways reflects the lack of communication or exchange with other states on all levels. Sustaining freedom of movement as part of human rights is the right track for gaining new experiences that can reduce feelings such as racism or discrimination.

Nett offers some arguments in favor of freedom of movement. One argument says that freedom of movement would sharpen the need to obey local law but would make it easier to do so since one wouldn't have to remain in a given milieu. Next, if local laws should be oppressive free movement would exert forces less explosive than an internal revolution to get them changed.¹⁰⁶ Nett underpins freedom of movement with basic freedoms and argues for an increase in communication and the reduction of frustration as an effect of suppression. Individuals respond better to novelty and create more variety in society¹⁰⁷ because of freedom of movement. The main idea is that basic freedoms, among which freedom of movement represent the

¹⁰³ Roger Nett, "The civil right we are not ready for: the right of free movement of people on the face of the earth", *Ethics* 81, no. 3 (1971): 261, <http://www.jstor.org/stable/pdfplus/2380163.pdf>

¹⁰⁴ *Ibid.*, 218

¹⁰⁵ *Ibid.*, 219

¹⁰⁶ *Ibid.*, 220

¹⁰⁷ *Ibid.*, 221-222

“highest forms of human cooperation and a key to ultrastability in an advanced system.”¹⁰⁸

Opening borders means respecting the freedom of individuals and acknowledging their rights for integration in foreign states. I am not arguing here for a libertarian interpretation putting more weight on individualism or freedom than necessary. I am weighting the importance of the two values within the liberal egalitarian account: freedom and equality.

My argument is that liberal egalitarians should protect more these liberties and assume the consolidation of institutions as derivative of accepting and integrating immigrants in foreign states. The excuse of consolidating institutions is old and has been used for a long time as a pretext for closed borders. Promoting open borders, however, means to assume a new status and priority of the fundamental liberties of people and opt for closed borders only in cases of emergency. Even though in some cases the restrictions are needed for further improvement in the institutional structure, nevertheless, the liberal egalitarians should return to an open border policy after these changes have been made otherwise the excuse of closing the borders is not justified in the first place.¹⁰⁹

Liberal egalitarians should promote it because it offers stability for the individuals in terms of their development as fulfilled persons capable of following their liberty of action and desire for self-accomplishment. Moreover, this argument is valid for the autonomy of all individuals that are capable or have the desire to evolve in terms of capabilities, finances or personal education. If home states cannot provide these items for their citizens, then they should be free to find them elsewhere in other richer states. If however, the home states do possess all the basic requirements for education or professional development and the citizens are still attracted to the idea of immigrating in other countries then the reason for doing this must constitute the ground of personal achievement within the need for autonomy.

I propose the following example to illustrate this last argument: in the recent years, EU has experienced a massive brain circulation, immigration/emigration from the category of young people who wanted either to pursue their studies in different countries or work elsewhere than their countries of origin. Young people from all

¹⁰⁸ Ibid., 222

¹⁰⁹ Kukathas, “Immigration”, in LaFollette, ed., *The Oxford handbook of practical ethics*, 573

over EU felt the need for specialization in universities other than the local ones or believed that they could get better-paid jobs and valuable work experience in richer states from EU (e.g. Erasmus/Socrates scholarships are a proof of this as many students prefer to follow other degrees in foreign countries or stay there and work instead or returning to their home countries). Freedom of movement within the states of EU is a perfect example for illustrating the individuals' need to get better or different education, better jobs and valuable work experience in other countries than their own. Because I mentioned the notion of need, I further explain the connection between basic needs and basic liberties. This account will permit a reinforcement of open borders constituent of the basic human liberties.

According to Rawls, a liberal society meets the requirement of basic needs, which stipulates that all individuals should have their basic needs satisfied and the available resources would be distributed according to this criterion. Also in relation to the example of EU these basic needs correspond to resources like education, jobs and work experience, which are necessary for the citizens living within EU. Freedom of movement helps distribute these resources according to individuals' needs and represents a support for immigration. We can see that immigration in this case helps those individuals who lack these resources to access them in different countries within EU. Because Rawls conceives society as self-sufficient and closed, citizens enter it only by birth and leave it only at death¹¹⁰ this means that at least in the ideal world we do not need immigration and that the right of entry and exit are not a basis for freedom of movement. However, in the real world individuals are constantly in need of resources and as some states cannot offer them the necessary amount to satisfy the basic needs, people tend to immigrate in order to accomplish these needs.

My argument is intended to illustrate that in the real world freedom of movement sustains the basic needs of individuals and helps them acquire the necessary resources, as Rawls argued it should happen in a fair society. Applying the idea of basic needs to EU as we observed earlier, it is noticeable that the basic needs are linked to basic liberties. Individuals enjoy freedom of movement in EU and the redistribution of resources is realized according to their basic needs and basic liberties.

Rawls enumerates the basic liberties in 'A theory of justice'. These are:

¹¹⁰Leif Wenar, "John Rawls", *Stanford Encyclopedia of Philosophy*, 2008, <http://plato.stanford.edu/entries/rawls/>

political liberty (the right to vote and to hold public office) and freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person, which includes freedom from psychological oppression and physical assault and dismemberment (integrity of the person); the right to hold personal property and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.¹¹¹

Among these basic liberties Rawls enumerates we cannot identify freedom of movement, but considering all these liberties linked to one another we perceive that freedom of movement should be part of them because it helps realize all of these liberties in turn. For instance, if individuals have freedom of movement understood as the symmetry between the right of exit and the right of entry they can easily have freedom from psychological oppression and physical assault (the case of asylum seekers), the right to hold personal property (the case of economic immigrants), freedom from arbitrary arrest and seizure (the case of refugees) and political liberty, freedom of speech and assembly, liberty of conscience and freedom of thought (the case of all immigrants). Freedom of movement incorporates all these liberties and moreover without it we cannot link the liberties between them or consider them realizable under empirical conditions. I argue that freedom of movement should automatically fall under the category of basic liberties due to its trait of uniting and enriching the meaning of human liberties.

I argue for a broader account of basic liberties backed up by human rights, which should include freedom of movement as the symmetry between exit and entry and immigration as a natural consequence of the right of entry. Rawls, in my opinion, limits the account of human liberties to a domestic framework putting too much importance on the notion of state's sovereignty. This account does not render things clearer but it subordinates human rights to a state's feature¹¹². As states have faults

¹¹¹ Rawls, *A theory of justice*, 53

¹¹² I agree with James Nickel's rejection of Rawls' definition of human rights, interpreted under a narrow account linked to the national sovereignty. Rawls' account of basic liberties is very limited as I argued above point also made by Nickel in relation to the conflict between the violation of human rights and the toleration between nation-states: "The intuitive idea that Rawls uses is that countries engaging in massive violations of the most important human rights are not to be tolerated — particularly when the notion of toleration implies, as Rawls thinks it does, full and equal membership in good standing in the community of nations. To use this intuitive idea we do not need to follow Rawls in equating human rights with some radically stripped down list of human rights. Instead we can work

and can easily override individuals' basic liberties what alternative is offered in this situation? I propose open borders with the help of freedom of movement. Immigration is part of the non-ideal theory and falling under Rawls' account of the ideal theory we exclude from the start the possibility of immigration.

The distinction between negative rights and positive rights can help illustrate states' duties in relation to human rights. To have negative rights means to refrain from performing an action that might endanger human rights. Positive rights refer to the idea of intervening in order to protect human rights. The distinction refers to refraining from doing an action and protecting and providing human rights. So states should intervene in the protection of human rights and the positive rights should be enforced and applied more than the negative rights of not doing anything.¹¹³ Defending freedom of movement in its symmetry between exit and entry could move things forward in protecting more the basic liberties of individuals and providing them with assistance, as obviously is the case for immigrants.

But some liberal egalitarians can object that the asymmetry between these two rights is more plausible than the symmetry. They can offer the following example: if I knock at a door leading to an office, the person inside can select either to let me in or not. If she lets me inside the office she also has a duty to let me exit the office. However, it might be argued that she does not have a duty in the first place to let me in.

Applying this simple case to our discussion, liberal egalitarians can argue that states do not have a duty to let immigrants inside but they have a duty to let them exit once they have been admitted inside. This account reads freedom of movement as it is stipulated in article 13 of the Universal Declaration of Human Rights presented at the beginning of this section. The problem is that this stipulation can be attacked with the arguments I formulated so far. The principle of meritocracy I discussed at the beginning of this chapter highlights the idea that individuals need freedom in their actions in order to labor and earn their social status according to merit/abilities

up a view — which is needed for other purposes anyway — of which human rights are the most important. Massive violations of the most fundamental rights can then be used as grounds for non-tolerance.” (James Nickel, “Human rights”, *Stanford Encyclopedia of Philosophy*, 2006, <http://plato.stanford.edu/entries/rights-human/>)

¹¹³ Ibid.

not to social background. As immigrants desire to achieve the greatest level of autonomy restricting them the right to enter amounts to restricting their autonomy.

Even if the states do not explicitly have the duty to allow the immigrants inside however we can say that they are 'constrained' by the moral force implied by the particular requests invoked by immigrants. Like in the case of the asylum seeker or a refugee, letting the person die outside your office door will prove to be an inhuman gesture and moreover a crime because it can be argued that it was in your power to save that person and assist her with a minimum care but you chose not to open the door.

When it comes to life-threatening situations: imagine that a person is dying of thirst outside your office door without any water (or food) being available nearby and all the other doors are locked without any person inside the offices. Then, if you are the only person that can offer the dying person a glass of water (or food) and you still choose to let that person die, further on the police can charge you of murder by negligence for example. Analogously, the same can be argued for states choosing to close their borders in front of desperate people whose life is threatened. These states can be accused of negligence for letting human beings die when it was in their power to assist them and offer them a minimum of resources for their basic needs.

This type of argument can create a duty for the person inside the office and likewise for residents inside a state to open their borders/the door for these people whose life is threatened or their living resources are scarce thus being degraded to an inferior position as human beings. In the case of economic immigrants this type of argument can work if a liberal egalitarian can see the relevance of a trade between the immigrants and the residents. For instance, if immigrants are let inside the foreign states they can be charged with a percentage from their future earnings or can be taxed more than the residents in order not to affect the existing stock of resources.

This type of measure however can be enforced only in the cases where the host states are really affected by the number of incoming immigrants and they urgently need to impose this measure on them. In the long run, the measure of imposing more taxes on immigrants can be dropped out and a redistribution of resources can be achieved without extra taxation. I agree with the measure liberal egalitarians want to adopt in order to strengthen their institutions or infrastructure but only in the

cases where it is really necessary to do so. However, I propose porous borders in the present difficult economic situations for all states and allowing full open borders in the future.

Focusing on the right of exit some arguments are addressed on the issue of brain drain in the liberal egalitarian framework. Joseph Carens argues that restrictions on freedom of movement are not justified when dealing with brain drain and with the action of enforcing moral duties in the home countries. These restrictions are a violation of the basic human rights and liberties and should not be treated easily. Carens recognizes the importance of special obligations of citizens in their home countries but the method of imposing restrictions on the freedom of movement is not a legitimate one from the liberal egalitarian perspective.¹¹⁴

Basically, the citizens of home countries must take the decision of leaving or staying based on their freedom of action and choice. If some individuals will want to respect the moral duties towards their home countries they should be free to select this without being coerced by their home countries. Carens points to a bigger existing problem that determines freedom of movement to be an important issue nowadays. There are many states that deny the basic liberties of their own citizens creating more inequalities on the international framework. As brain drain constitutes a reason for denying the right of exit preferring this action means violating article 13, which states that individuals have the right to exit their home countries.

Coercions of this type represent a serious motive for individuals to choose immigration in order to escape from an abusive system. In Carens' account this creates a moral problem because individuals are deprived of their basic liberties and if they want to escape from abusive systems from their home countries the possibility to do this is limited as host countries restrict their freedom of movement by denying them the right to enter. In return, host countries deny that they have an obligation to open their borders if their policy does not permit them in such situations met by immigrants. Having the right of exit, in this context, without having the right of entry represents a violation of basic liberties because individuals are forced to go back home without exploring and developing their capabilities as free individuals.

¹¹⁴ Carens, "Migration and morality", 34

However, the problem resides in the injustice that should be taken care of not dismissed. This imbalance between the denial of human liberties and restrictions of freedom of movement creates a pressured political and social outcome reflected in the international scene of injustice.¹¹⁵ Woodward criticizes Carens' account of freedom of movement and does not agree with the fact that immigration rests on a fundamental human right of free movement because such a right does not exist. Woodward does not offer any argument in support of his claim.¹¹⁶

In conclusion the task of a liberal egalitarian is to propose more openness for states' borders and to stress the importance of respecting the basic liberties of individuals in what regards their desire to immigrate. In reference to racist or discriminatory treatment from host countries or in general, liberal egalitarians should be serious in condemning this as well as the restrictions on freedom of movement.

b) Equality-based arguments for open borders

So far I have been discussing the case for open borders through the lens of the value of freedom. But liberal egalitarians also put an important stress on the value of equality, which ultimately influences the case of open borders. I shall briefly point a few arguments that highlight the necessity of opening the borders when talking about global inequalities.

Before proceeding to various types of solutions for the inequality problem in the liberal egalitarian framework, I present different interpretations of the concept of 'equality'. According to Kymlicka's account, we make a distinction between equality in the sense of "treating people as equals" (the government must treat its citizens with equal consideration, respect and concern) and equality in the sense of "equal distribution of wealth and income"¹¹⁷.

¹¹⁵ Joseph Carens, "Migration and morality: A Liberal Egalitarian Perspective," in Barry and Goodin, eds., *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*, (New York, London: Harvester Wheatsheaf, 1992), 35

¹¹⁶ Cf. James Woodward, "Commentary: liberalism and migration", in Barry and Goodin, eds., *Free movement: Ethical issues in the transnational migration of people and money* (New York, London: Harvester Wheatsheaf, 1992), 67: "The case for extensive immigration cannot rest on a fundamental human right to move freely across borders (in the absence of catastrophic consequences) for there is no such right."

¹¹⁷ Will Kymlicka, *Contemporary political philosophy* (Oxford: OUP, 2002), 3-4

The first interpretation is a right wing interpretation of egalitarian theories, while the second is a leftist interpretation of egalitarian theories. Dworkin suggests that all political theories have at their core the idea that each person matters equally (idea also known as ‘the abstract egalitarian plateau’). This distinction illustrates the need of giving each individual equal concern and respect. Hence, the problem of inequalities can only be solved if we conceive a liberal egalitarian theory that pays equal interest on people and following this criterion applies an equal distribution of wealth and income.

Based on the Dworkinian account of egalitarian theories, I can support my argument that freedom of movement should be considered a basic liberty because individuals should be considered equally. Without the right of entry the majority of immigrants will continue to live in an underprivileged situation, increasing the local/national inequalities between rich and poor and contributing in a large degree to an unfair global outcome. A liberal egalitarian should support the symmetry between the right of exit and the right of entry based on this argument and aim for treating people as equal in the first instance and then proceeding to reduce the global inequalities, which will follow from giving the right consideration for the symmetry and rejecting the racist attitude towards immigration.

The problem of inequality can be solved in the following perspective: if people are left free to move the inequalities created in their home countries can be redressed from an economic perspective. These measures can be applied to both home and host countries if they intend to offer assistance to individuals, who seek residence or temporary settlement, transfer of resources or foreign aid. Foreign aid can help to diminish emigration in poor countries thus contributing to reduce the inequalities worldwide. Carens stresses the fact that immigration is only a consequence of a bigger problem: inequality. If the real problem is treated seriously immigration will become an easy issue to deal with.¹¹⁸

The ideal is to reduce global inequalities that affect the entire international framework. Immigration can be considered through the lens of a bigger issue that needs solving only through mutual collaboration and applying the principles of justice. The issue of admitting less skilled workers or well-trained individuals is rele-

¹¹⁸ Ibid.

vant for the benefit of host countries for two reasons: admitting less skilled workers the native workers are not affected negatively by their concurrence (as usually native workers aim for different jobs than the immigrants or desire a better wage) and by admitting well-trained individuals (educated or professionally trained) the host countries improve their labor sectors and can drop the complaints that they have to deal with low-skilled immigrants.

To return to the criterion of need, if one accepts the brain drain hypothesis, it would seem appropriate to give priority to the least skilled and most needy among potential immigrants as this would have the least negative impact on the countries of origin. On the other hand, if one admits people with skills and education it may reduce the backlash problem (which appears to be a real or potential problem in every country that accepts immigrants, especially refugees).¹¹⁹

Due to the promotion of equality in liberties and rights and to the aim of diminishing the economic, social and political inequalities as much as possible, immigration realizes a great part of these actions. As money and goods are desired to travel across borders without restriction in a free market, individuals are comparable to these items in the sense of providing a framework of freedom of movement, which in the end creates equality of opportunity.¹²⁰

Closed borders will build up more inequalities between individuals and different parts of the world accumulating more poverty and injustice than releasing it for an overall distribution of resources. This argument is important because it extends the local need for a right of exit to a global framework where both the right of exit and entry are necessary for human development. As I talked before about basic needs and basic liberties the asymmetry will increase the inequalities determining an increase in the number of people that have unsatisfied basic needs constrained in the perimeter of their home countries. The symmetry between the right of exit and the right of entry will permit these individuals to satisfy their basic needs and not necessarily to impose a financial burden on the residents from the host countries.

¹¹⁹ Carens, "Migration and morality", 44

¹²⁰ Joseph Carens, "Migration and morality: a liberal egalitarian perspective" in Brian Barry and R. E. Goodin, eds., *Free movement: ethical issues in the transnational migration of people and money* (New York, London: Harvester Wheatsheaf, 1992), 26

In my opinion cosmopolitans are better in noticing the importance of freedom of movement in a global arena, where capital and individuals should move unrestricted. Laws need to be changed so as to allow freedom of movement between states not only within the national borders of a state. The needs we perceive today are not local anymore, they are global. The pressure to adapt to a global environment is growing rapidly and the laws regarding freedom of movement and immigration need to adapt to these contemporary realities.

In his commentary James Woodward offers some corrections to the view held by Joseph Carens vis-à-vis immigration. Immigration is just one of the possibilities of reducing inequalities worldwide and probably not the best one. Immigrants that usually flee from their home countries are not the worst-off because it takes finances, connections and a lot of bureaucratic work to immigrate, items unavailable for poor individuals. The individuals that are needed in richer countries are skilled individuals suitable for many labor sectors in host countries and these individuals again are not the worst-off. Woodward stresses that in this context immigration is not an essential element in reducing inequalities.¹²¹

Some solutions are proposed as substitutes for immigration. The first is foreign aid, which can substitute immigration by offering money and/or resources to poor countries. Immigration can be diminished with the help of foreign aid because the conditions in the countries of origin will change and individuals will find better jobs and opportunities of living. I respond to this that even though richer states are ready to offer foreign aid to poor countries there are many factors correlated with the correct administration of foreign aid within the poor countries. For example, countries in Africa have been receiving foreign aid for more than twenty years and still the situation in the African poor countries is critical.

Local governments drastically influence the administration of foreign aid and they can spend it carefully on important sectors in the local economy or they can manage it badly without solving the critical issues. These cases are present in the poor and developing countries where the local governments are corrupted and they do not administer the resources and money received in an efficient way. Immigration

¹²¹James Woodward, "Commentary: liberalism and migration", in Barry and Goodin, eds., *Free movement: ethical issues in the transnational migration of people and money* (New York, London: Harvester Wheatsheaf, 1992), 67

has a different impact on this situation: as middle class individuals immigrate in richer countries the effect on the poor individuals and the rest of the home country's society is perceived through the remittances they sent back home.

Moreover, these immigrants (at least a part of them) return home with new skills and capital that they wish to invest in the businesses or in the labor market in their home countries. In this scenario immigrants constitute an important element of investment and administration of resources and skills. Either they create new jobs for the ones that remained in their home countries or they exchange skills and knowledge with them in a flexible process of labor market reorganization. The advantage of immigration over foreign aid is characterized by the flexibility of the reorganization of the home countries' labor sectors and the existence of remittances.

Even though foreign aid might diminish or even replace immigration altogether, I believe that there are many factors which constrain a correct administration of foreign aid in poor countries. Immigration continues to be the best solution for various, not necessarily poor, individuals who want better lives and a better political system that can administer their finances properly. As to the redistribution of goods, immigration can help reduce global inequalities better than foreign aid, which aims at particular countries in particular moments in time. Immigration is a process regulated by individuals, which aim to arrive in richer states as a result of their needs. The distribution of goods is realized according to individuals' needs and it is less artificial than foreign aid.¹²²

Hence, both foreign aid and immigration can work together as part of a bigger solution in diminishing global inequalities. On one side, foreign aid can focus on the remaining citizens in their home countries and the administrative management of resources and reinforcement of political institutions. On the other side, immigration can dispose of the skilled individuals who can either get a better education or professional training in host countries and who can also contribute to their home countries through the process of remittances. All of these corroborated effects act in a double perspective for the benefit of host countries and home countries.

The second solution offered as a substitute for immigration is debt-forgiveness. Richer states can 'forgive' the debts poor countries owed to them or par-

¹²² Chandran Kukathas, "Immigration" in LaFollette, ed., *The Oxford handbook of practical ethics* (Oxford: OUP, 2003), 571

tially reduce them in view of reinforcing the economies and infrastructure of these countries. As was the case for foreign aid, I believe that debt-forgiveness can help correct some critical issues in the poor/developing countries that experience big fluxes of emigrants. However, debt-forgiveness is only the start for these countries in reducing their problems. As the local labor markets usually need a lot of work and investment, immigration will still be a direct solution for individuals pressed by the local conditions of living and working.

Likewise debt-forgiveness can complete the background of reducing inequalities worldwide in addition to immigration for the same reasons pointed out in regards to foreign aid. My view is that immigration is a necessary element of achieving equality globally, but the options of foreign aid and debt-forgiveness cannot substitute it they can only complete this task in addition to immigration. A liberal egalitarian would be interested in combining these methods for the purpose of alleviating social and economic inequalities.

I consider Woodward's argument to be quite unsound in the light of severely reducing the importance of human liberties. Even if immigration is only one of the options in reducing the inequalities, this does not erase the importance of taking into consideration people's desire to move freely and reside in new countries. The initial issue was of considering all human beings as equal, as being able to perform any action they might desire (as long as it is not a criminal or abusive action).

I think that even if the worst-off are not the constitutive part of those that immigrate, those that can immigrate help the worst-off from their home countries by sending remittances and creating jobs or reorganizing the labor sectors once they are back. The tendency is that low-skilled workers constitute the biggest part of the immigrants because they are attracted by bigger wages and they want to help their starving families with remittances once they have a new job in host countries. I do not think that immigrants are represented only by middle-class individuals, but are largely composed of low-skilled workers (e.g. people working in construction, agriculture, etc.) who choose to borrow money in order to get out of the country and help their families left behind.

Next, Woodward argues that the immigrants selected by affluent countries are those that are not the worst-off and even more so, are skilled individuals that cor-

respond to the professional needs of the host countries. Again, this claim is false because unskilled workers are wanted in a lot of richer countries for either supplementing the gaps in the labor sectors, where the native workers refused the low skilled jobs, either for increasing the labor force along native workers. To back up these empirical claims I refer to some recent economic data that partly recognizes the positive impact of immigration on the labor markets within the host countries¹²³ and partly states that immigration has little influence on the economic situation of native workers or does not influence it negatively.¹²⁴

States can find other substitutes for immigration such as foreign aid or debt-forgiveness, which refer to offering poorer states aid in order to stabilize their economy and create more jobs for their domestic labor market or the richer states to forgive a part of the debts that poorer nations owe to them. These actions can indeed help the poorer countries save their domestic economies and create more internal jobs but the need to immigrate can still persist for a longer period before these measures will be effective for the individuals concerned. Other arguments Woodward offers for limiting free movement across borders are:

Competition within the labor market between immigrants and present citizens who are poor or disadvantaged may work to the disadvantage of the latter group and may increase income inequality. Another has to do with the direct impact of extensive immigration on social services like public education, health care, and unemployment, disability and welfare programmes of various kinds. A third, very closely related concern, has to do with the more diffuse consequences of immigration for the character, ideals and politics of liberal egalitarian states.¹²⁵

The first claim Woodward formulates is that the competition between the incoming foreigners and the existing native poor citizens may result in income inequality for the disadvantage of poor native citizens. Woodward does not offer any em-

¹²³ Cf. Stephen Castles & Mark J. Miller, *The age of migration-International population movements in the modern world* (Basingstoke: Palgrave, 2009), 231: "By contrast, a British Home Office study found that in theory '...migration is likely to enhance economic growth and the welfare of both natives and migrants'. According to an early study of post-1945 European expansion, the entry of migrant workers prevents bottlenecks, provides skills and reduces inflationary pressures. These factors allow continued economic expansion, which benefits local workers too."

¹²⁴ Ibid.

¹²⁵ Woodward, "Commentary", 68

pirical evidence for this statement. I believe that his claim is false because if immigrants will enter the host country's labor market with the intention of getting new jobs they have to aim at two levels: one is the low-skilled labor sector, in which the native workers are usually not very motivated to work in and if they are they are stimulated by the arrival of new workers, the second is the high-skilled labor sector, where the competitiveness between native workers and foreigners is said to stimulate the apparition of new job offers. These trends do not have a close connection with the poor native individuals in the host countries. The situation will remain fairly the same for them as it was before immigrants stepped inside the community.

The real problem is that states need to solve the inequality problem before becoming a severe issue for local labor markets. A redistribution scheme of resources is the solution Rawls provides and is applicable to all states where inequalities take place whether or not big influxes of immigrants enter the territories. In support of my explanation I turn to some observations made by Alan Sykes. He notes that inefficient immigration restrictions affect more the wealth distribution domestically than if efficient immigration policies are applied. Changes in the immigration policies have no serious implications on the wealth distribution scheme.¹²⁶

The second claim aims to make us aware of the potential negative effects of immigration on the welfare system of host countries, including public institutions, health care system, public education, unemployment, disability programmes, etc. I analyze the impact on unemployment first. Immigration does not affect unemployment except in the cases where incoming workers aim for the labor sectors that already face a significant level of unemployed workers. Overall, immigration helps reduce inequalities on the labor market and also increases demand in the workforce¹²⁷. Immigrants should aim for the labor sectors that do not have a significant number of unemployed workers in order to help stabilize the labor market.

The effects of immigration on public education are not negative because home countries are interested mainly in restricting emigration in order to protect the national advantage and escape the negative effects of brain drain. Immigrants' children are offered public education for the primary and secondary cycles and eventual

¹²⁶ Alan O. Sykes, "The welfare economics of immigration law-A theoretical survey with an analysis of U.S. policy" in Warren Schwartz, ed., *Justice in immigration* (Cambridge: CUP, 1995), 161

¹²⁷ *Ibid.*, 169

negative effects might be encountered when these children choose to leave the country along with their parents. Then the motive of worry becomes the lost in the educational subsidy provided by the local government.

Another motive of worry might be temporary settlers that choose to spend more time than normal in a higher educational system, but this negative effect can be counterbalanced with the benefits of permanent citizens of interacting with foreigners for an educational purpose.¹²⁸ Hence, immigration does not negatively affect the public education and if some negative aspects appear these can be counterbalanced with other positive benefits for the local population.

Further on, the welfare system benefits from migration in the host countries more than in the home countries.¹²⁹ The host countries benefit because the wages are stored in the local banks and the immigrants need to contribute to the local taxes. Some of them will choose to invest in the local market by accumulating more products, starting credits with local banks for further purchases or buying local housing assets. All these changes and local investments contribute to the welfare system in a positive way, attracting more investment in the local financial system.

Whereas the local taxes are concerned, the migrants usually pay enough taxes to benefit the government programs in comparison with what they receive in return in the form of benefits. The welfare system of the host countries benefit from the payment of taxes from the immigrants, due to the imbalance between the taxes paid and the benefits received, which attracts an external benefit on non-migrants.¹³⁰

Following the principles of justice, promoting the symmetry between exit and entry is consistent with the liberal egalitarian framework. Applying Rawls' principles of justice at the international level we assure a redistribution of resources for all individuals without the need of foreign aid or debt-forgiveness as it was argued before. The just savings principle, in my suggestion, assures that present generations must save resources for the future generations in order to avoid critical situations that determine critical inequalities between individuals.

As these situations are real the just savings principle must be put into action alongside freedom of movement. Poor nations can regulate their inequalities with the

¹²⁸ Ibid., 172

¹²⁹ Ibid., 168

¹³⁰ Ibid., 171

help of freedom of movement, assuring that their citizens emigrate in order to accumulate financial resources for future generations and send them back home. Likewise, brain drain can constitute a reason for regulating the resources and saving them for future generations. Individuals who leave their home countries to get valuable experience in richer states can come back in their countries of origin and invest in the economy of their countries.

The important issue to detach from these arguments is that in order for the just savings principle to work, both home and host countries should acknowledge the importance and relevance of freedom of movement and accept it as a regulating measure for the international arena. The distribution of resources and future savings can be assured only if immigrants are allowed inside richer states in view of reducing future global inequalities for future generations and protecting the worst-off. The institutions from poor countries can be saved and reinforced by applying freedom of movement and respecting the principles of justice.

In the case of EU the symmetry is realized through social cooperation, in which the individuals are protected by the governments of each nation-state, where their liberties and rights are respected according to the principle of equality. This liberal utopia is real after all in the context of intra-national treaties where the right of exit is symmetrical with the right of entry, recognizing an equal political right for all citizens within EU. It can be argued that the asymmetry between emigration and immigration is an old outlook for a new issue. The international political context needs the enlargement of freedom of movement as much as possible and does not need a communitarian outlook or a nationalistic one, which deprives individuals of their basic liberties and their equal political status.¹³¹ A transition to full open borders is hard to achieve in the first place, but the openness of borders is a ‘must’ claim for the liberal egalitarian perspective involving partial/porous open borders as an intermediate step towards full open borders.

Next, I refer to some objections to the egalitarian case for open borders formulated by Christopher Wellman relevant for the liberal egalitarian framework. He proposes mainly two arguments in overruling the egalitarian case for open borders

¹³¹ Ibid., 6

First, I suggest that the most compelling understanding of equality does not require us to guarantee that no one's life prospects are affected by matters of luck; more minimally, equality demands that we address those inequalities that render people vulnerable to oppressive relationships. If this is correct, then the particular theory of equality required to motivate the egalitarian case for open borders is suspect and should be rejected in favor of a theory of relational equality. Second, even if luck egalitarianism is the best theory of equality, it would not generate a duty to leave borders open, because a wealthy state's redistributive responsibilities can be discharged without including the recipients in the union.¹³²

For the first point, Wellman attacks the idea that the presence of inequalities is enough to promote the claim that wealthy states should open their borders for immigrants. Even though the worst-off individuals are living in tough conditions because of matters of luck, this does not justify opening the borders in order to redistribute the resources to the worst-off strangers.¹³³ Instead Wellman puts the weight of the argument for opening the borders on the Samaritan duty we have to help those worst-off. If we feel we need to open the borders or invite the worst-off strangers in is it because we are sensitive to the Samaritan duty, a natural instinct of assisting someone who is worst-off than us. But to promote open borders policy only on Samaritanism is a weak claim that wealthy states must discharge.¹³⁴

To the second point Wellman argues that is not necessary for wealthy states to open their borders to immigrants because they can send a part of their wealth to the needy countries and reduce the numbers of immigrants. Moreover, asylum seekers should not be granted asylum, even if their case seems desperate because a solution is available, which can avoid the political incorporation of these individuals in the new communities: justice exportation. Wellman proposes helping the unjust political states to overcome their difficulties by using, for example, "military force to create a safe haven and no-fly zone in Northern Iraq".¹³⁵

In other words Wellman proposes alternatives to the action of welcoming asylum seekers or refugees by intervening directly to secure a safe political environment in their home countries; alternatives, which exclude the necessity of opening

¹³²Christopher Wellman, "Immigration and freedom of association", *Ethics* 119 (2008): 120, <http://www.journals.uchicago.edu/doi/pdf/10.1086/592311>

¹³³ *Ibid.*, 123

¹³⁴ *Ibid.*, 124

¹³⁵ *Ibid.*, 129

the borders. I respond to these objections by giving some credit to Wellman's account in what regards his interest in coming with alternative answers to the problem of refugees and asylum seekers. The first point he makes is reluctant to the idea, mentioned earlier, that special duties are bound to general duties in an egalitarian account.

Hence, discharging the importance of opening the borders only with the justification of Samaritanism is not adequate in this context. Samaritanism is a somehow biblical example to make us understand the moral importance of other issues, such as immigration. The stake is much bigger than Wellman portrays it because the moral significance of opening the borders is backed up by the normative distinction between special and general duties. States should respect general duties vis-à-vis immigrants because they are morally equal with the citizens of a particular nation-state and because they should enjoy an equal amount of basic liberties. Wellman gives the issue of open borders a financial interpretation, which is vulnerable to the moral objections of respecting general duties. Wealthy states do not necessarily arrive at a certain degree of wealth through honest methods within the international framework. Much of the wealth of these countries is sustained by different transactions, which in the past disfavored the worst-off in foreign countries.

The balance between poor countries and wealthy countries is subject to a lot of criticism. This is the motive why egalitarians promote open borders in the first place, due to the amount of wealth accumulated through Machiavellian actions. If indeed the actions of reaching a significant amount of wealth were pure and honest, then the benefit of doubt could be attributed to these countries that wanted to protect their richness from the foreigners' hands. However, the situation in the entire world is not pure and injustice is another factor, which determines egalitarians to protest against the unjustified accumulation of power and wealth.

I object to the first argument formulated by Wellman: taking the side of wealthy countries is not a good way to handle this debate in the first place. General duties have their own established role in dealing with inequality and injustice, point overlooked by Wellman. In response to the second objection, I do not think Wellman proposes a very bright solution to the situation of asylum seekers and refugees. I do

think that alternatives to immigration can indeed be promoted successfully, but we need not exclude immigration altogether.

I argue that the idea of making a safe haven in the home countries of asylum seekers and refugees is a bad starting point for this issue. The motive is that while trying to save difficult political conflicts asylum seekers and refugees will still be at the gates of wealthy states waiting to be fed, taken care of and protected against violence. To intervene in political conflicts is a sensitive matter, which attracts further problems in the international perspective. These interventions need subventions from wealthy governments, which can be used for the asylum seekers in the first place. I do not assume that Wellman's proposition is entirely bad, but is very inefficient in such urgent matters and more costly than actually assisting and welcoming the asylum seekers. In the long run this can be an alternative if the funds are enough and if the military operations are smart enough in order not to destroy even more the countries of origin or to create a bigger war-zone following the military interventions.

Another thought is that immigration can be diminished as egalitarians aim with the help of wealthy states giving foreign aid to poor states. However this is a measure that needs time in order to be efficient. If we are realistic about this subject we can realize that poor countries cannot stop the flow of emigrants as long as their country is not able to deal with poverty or crime. Up to the point where these countries are helped with foreign aid for a longer period of time, which means that their institutions and the legal system is strengthened to a decent level for a modern state, immigration will still be the main action poor individuals will choose to redress their economic situation.

In consequence, Wellman's objections are not very efficient in the actual circumstances pertaining to the real world. As long as we aim for the well-being of wealthy states, the claims of poor immigrants or strangers in general will sound empty and void of moral meaning. The same for the alternatives proposed for substituting immigration: a realist will perceive the amount of aid richer states need to give to poor states, while they lose potential important benefits from immigration assuming a recovery of the poor states on a long run of both financial investment and political cooperation.

Furthermore, Abizadeh denounces in one of his articles the illegitimacy of closed borders within the democratic framework. He argues that in order to sustain the closed borders policy legitimately both foreigners and citizens must receive a justification for this action. In this case, “a state’s regime of border control could only acquire legitimacy if there were cosmopolitan democratic institutions in which borders received actual justifications addressed to both citizens and foreigners.”¹³⁶

A legitimacy gap arises in the case of the unilateral regimes of border control, which result from the doctrine of state sovereignty and are illegitimate in a democratic framework. For this point Abizadeh comes with an interesting proposition: to extend the political legitimacy to delegate jurisdiction over entry policy to states in the context of cosmopolitan democratic institutions (as he argues EU does under the current conditions of offering entry to individuals from the member states with the common agreement of all European states).¹³⁷

To summarize the case for open borders, the defenders of open borders policy claim that: a) open borders are consistent with freedom of movement; b) closed borders restrict freedom of movement and if borders define designated boundaries that some individuals cannot pass, this means that there have to be strong reasons for imposing these restrictions in the first place, c) closing the borders affects people that are in danger in their home countries and desperately seek a place for refuge (in this case, their only chance of survival is to enter foreign countries, but the closed borders policy restricts their freedom in a severe way); d) closing the borders also means restricting some people their freedom of selling and buying labor (free exchange of labor), which constitutes an important human liberty; e) closing the borders has the consequence of restricting people’s freedom of association (people that try to reunite with their families, friends, etc.) and which also affects people’s social duties (e.g. the duties of parenthood). These reasons can be integrated under a single principle: the principle of freedom. In this context, open borders are consistent with the principle of freedom.¹³⁸

¹³⁶Arash Abizadeh, ‘Democratic theory and border coercion: no right to unilaterally control your own borders’, *Political Theory* 36, nr. 1 (2008): 48, <http://ptx.sagepub.com/cgi/content/abstract/36/1/37>

¹³⁷ Ibid.

¹³⁸ Chandran Kukathas, “The case for open immigration” in Andrew Cohen and Christopher Wellman, eds., *Contemporary debates in applied ethics* (Malden, MA: Blackwell, 2005), 210

By appeals to a second principle, the humanitarian principle, the case for open borders proves that: a) for some people the only chance of getting rid of poverty is to travel abroad and hope to find new opportunities to improve their life standard in receiving countries; b) even in the extent where rich countries would contribute with foreign aid to poor countries and would get involved in assuring a free trade with those countries, there would remain a significant number of poor people who would seek for better opportunities elsewhere (their only chance would be free immigration); c) to deny these poor people the chance to find better opportunities of living by not hiring them or offering them assistance in the absence of a strong moral justification constitutes a perverse action.¹³⁹

The economic arguments for restricting the borders are: a) a large number of immigrants entering a local market can unbalance the economy, lowering the wages of native workers or raising the prices for real estate; b) influencing in a negative way the publicly funded infrastructure of public goods and non-excludable goods, their availability or cost (e.g. health care, public education, welfare programs).¹⁴⁰ While the arguments are distributed between restricting immigration and allowing it the case for open borders can be sustained even in the presence of important remarks about the economic costs immigration imposes on local native population from host countries or on sending countries that experience the effect of ‘brain drain’.

From a liberal egalitarian point of view, the capitalist tendency to control and exploit a particular market with valuable resources is unjust because it does not allow the access of the worst-off to the overall redistribution of resources. Excluding others from taking part of the local distribution means to monopolize a particular market and its assets thus claiming the arbitrariness of location and origin of birth. These arguments fall outside the application area of liberal egalitarian principles and are condemnable for promoting inequality among individuals.

The overall economic perspective is dominant for the case of open borders because applying the argument for free trade of goods and resources to people it should not be any less different than in allowing goods to move to a more productive market or allowing firms to initiate operations in cheaper areas of production. Immigration is acting like these phenomena and is not different in its effects: some people

¹³⁹ Ibid., 211

¹⁴⁰ Ibid.

benefit from the new labor force while others lose some advantages and gain new ones. The important argument for open borders, from an economic perspective, is that the distribution of labor and welfare is made for the benefit of all although in some points it might affect certain agents.¹⁴¹

4. Freedom of association

In this section I focus on the plausible objections that view freedom of association as entering into a conflict with freedom of movement. We can conclude that immigration cannot be a moral right due to the conflict between the two liberties. Further on, I answer the question if freedom of movement and freedom of association are compatible within the liberal egalitarian framework. The discussion on freedom of association is linked with the discussion on open borders/closed borders in the liberal egalitarian framework and the arguments that support or reject these policies.

Turning to freedom of association, the following objection can be formulated: if states are free to associate with foreigners one can see the conflict between freedom of association and freedom of movement. The argument is that while individuals should have the basic liberty to enter foreign states if their basic needs require it or for other moral justified reason, this action will conflict with states' freedom of association because, according to this scenario, states will not be permitted to be free in their association with foreign individuals. And if states will refuse to associate with individuals this action will constrain people's freedom of movement.

I propose to take a closer look at freedom of association. In the first instance, freedom of association represents an individual right according to which: "1. everyone has the right to freedom of peaceful assembly and association, 2. no one may be compelled to belong to an association."¹⁴² An individual has the right of association, which according to the above objection might enter into a conflict with freedom of movement. I agree that conflicts can emerge between refugees or asylum seekers and

¹⁴¹ Ibid., 212-213

¹⁴² "Universal Declaration of Human Rights", Article 20, *Human Rights Education Associates*, December 10, 1948, http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=445&category_id=24&category_type=3&group=

residents who might refuse to associate with them. I argue that these conflicts can be overcome by weighting the moral force of the claims each party formulates.

For example, let us assume that a group of asylum seekers comes to the borders of a state and ask for permission to enter. The residents from the state refuse to welcome them inside as part of their freedom of association/dissociation. They can argue that they do not like asylum seekers and they prefer to associate instead with economic migrants that can work on their territory according to the conditions imposed by them. In this case, asylum seekers are not of help or interest for them. However, asylum seekers can protest and argue that because they benefit of freedom of movement they should be let inside because they have a strong reason of entering (if they return home their lives will be in danger and they are exposed to serious physical injuries or are directly affected by famine, war etc.). The force of their moral claim is stronger than what the residents provided for not associating with them. A liberal egalitarian can weigh the two claims and choose the strongest moral claim, which in our case gives the right of entrance to the asylum seekers.

Sometimes the reasons for freedom of movement are morally stronger and can override weaker reasons for refusing to associate with immigrants. In other cases, even if the two freedoms conflict at some point the dispute can be solved in a different manner: for instance the immigrants can choose another country for immigration or can appeal to other groups within that state to let them in if the moral force of the residents' claims overrides their claims to enter. Weighting the claims according to their moral force is the solution to a conflict between the two freedoms in order to avoid further disputes.

There are some reasons why states might object to an individual's right of association: "Some countries have sought to hamper the ability of individuals to form associations by a variety of means: by claiming they do not agree with the political purposes of the associations; by denying legal personality which would be essential for day to day running and for taking on contractual relationships; by imposing cumbersome and partial registration processes; by imposing financial constraints."¹⁴³

Some consider that states have freedom of association as single entities, but the perception of this is mistaken because we are referring in this context to the indi-

¹⁴³ "Right of association" in "Freedom of assembly and association", *Human Rights Education Associates*, http://www.hrea.org/index.php?doc_id=406

viduals inside a state that associate with foreigners. We can talk about states signing political treaties with other states, but this is a completely different matter. Freedom of association refers to individuals and the citizens forming a particular association within the perimeter of a state. I consider Wellman's account to be flawed because if I want to associate with a state then according to his account I have to have the permission of that nation-state in order to get accepted in. But I consider the interpretation of a state as an association to be wrong because freedom of association refers to an individual right. The individuals within that state have the right to associate/dissociate with foreigners and in order to reject immigrants they need to form either a majority of votes or a unanimous vote for that action to be valid. Wellman writes rather radically: "And just as an individual's freedom of association entitles him or her to remain single, a state's freedom of association entitles it to exclude all foreigners from its political community."¹⁴⁴

The rectification I make here is that a state is composed from its citizens and as freedom of association is an individual right, the citizens have the right to associate/dissociate with whomever they want, not the state as an entity. The rather strong claim that 'a state's freedom of association entitles it to exclude *all* foreigners from its political community'¹⁴⁵ is subject to debate. To exclude all foreigners from a political community the unanimous' decision of *all* citizens from that particular state is required and also a justification in what regards the morality of that decision (as not being racist or discriminatory because we are talking about a political decision not a personal decision relative to a single individual). I agree with Wellman's weaker claim that "there is a prima facie case in favor of each legitimate state's right to control immigration"¹⁴⁶.

If individuals are constrained by the states to enter within this reason constitutes a violation of both their freedom of movement and freedom of association. We can formulate an argument for rejecting foreigners: the residents within a host state can refuse to associate with the incoming immigrants.

¹⁴⁴ Christopher Wellman, "Immigration and freedom of association", *Ethics* 119 (2008): 116, <http://www.journals.uchicago.edu/doi/pdf/10.1086/592311>

¹⁴⁵ My italics and bold

¹⁴⁶ Wellman, "Immigration and freedom of association", 113

My worries are directed towards a real world scenario: there are some residents within a host state that want to associate with some or maybe all the incoming immigrants. It is very unlikely that all citizens from the host state would refuse even a temporary association with immigrants due to economic, cultural etc. reasons. My worries are focused on the fact that it is very hard to reach unanimity in the dissociation decision within a host country vis-à-vis immigration. I think that the desire to dissociate at one moment in time can be justified from a political perspective, where immigrants do not possess the relevant rights or the attitude of the residents within the host country is hostile to this issue.

However, if there is desire to dissociate I consider that it is very hard to reach unanimity between all residents of a host country in order to refuse association with all incoming immigrants. My reasons rest on the economic, cultural and political tendency of the present age to associate with foreigners, which is highly noticeable and embedded in the market circulation. I argue that the freedom of association cannot conflict with freedom of movement in such a degree where closed borders are necessary. At least the option of porous borders is preferable to a selection of the incoming immigrants where residents of the host country need either to reinforce their institutions or gain more control over their own resources.

Because I reminded unanimity as a condition to render the association legitimate, it can be objected that we do not need unanimity within a state in order to decide not to associate with immigrants and render that decision legitimate. If voting is involved a majority can override the minority's desire to associate with immigrants and the final decision can refuse the entry of those immigrants. I can argue here that in the case of associations, as Wellman describes them, the analogy between states and association is not the right one in making the case of refusing to associate with immigrants.

My argument is that we need a legitimate association in the first place and then associations are part of the state and do not represent the state. We need to make sure that an association is legitimate and does not discriminate against other groups of people. For instance, there have been cases where in the USA large associations had rejected people from associating with them based on racist or discriminatory reasons. These cases were brought to the attention of the Supreme Court and associa-

tions were compelled to let the persons inside and were sanctioned for using discriminatory rules of admittance. In securing a legitimate association we have to make sure it does not discriminate a particular group of people or individuals in particular (e.g. women, black people, gays etc.).

Even if an association is legitimate and can refuse to associate with immigrants as part of its activity on a particular state, there are different moral claims to be made for each party (association and immigrants). Stronger moral claims will override weaker moral claims and if immigrants possess stronger moral claims to enter an association according to their freedom of movement then the grounds of dissociating with these are overridden on a moral level. Alternatively, if an association can ultimately rule the state under the same rules of non-discrimination that association/state can become legitimate to associate/dissociate with immigrants. The condition imposed in this case is that there is a set of rules according to which immigrants cannot be discriminated as it happens in many cases in the real world (see asylum seekers, refugees and even economic migrants).

5. The principle of just immigration

I propose a short thought-experiment in regards to Rawls' account of the original position: let us suppose that individuals under the veil of ignorance do not know if they will be immigrants or residents of a certain, well-ordered society. Under this scenario, people would want to be included into these richer/well-ordered societies and benefit from rights, which will offer them a decent or a better life. Or for other purposes, individuals would imagine that at a certain point they will change their minds and leave their countries of origin and search for new, better places. If this scenario is correct then individuals would most likely prefer an open borders policy that can guarantee them the freedom of movement and a chance to escape from perilous situations or poverty. Then, the principles of justice should follow this scenario in permitting immigration as part of basic human liberties and equality of opportunity.

It is obvious that if societies/communities are closed, then realizing the principles of justice through the perspective of immigration we are not offering foreign-

ers the right to achieve their basic liberties or equality of opportunity. Instead, we enforce coercion in their well-being, forcing them to stay within societies that are unable to achieve a proper scheme of justice. Supposedly Rawls would agree with open borders between all communities. Then an additional principle would emerge: 'the principle of just immigration'. This principle would assure that immigrants are treated with fairness once they enter foreign communities and would benefit from rights that would offer them equality of opportunity with the rest of the residents from that community.

In return they would contribute to the society in paying their taxes and additional costs of living in proportion with their welfare level. I add that applying the 'principle of just immigration' to future generations, this would take the following form: first generations of immigrants will contribute to a special fund (following the model of the just savings principle) available for future generations of immigrants. This fund will assure that immigrants will be treated fairly in the circumstance where the residents of the community or the community itself will experience a shortage in resources or finances. This fund will assure that even if the current resources of the community cannot permit the intake of new immigrants still the most important cases of admittance will be considered. In this way, the human rights are protected in the case of asylum seekers or refugees where their lives depend on admittance into stable states.

The selection of admittance of future immigrants will correspond to basic principles of justice, allowing firstly the worst-off and secondly, if permitted, the less critical cases. However, if the fund for immigrants is justly managed, immigrants can in the long run assure that a bigger number of foreigners will be accepted if they contribute in advance according to their level of welfare. So the principle of just immigration will assure that immigration is possible and open borders come by default for all states if the fond of resources for incoming immigrants is managed by the current and future generations of immigrants. The responsibility of contributing to this fund is necessary for the acceptance of new foreigners.

If in some years the current generation of immigrants cannot contribute with as much as the original generation of immigrants contributed to the fund, they can put a sum of capital/resources in direct proportion with their earnings in the current

year. In this way, the immigration process (e.g. incoming immigrants) is not affected by a shortage in the fund but is in direct proportion with the input of resources for that specific year (so the number of incoming immigrants will be in direct proportion with the percentage of resources/finances contributed to the fund for immigration). I add that immigration is a flexible process that regulates people and goods according to the market circulation and changes. Therefore, if the market experiences some difficulties the immigration process will be in tune with these changes in a natural, flexible way, without waiting for special regulations or conditions from states/communities. Thus, the intake of foreigners is in direct proportion with the current market circulation and it is regulated through market processes.

I propose freedom of movement as a default basic liberty under the veil of ignorance in the original position, where individuals do not know if they will be in the situation of leaving their home countries at one point. The individuals will choose by default freedom of movement (implying the symmetry between the right of exit and the right of entry) as a basic liberty that can help them exit and enter states in order to assure their basic needs and regulate local/global inequalities. According to this scenario, immigration becomes a part of basic liberties entailed by freedom of movement.

This thought-experiment is meant to prove that even under a veil of ignorance the possibility of immigration is taken into account and treated accordingly. Immigrants will not pose an extra burden on the existing citizens of host countries because the 'just immigration fund' permits them a just management of resources independent of the existing resources for the current citizens. Rawls reminds us that immigration is eliminated from the theory of justice due to ideal conditions still under non-ideal conditions this scenario is feasible for immigration.

6. A radical perspective: from open borders to no borders

In this section I propose to analyze the cosmopolitan arguments in favor of the no borders policy. Passing from the open borders policy within the liberal egalitarian framework to the radical policy of no borders several new issues like global inequalities and world poverty are covered. These are the main reasons why cosmo-

politans prefer the no borders policy instead of open borders or porous borders. In eradicating world poverty and alleviating global inequalities immigration should be maximized through a no borders policy. It can be argued that liberal egalitarians share common ideas with cosmopolitans up to a point. The differences between the two frameworks are discussed below.

Providing a definition of the term ‘cosmopolitan’ would be useful to understand the theoretical background for the following discussion. It refers to the idea that “all human beings, regardless of their political affiliation, do (or at least can) belong to a single community, and that this community should be cultivated.”¹⁴⁷ The philosophical implication of cosmopolitanism “lies in its challenge to commonly recognized attachments to fellow-citizens, the local state, parochially shared cultures, and the like.”¹⁴⁸

I need to make a distinction between moral, political and economic cosmopolitanism. Firstly, moral cosmopolitanism claims that we have a moral commitment to help all human beings as part of the duty to aid foreigners who are starving or suffering associated with the duty of respecting and promoting basic human rights and justice (partly based on utilitarian assumptions supported by philosophers such as Singer, Unger and partly based on Kantian assumptions promoted by O’Neill or more ancient assumptions developed by Nussbaum).¹⁴⁹ Secondly, political cosmopolitanism (which on a Kantian line is supported by philosophers such as Habermas, Rawls, Pogge, Beitz) advocates either a centralized world state, a federal system with a comprehensive global body of limited power, a more limited international political institutions that focus on particular concerns (e.g. war crimes, environmental preservation) or finally defend a different alternative altogether.¹⁵⁰ Thirdly, economic cosmopolitanism (promoted in general by economists, e.g. Hayek and Friedman, and criticized more by philosophers) argues in favor of a single global economic market with free trade and minimal political involvement.¹⁵¹

¹⁴⁷ Pauline Kleingeld & Eric Brown, “Cosmopolitanism”, *Stanford Encyclopedia of Philosophy*, 2006, <http://plato.stanford.edu/entries/cosmopolitanism/#2>

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

Rawls reminds us that the ‘immigration problem’ as he calls it should make us aware of the responsibility we have for our asset, meaning the people’s territory. He argues that the risk of migrating in foreign territories without the consent of people leads to the deterioration of territories.¹⁵² Rawls sketches the framework for international justice in a rather pessimistic light, considering that a world-state would lose the international peace easily leading to a world of despotism, where concurrence between states is lost or where states would try to fight for autonomy against each other:

Here I follow Kant’s lead in *Perpetual Peace* (1795) in thinking that a world government—by which I mean a unified political regime with the legal powers normally exercised by central governments—would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy.¹⁵³

However, political cosmopolitans in favor of a world-state reply to this objection that international justice can be maintained if states would merge or if a stronger form of world-state would be proposed instead of a non-coercive Rawlsian version of it.¹⁵⁴ Even if Rawls considers that justice should be a local matter circumscribed within the national borders he perceives the idea of ‘peoples’ as treating other peoples with respect in view of a social cooperation. If peoples agree with the fact that other peoples need assistance in a sense that escapes the local borders, then a Rawlsian distribution scheme would become cosmopolitan with the rule of opening the borders when other people need this. However, the reasons for opening the borders and welcoming immigrants would have to be circumscribed to the principles of justice and should not violate the basic human rights or steal from the welfare systems of other states.

I contrast the Rawlsian account of international justice with the cosmopolitan version of it. The critical points where cosmopolitans differ from Rawls’ account are:

¹⁵² Rawls, *The Law of peoples’ with ‘The idea of Public Reason Revisited’* (Cambridge, MA: Harvard University Press, 1999), 8

¹⁵³ *Ibid.*, 36

¹⁵⁴ Pauline Kleingeld & Eric Brown, “Cosmopolitanism”, *Stanford Encyclopedia of Philosophy*, 2006, <http://plato.stanford.edu/entries/cosmopolitanism/#2>

a) cosmopolitans believe that institutional reform can regulate the power vertically instead of permitting accumulation of power in the hands of leading institutions (Thomas Pogge); 2) unlike Rawls, political cosmopolitans (also classified as Rawlsian cosmopolitans because they borrow a lot of theoretical material from Rawls' theory of justice)¹⁵⁵ favor migratory movements under the heading of global justice (Thomas Pogge and Charles Beitz); 3) Rawls fails to sustain the idea of 'peoples' as fundamentally contrasted with 'states' and consequently fails to sustain a broad perspective on global justice, which allows for inter-states cooperation.¹⁵⁶

The first point refers to Pogge's account that it is better to achieve international peace, justice and prosperity if human rights are protected through an institutional reform, which distributes the power vertically instead of concentrating them in central institutions. We can avoid despotism or monopoly through this reform and defend human rights by avoiding bureaucratic clashes in the international system.

The second point mentions the fact of favoring migratory movements between states as part of regulating global inequalities and maintaining international justice.¹⁵⁷ This idea aims to criticize Rawls' account of closed societies, which does not permit immigration as a method of reducing inequalities.¹⁵⁸ Actually closed borders in Rawls' account are justified because they maintain communities' balance of justice. In allowing open borders, Rawls would permit an interference with the established system of justice. The principles of justice would not sustain immigration under this interpretation because they would also have to include foreigners in the just savings scheme, for example, or in the scheme of rewarding the worst-off.

For the third point Rawls is being criticized that the term 'peoples' is not in fact very different from the term 'states' in the first place. In contrast with the Kan-

¹⁵⁵ This is my reason of using the comparison with cosmopolitanism in the context of liberal egalitarianism, mainly because political cosmopolitans such as Pogge and Beitz enrich Rawls' theory of justice and take it towards a radical view as mentioned in my title of the section (for more information see Michael Blake, "International justice", *Stanford Encyclopedia of Philosophy*, 2005, <http://plato.stanford.edu/entries/international-justice/#2.2>).

¹⁵⁶ Seyla Benhabib, *The rights of others-Aliens, Residents, and Citizens* (Cambridge: CUP, 2004), 72-74

¹⁵⁷ Pauline Kleingeld & Eric Brown, "Cosmopolitanism", *Stanford Encyclopedia of Philosophy*, 2006, <http://plato.stanford.edu/entries/cosmopolitanism/#2>

¹⁵⁸ Cf. Benhabib, *The right of others*, 74: "Surely, Rawls meant to use the model of a closed society as a counterfactual fiction, as a convenient thought-experiment in reasoning about justice; yet, by not granting conditions of entry and exit into the political community a central role in a liberal-democratic theory of justice, he assumed that the state-centric model of territorially delimited nations, with fairly closed and well-guarded borders, would continue to govern our thinking in these matters."

tian account of cosmopolitan law people are seen as cosmopolitan individuals who have the possibility to interact with each other as part of *jus cosmopoliticum* thesis.¹⁵⁹ Moreover, “it is incoherent to envisage the constitutional government of a people without some form of territorial sovereignty.”¹⁶⁰ This incoherency further leads to a dilemma in Rawls’ theory in explaining the term ‘peoples’ as being different from ‘states’ and not ascribing them sovereignty.¹⁶¹ The dilemma refers to the idea that while ‘peoples’ do not have sovereignty ‘states’ have, but the distinction between the two is not very clear in Rawls’ account and this further complicates matters.

The cosmopolitan outlook on freedom of movement must not assume that borders are morally arbitrary. On the other hand, the cosmopolitan outlook on issues like immigration points out the moral relevance of permitting all individuals to move freely across borders because of their equal status worldwide. What cosmopolitans acknowledge is the necessity of applying the principles of justice within an international framework not only within a domestic framework like in the Rawlsian scheme. If we take the problem of inequalities seriously then we have to reconsider the case of exclusion and provide all the necessary assistance in avoiding this issue.¹⁶²

In the cosmopolitan framework global inequalities become an important reason for agreeing with a no borders policy. Immigration is one of the methods in alleviating global inequalities as circularity of goods and persons are necessary in the international market. This argument works on the same front with the egalitarian thesis of solving urgent issues such as world poverty.¹⁶³

Finally, I stress the fact that under a moral cosmopolitan interpretation the ‘no borders’ policy means to protect all human beings from sufferance, poverty, famine or war. This solution might seem radical for liberal egalitarians but represents the concern of obeying the moral commitment of respecting basic human rights and treating equally those in need with the residents within a particular state. If liberal egalitarians acknowledge the importance of such a moral commitment the step for-

¹⁵⁹ *Ibid.*, 75

¹⁶⁰ *Ibid.*, 78

¹⁶¹ *Ibid.*, 78-79

¹⁶² Blake, “Immigration”, 230

¹⁶³ I have already dealt with this issue in the section on equality-based arguments for open borders. See pages 72-74.

ward from open borders to no borders can take the cosmopolitan form described in this section.

7. Would immigration undermine the liberal egalitarian values?

In this section I answer the question if immigration can undermine the liberal egalitarian values: freedom or equality. In answering this question, I present a scenario in which immigration can reach the desired outcome of reducing, in a fair degree, global inequalities. The key question liberal egalitarians can ask if under these circumstances immigration is still needed for reducing inequality. My answer focuses in the direction of maintaining open borders and promoting immigration as part of a wider framework for basic liberties and equality of opportunity. From the point of view of freedom, immigration does not conflict with the liberal egalitarian values because individuals will always want freedom of movement as part of their basic liberties.

Let us imagine that open borders are permitted within the liberal egalitarian framework. This method works very well and society experiences such an alleviation of inequalities that some people agree on the fact that immigration is no longer needed for achieving equality. I argue that immigration and open borders (or at least porous borders) are still needed. Further on a second scenario would be that we closed the borders because immigration was no longer needed and everybody was fairly equal with others in respect of wealth and income.

In this scenario, I believe that society will soon reach a stage in which individuals will want to get richer by either investing or accumulating more properties despite the enforced liberal egalitarian distribution scheme. From financial games some will lose their wealth and some will get even richer. In a short term our desired outcome is changed back to where it was before: some individuals will be even richer than before and others will face bankruptcy or a severe cut in their wealth. However for the present time, individuals will not experience severe poverty or very dramatic situations but as soon as things evolve the situation can reach two possible outcomes: either those who lost will lose more money/resources/assets reaching a

severe stage of poverty or they will manage to gain back their wealth. Either way, it is a matter of time until some individuals will again reach the stage of poverty.

My argument is that world equality can be achieved but it can be preserved only for a limited period of time, when financially/economically/socially people will have the desire to evolve in new countries with new opportunities for them to get rich or save their financial situation. Leaving aside the economic aspect, I argue that immigration will still be needed as an option of evolution from already familiar boundaries for cultural and social reasons. For a liberal egalitarian this aspect may not be important at the first sight but the sense of equality must not be interpreted only in an economic perspective: individuals have different reasons for immigrating. As Dworkin argued for the 'abstract egalitarian plateau' all people should be treated with equal concern and respect. Some will want to immigrate for cultural or social reasons while others will want to start afresh in a different cultural and social milieu either to have families or simply explore other areas of the human knowledge in different lands. Immigration does not undermine the liberal egalitarian values as it brings many benefits, which satisfied at some point can trigger in people the desire to immigrate again.

8. Conclusion

In this chapter I argued for the moral right of immigration as part of freedom of movement. I argued for the symmetry between the right of exit and entry and concluded that freedom of association does not conflict with freedom of movement if practical solutions are provided. Liberal egalitarians should agree with the open borders policy in the context where they commit to the moral duty of protecting all individuals as part of justice and basic liberties. Liberal egalitarians can choose the 'no borders policy', but in this context they should agree with the cosmopolitan moral requirements of helping both residents and immigrants alike entailed by universal human rights. In the next chapter I shall explore the libertarian arguments on immigration and the inconsistencies implied by the argumentation.

Chapter Three

Libertarianism and immigration

In this chapter I investigate the libertarian account of immigration. In the first section I distinguish between right-libertarianism and left-libertarianism and offer the readings of libertarianism as self-ownership and liberty maximization. In the second section I analyze the arguments focused on immigration from each perspective of libertarianism presented so far: as self-ownership and freedom maximization. In the third section I discuss the conflict between the collective consent on the issue of immigration and the individuals' decision. The conclusion sets the libertarian framework as being flawed in its argumentation on the issue of immigration because it fails to provide strong arguments about the fact that the individuals are free to choose to open or close the borders.

1. Definition of libertarianism

1.1. The principle of self-ownership: right and left-libertarianism.

I define libertarianism as a political theory in reference to Kymlicka's distinction between libertarianism as self-ownership and libertarianism as liberty¹⁶⁴. In the libertarian theory self-ownership is the most important value and libertarians aim to protect the property rights of the individual as a consequence of self-ownership. A prominent libertarian in the philosophical literature, Robert Nozick, holds that the principle of self-ownership is the core principle in the libertarian theory because it protects the rights of individuals: "Individuals have rights, and there are things no person or group may do to them (without violating their rights)".¹⁶⁵

The self-ownership principle protects the property an individual possesses as well as his person, as a physical entity. To violate his person means to violate the

¹⁶⁴ Will Kymlicka, *Contemporary political philosophy: an introduction* (Oxford: Clarendon Press, 1990), 103 and 132-133

¹⁶⁵ *Ibid.*, 104

self-ownership principle. The most common comparison given to illustrate this principle is the case of the slaveholder that owns a chattel slave: according to the self-ownership principle the rights that each person has over herself are the same as the rights a slaveholder has over his slave.

It is important to distinguish here that there are two important types of ownership: external ownership and self-ownership. If individuals do not hold property rights over a parcel of land, then anybody can claim it and work on it. If un-owned territories are claimed, then it is legitimate to consider these territories as external because anybody can come and claim them as their own properties.

Libertarianism refers primarily to the self-ownership principle, which is the fundament of this political theory in comparison with Rawls' theory, for example. Nozick states that redistribution of resources violates the self-ownership principle because when resources or properties that are owned by an individual are redistributed for the well-being of the disadvantaged, then this action represents a theft. So respecting the self-ownership principle becomes the core argument of the libertarian theory and Nozick formulates this principle in contrast with the Rawlsian redistribution scheme according to Kymlicka's account: "If I own my self, then I own my talents. And if I own my talents, then I own whatever I produce with my self-owned talents. (...) Hence the demand for redistributive taxation from the talented to the disadvantaged violates self-ownership."¹⁶⁶

When referring to external property Nozick argues that it can be appropriated by anyone as long as that person leaves enough and as good for everybody. Nozick relies on the Lockean theory of acquisition and on the Lockean proviso, which plays an important role in the libertarian theory because it sets a fair ground of property appropriation without necessarily involving a redistribution scheme: "Locke's proviso that there be 'enough and as good left in common for others' is meant to ensure that the situation of others is not worsened."¹⁶⁷

In reference to the redistribution scheme, Nozick also argues that if another person has a legitimate claim over my resources then I can no longer be the full owner of my talents. Then self-ownership is transformed into partial ownership, where another individual has a legitimate claim to use my talents in association with

¹⁶⁶ Ibid., 105

¹⁶⁷ Nozick, *Anarchy, state and utopia*, 175

my right of ownership. According to this argument, self-ownership is no longer respected and changes into partial ownership of talents or resources. If we address the question: who owns everything else, we can correlate the notion of self-ownership with the notion of property-ownership. I will come back to this idea later on in the next section.

The entitlement theory is based on three principles. I shall very briefly describe them because they are relevant for understanding the overall libertarian framework. These principles are: the transfer principle, the acquisition principle and the rectification principle. Nozick describes them in the following manner:

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding, 2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding, 3. No one is entitled to a holding except by (repeated) applications of 1 and 2.¹⁶⁸

Based on the idea of self-ownership, the libertarian theory is divided into two distinct branches: the right-libertarian and left-libertarian. The right-libertarian thesis promotes the full self-ownership and denies that the redistribution of resources represents a legitimate action. The difference between the two branches of libertarianism is reflected in different interpretations of the Lockean proviso¹⁶⁹. The right-libertarians interpret the Lockean proviso as requiring that nobody is made worse-off by the appropriation or use of a natural resource than in the state of its non-appropriation or non-use.¹⁷⁰ Nozick makes use of this interpretation of the Lockean proviso in “Anarchy, state and utopia”.

However left-libertarians interpret the Lockean proviso in the following manner: initially all natural resources belong to individuals in an egalitarian manner¹⁷¹. Hillel Steiner and Michael Otsuka are promoters of left-libertarianism and specify that individuals have egalitarian claims to the natural resources of the land

¹⁶⁸ Ibid., 151

¹⁶⁹ See the definition of the Lockean proviso in Kymlicka, *Contemporary political philosophy*, 115: “Just as individual acts of initial appropriation are legitimate if they do not make people worse off than they were when the world was unowned, so capitalism as an ongoing system is just if no one is worse off than they would have been without privatization of the external world.”

¹⁷⁰ See the definition of right-libertarianism in Peter Vallentyne, “Libertarianism”, *Stanford Encyclopedia of Philosophy*, 2010, <http://plato.stanford.edu/entries/libertarianism/#2>

¹⁷¹ Ibid.

and also presuppose a redistribution of resources in the sense of exchange of resources (Otsuka). I shall refer to these interpretations of the Lockean proviso later on when I discuss the case of immigration applied to each branch of libertarianism.

The left-libertarian thesis is more sympathetic to an egalitarian redistribution of the unappropriated resources among individuals. These resources must be shared equally among individuals. This position leaves open to the individuals the chance to engage in redistribution schemes and obtain goods as a consequence of trade: “Left-libertarianism is a theory of justice that (like right-libertarianism) grounds justice in moral (as opposed to legal) property rights. Left-libertarianism rests on two central claims: (1) full initial self-ownership for all agents, and (2) egalitarian ownership of natural resources.”¹⁷²

The difference between Rawlsians and left-libertarians can be summed up in two important points mentioned by Peter Vallentyne.¹⁷³ These differences point out the fact that left-libertarians are not strongly committed to egalitarian principles of territorial closure and to a scheme of social cooperation. Although some individuals might claim a greater share of resources proportional to their talents, the left-libertarians do not find this scheme of redistribution plausible in the light of a libertarian account of resource acquisition.

1.2. Liberty maximization

A second reading of libertarianism is focused on the idea of liberty maximization. Kymlicka makes a distinction between two different accounts of freedom¹⁷⁴: moralized freedom and non-moralized freedom. The first account claims that in order to be free to do an action I should have the right to perform that action, which in essence reflects a paradox as I shall present later: “Whether or not a restriction decreases our freedom depends on whether or not we had a right to do the restricted

¹⁷² Peter Vallentyne, Hillel Steiner and Michael Otsuka, “Why left-libertarianism is not incoherent, indeterminate, or irrelevant: a reply to Fried”, *Philosophy & Public Affairs* 33, Issue 2 (2005): 202, <http://www3.interscience.wiley.com.ezproxy.webfeat.lib.ed.ac.uk/cgi-bin/fulltext/118691042/PDFSTART>

¹⁷³ Ibid., 214-215

¹⁷⁴ Kymlicka, *Contemporary political philosophy*, 142

thing. For example, preventing someone from stealing is not a restriction on their liberty, on this view, since they had no right to steal.”¹⁷⁵

However, Kymlicka seems to refute this type of freedom because he considers that a definition of freedom should not be based on principles of rights when we try to derive rights from this definition of liberty (referring to the circularity of this argument).¹⁷⁶ The non-moralized definition of freedom claims that liberty is not correlated with a right to perform an action. I am free to do whatever I want without necessarily having a right to perform such an action. In this context,

we can then assign rights so as to maximize each individual’s freedom, compatible with a like freedom for all. Hence whether people have a right to appropriate previously unowned natural resources depends on whether according that right increases or decreases each person’s freedom.¹⁷⁷

Consider the case where an individual commits a crime and goes to prison for it, legitimately. In the first case of moralized freedom, the individual cannot claim that his liberty is infringed, because he committed a crime and he has no right to run away from prison (having the right to run away from prison gives a justification for not committing any crime, but in this case committing the crime also infringes the right to go out of prison from the perspective of freedom). In the second case of non-moralized freedom, the individual can still claim that his liberty is infringed by being imprisoned although he committed a crime. In his view, his degree of freedom is severely decreased by being imprisoned (not having the right to run away is not necessary in this case as the individual might still object to the restriction of his personal freedom).

The paradox for moralized freedom is that if immigrants do not have the right to immigrate then they cannot claim that their liberty is infringed when they are not permitted to immigrate, which points to the fact that it makes no sense to argue that immigrants should be free to immigrate if they possessed this right in the first place.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.: ”If the greatest equal liberty principle is to be foundational, such ‘moralized’ definitions must be excluded. If we are trying to derive rights from judgments of greater or lesser liberty, our definition of liberty cannot presuppose some principles of rights”.

¹⁷⁷ Ibid.

In the case of the non-moralized freedom, immigrants can hold that they are deprived of liberty even if they do not have the right to immigrate. Immigrants can argue that they should be free to immigrate in the absence of such a right claiming that immigration is part of their basic liberties.

Kymlicka might object from the perspective of the moralized definition of freedom in the following manner: if the individuals do not have the right to immigrate then their liberty is not constrained when they are not permitted to do so; having the right to immigrate is identical with being free to immigrate. So what is the point of dissociating between the two arguments? This means that whenever I will have a right to do something I will also be free to do that action, and vice-versa, so there is no point in arguing for an action for which I do not have the right to perform because I lack this right in the first place and I cannot perform the action, meaning that I am constrained to perform it. Turning back to the case of open borders the individuals that are not free to enter foreign communities lack the right to do so and this is fairly obvious.

But the whole argument is directed in the perspective of acquiring the right to immigrate (that is the right of entry into foreign states) and rejects the idea of not being free to immigrate. So the criticism is pointed on the account of moralized freedom that does not perceive the circularity of this argument. Under the account of non-moralized freedom having or not having the right to immigrate is not important because an individual can argue that he should be left free to immigrate according to his basic liberties and human rights.

In order to avoid the circularity of the moralized account of freedom we need to reconsider the case of immigration from the perspective of the non-moralized definition of freedom. I link this idea with Kant's Categorical Imperative, which states that people have a duty to treat all individuals as ends and not merely as means. I intend to prove that this correlation between the non-moralized definition of freedom and the Categorical Imperative can offer a clearer argument for immigration. I next analyze the Categorical Imperative and consider its place within the libertarian framework.

This Kantian interpretation of liberty refers to the fact that as long as individuals are aware of and respect the Categorical Imperative, they are free to use and

dispose of their talents. This means that individuals cannot use other individuals as means and ought to consider all individuals as ends in themselves. The CI (Categorical Imperative) is “the fundamental principle of our duty”¹⁷⁸ as Kant explains in ‘The Groundwork for the Metaphysics of Morals’ and reflects the law of an autonomous will: “A categorical imperative, which declares an action to be of itself objectively necessary without reference to any purpose, i.e., without any other end, holds as an apodeictic practical principle.”¹⁷⁹ Examples of CI are: “thou shalt honor contracts, thou shalt not commit suicide, thou shalt not overindulge in food and drink”¹⁸⁰, actions which confine the individual to a universal moral duty.

Kymlicka considers this interpretation of the libertarian theory as a continuation from the self-ownership principle, which does not dissociate the theory into two readings.¹⁸¹ My intention in this chapter is not to analyze in a great extent Kymlicka’s rejection of ‘libertarianism as liberty’¹⁸², but to concentrate on other arguments that will help me back up the position that liberty maximization is an important value within the libertarian theory.

My interpretation is that Nozick aims to use the CI in the context of moral constraints. For example, ‘shall not infringe another person’s liberty’ or ‘shall not violate the side constraints of another person’ counts as an instantiation of the CI in the libertarian framework.

The idea that libertarianism is a theory based on freedom maximization can be encountered in Nozick’s “Anarchy, state and utopia”. The creation of the minimal and ultra-minimal state is a proof that the individual needs his liberty apart from the state’s interference and authority in personal matters. The scenario where the state interferes in the lives of the individuals and forces them to participate in a redistribution scheme or imposes constraints on personal freedom is distinct from the libertar-

¹⁷⁸Robert Johnson, “Kant’s Moral Philosophy”, *Stanford Encyclopedia of Philosophy*, 2008, <http://plato.stanford.edu/entries/kant-moral/#CatHypImp>

¹⁷⁹Immanuel Kant, *Grounding for the metaphysics of morals* (Indianapolis/Cambridge: Hackett Publishing, 1993), 25

¹⁸⁰Ibid., xi

¹⁸¹See Kymlicka, *Contemporary political philosophy-an introduction* (Oxford: OUP, 2002), 132-133: “But this self-ownership is not derived from any principle of liberty. He does say that freedom comes first, and that, in order to be free, we need self-ownership. He gives us no purchase on the idea of freedom as something prior to self-ownership from which we might derive self-ownership. His view, rather, is that the scope and nature of the freedom we ought to enjoy are a function of our self-ownership”.

¹⁸²See Kymlicka’s interpretation of libertarianism as liberty in CPP, 132

ian scenario where individuals benefit from maximal liberty in conjunction with full self-ownership.

2. Libertarianism and immigration

In this section I analyze the libertarian arguments focused on immigration and I try to offer responses to each scenario. Firstly, I present the case of immigration as is treated in “Anarchy, state and utopia” and draw a few questions for guiding the discussion. Next, I focus on the self-ownership instance of libertarianism and I respond to the analogy presented by Hillel Steiner in reference to immigration.

Nozick does not offer any real argument on the issue of immigration¹⁸³. Only the emigration topic is discussed in “Anarchy, state and utopia”.¹⁸⁴ Nozick does not discuss whether libertarians should allow open access to all individuals and oppose the restriction of open borders. Nor does he describe the cases where outsiders seek asylum or want to become members of the same community. Nozick’s response to free access to communities is social diversity. If we create diverse communities then we can hope that everybody’s values can be satisfied. He does not bring into question the idea of adherence to these communities or if entering a community should be promoted based on his anterior argument.

He refers to the right of exit from a libertarian community if that community is sufficiently big to benefit from other residents’ work.¹⁸⁵ The right of exit is accessible to those that accomplish their duty towards their community and based on this condition they are free to join other communities.¹⁸⁶ Free access constitutes the main problem: whether individuals are justified from a moral point of view to associate with other communities, to exit or enter foreign territories and the attitude a community must adopt regarding this issue.

¹⁸³ See Robert Nozick, *Anarchy, state and utopia* (Oxford: Blackwell, 1975)

¹⁸⁴ See Nozick, *Anarchy, state and utopia*, 299, 302, 321

¹⁸⁵ *Ibid.*, 321: “Yet, I have argued, a nation should offer this opportunity; people have a right to so opt out of a nation’s requirements.”

¹⁸⁶ *Ibid.*, 302: “Thus, it seems, we have the result that in every stable association, each person receives his marginal contribution; in each world whose rational members can imagine worlds and emigrate to them and in which no rational member can imagine another world he would rather live in (in which each person has the same imagining and emigrating rights) which he thinks would endure, each person receives his marginal contribution to the world.”

To apply an analogous argument in the case of immigration to libertarian communities: an individual should have the right to immigrate in a libertarian association if he is willing to contribute to it. In the same way as he is free to emigrate once he contributed to the community he must be able to join other communities in view of a better social framework. Because Nozick argues that the right to emigrate from a nation should be available to all individuals, it is coherent and logical to conclude that a right to immigrate should stand on the same grounds. My argument is that if an individual is willing to subscribe to the requirements of a nation, that nation should let him in if he accepts to respect the self-ownership right of all members and not violate the rules of the community. Members and immigrants should agree on the rules of admittance within the libertarian community setting the right parameters for consent.

It is argued in the literature that the right to emigrate (which is recognized as a right in the international law) should be backed up by the right to immigrate, thus holding a moral symmetry between exit and entry. The general argument they use is that if I can exit a community there is no point to benefit from such a right if I cannot enter other community. It is equal with saying that if I can go out from my house I enjoy the liberty of exiting a property, but if all my neighbors and the other people close their doors in front of me then it is useless that I enjoy the liberty of exit. In order to fully enjoy this right I also need the right to enter other communities or foreign properties even if I have to ask for permission. It is obvious that I cannot enter foreign communities whenever I desire because I violate the self-ownership of the members in question.

But if my quality as a person and immigrant does not pose any harm for their properties or persons, then I do not see the reason for being turned away. This argument can be attacked by libertarians if they respond that the reason why they restrict the access is because they want to do so. I object that the justification needs to rely on something more than an arbitrary decision if their self-ownership right is not menaced. Moreover, immigration can maximize the extent of autonomy of the existing members of the libertarian community because they can engage in businesses that can bring to both parties profit and also create a more extensive degree of liberty. For example, if some residents want to create new businesses but they lack la-

bour force they can invite immigrants to work on their lands. In this perspective, immigrants have a positive impact on the autonomy and liberty of action of residents in contributing to the growth of their wealth. For some residents immigration can be the only chance of becoming entrepreneurs and developing more their properties, having success and appropriating more properties. Inviting immigrants inside the community can be associated with enlarging the autonomy sphere of individuals and permitting them to have a bigger degree of liberty of action.

I shall later refer to these arguments and prove that libertarians do not hold a very strong position for restricting the access in front of immigrants.

If immigrants want to enter the community because they want to benefit from trade related exchanges, then the members can propose in return for immigrants the condition of agreeing with the self-ownership principle and with the libertarian rules. If common agreement is reached through negotiation nothing is lost in this process. Immigration can be assessed as a valuable process of acquiring more resources and making profit with external parties.

Nozick claims that emigration offers the possibility for the individual to find a better outcome and an association that can satisfy his needs and requirements. Analogously, immigration illustrates the individuals' desires to enter a better community, work or settle within based on the arguments presented so far. If Nozick agrees and proposes this type of exit from associations then he can also agree with individuals entering associations. The association can impose its requirements and is the choice of the individual if he agrees with them in order to be accepted. If this is correct, then we can intuitively assume that the right of exit is analogous with the right to enter in the libertarian framework based on the arguments Nozick suggested for exiting the association. I do not think that Nozick would oppose this reading of the symmetry between the right of exit and the right of entry, in the perspective that libertarians sustain a maximal extent of individual freedom.

Next, I focus on Steiner's account on immigration, on the right and left-libertarian arguments and offer some examples that can clarify the case for open borders within the libertarian framework.

2.1. Self-ownership and immigration

In this section I intend to offer three different cases where Steiner's analogy on immigration does not hold. Hillel Steiner's account of transnational migration¹⁸⁷ is the main argument he presents for the case of immigration. His argument is that a community has a right to accept or reject immigrants based on their mutual consent. The libertarian position on migration is: if the individuals from a community are willing to accept the immigrants and if they are not constrained by any contractual obligation, they can allow them the entrance right. Conversely, if they refuse the immigrants' right of entrance within their community then the state cannot oblige them to accept immigrants because this will interfere with their personal rights.¹⁸⁸

He uses the analogy of a multitude of cottages owned by some individuals on the borders of a lake. The individuals acquired all the rights over the common facilities and also the right to veto against the acquisition of cottages by other foreigners. In this scenario, the individuals have rightful property rights because they bought the cottages from the rightful owner, who gave them the permission to own the common facilities. This analogy works perfectly for the case of immigrants who want to establish in a new community and where the members of the community rightfully own the properties of that land and also the common facilities having a full right to decide who joins their community or not.¹⁸⁹

Let me make a short clarification for a libertarian that might object that the case of immigration is not problematic because national boundaries do not matter, only the boundaries of private property matter and these are defended by the self-ownership right. If national boundaries are of no interest for a libertarian then it is pointless to address the question of opening the borders. In this case, it is only a matter of allowing strangers on one's private property and not within the whole community.

¹⁸⁷ See Barry and Goodin, eds., *Free movement-Ethical issues in the transnational migration of people and of money* (London: Harvester Wheatsheaf, 1992), 87

¹⁸⁸ Cf. Hillel Steiner, "Libertarianism and the transnational migration of people" in Barry and Goodin, eds., *Free movement-Ethical issues in the transnational migration of people and of money*, 91-92: "If I am willing to lease, sell, or give away space to other persons and am under no contractual obligation to refrain from doing so, the state has no authority to establish whether they are insiders or outsiders before permitting me to do so".

¹⁸⁹ Fabre, *Justice in a changing world* (Cambridge: Polity Press, 2007), 127

I assume that a group of individuals establish a community and they have the interest of keeping it safe from the access of other individuals. My case refers to a libertarian community, which is located among other communities that happen to be non-libertarian. The rule of accessing the libertarian community will obey the same principles as any other community by appeals to the closed or open borders policy. Following this scenario, a libertarian community can choose to close or open the borders because they assume a territorial importance to the borders themselves. According to this example, a libertarian community should prefer open borders, case debated in this chapter.

In short, the cases where Steiner's cottage analogy does not work are: 1) illegitimate transfer of property from the initial owners of properties to the present owners thus rendering the entitlement process to be faulty, 2) external ownership applied to the case of immigration (un-owned parcels of land that are claimed by foreigners), 3) in problematic situations like a corrupted political regime or scarce vital resources, immigrants can claim a partial-ownership of the land or resources with the members of another community, even if this partial-ownership implies retribution or exchange of goods (from a left-libertarian perspective).

The following question arises: if this analogy holds up then we can say that the citizens own the country and the immigration policies? To answer this question I need to further develop the analogy Steiner presents. According to the analogy, if the individuals acquire legitimately property rights over the land and the resources, then a foreigner that wants to join the community must ask for permission to enter from the members of that community.

I present my first objection to Steiner's analogy: if the members are the legitimate owners of the land, resources and properties then we can conclude that the decision the members reach over the immigration policy is legitimate, based on the argument of legitimate entitlement and transfers of properties. But to claim just a legitimate immigration policy in the case of many states is exaggerated. Many states (e.g. USA-Native Americans, Australia, New Zealand-aborigines, etc.) have territories conquered through force from the native populations. The land ownership is not legitimate due to the appropriation through violence.

It might be objected that if the present owners have obtained the land through an illegitimate appropriation (e.g. violence), then the rightful owners should be found and their properties returned (or compensated according to the damage registered for their case). However, I do not argue that this scenario might happen and is valid to pay back the past injustices. But my argument focuses on a different perspective: in many cases, paying back and compensating the descendants of the rightful owners represents a long and painful process, which can take years to finalize. Although, this action is perfectly valid still there will be many descendants who will be impossible to trace. Even if this compensation process takes place I think that it does not cover the entire damage committed at one point in the past.

My point is that the immigrants who claim a right to enter in these communities should be accepted on the following ground: the present owners are, from the rightful owners' point of view, simple visitors or trespassers and they have the same status as the immigrants knocking at the doors of their community. The answer the members of such a community might give—"we do not want you here because this is our land and we can do whatever we want with it"—can be attacked based on my argument. The immigrants have the same status as the actual owners in asking for permission to enter the community (if not to claim the existing land). Because the current residents do not legitimately own the lands the immigrants can object that they cannot be refused entry according to this reason.

However, even if the current residents worked the land and they can claim that they added value to it, still the restriction of entrance is not fully justified in this line of argument. From a left-libertarian perspective, the immigrants can start an exchange with the current members and settle on a way to commonly work the land or make business. Solutions are available for this scenario.

In order to claim legitimate ownership rights over a land, the individuals must prove that the initial appropriation was itself legitimate and all the other transfers of properties and resources obey the same principle. If the initial acquisition was an illegitimate one, then all the chain of transfers suffers from an inconsistency on a legal ground. Fabre argues: "In so far as, according to libertarians, a state's territorial rights are simply the concatenation of its individual members' rights over their property, and then states (which have acquired much of their territory through unjust

wars, colonization, and fraudulent treaties) cannot be regarded as the legitimate owners of their territories.’¹⁹⁰

The analogy does not hold in the case of the states that acquired the land through violence owning the present land illegitimately according to the libertarian principles. The injustices realized in the case of the initial acquisition do not justify the decision of closing the borders in front of immigrants or adopting a restrictive immigration policy. Only in the case of the states where the initial acquisition can be proven to be legitimate then the case of restricting immigration is justified according to this argument.

But in the other instance where the members of the states acknowledge the past injustices over the initial acquisition a negotiation over the property rights and immigration policy can be the right solution. Fabre offers a plausible argument for this situation: “In sum, libertarianism would seem to mandate open borders, at least, *prima facie*, as a way to rectify past injustices—just as some commentators have argued, you recall, that it also allows for coercive taxation as a way to compensate the worst off for breaches of the Lockean proviso.”¹⁹¹

If self-ownership cannot be called on in this case to protect the current owners and their properties vis-à-vis the restriction of immigrants, then the libertarians cannot fully justify this type of immigration policy. Apart from the cottage analogy, Steiner has further arguments for the case of immigration.

My next scenario presents another objection associated with the idea of owning external resources. If, for instance, in a community the members have legitimate rights over their resources and properties, but still there are some parcels of land, which are not claimed by anyone and no one resides on those parcels, can we conclude that foreigners have the right to claim those parcels? What is the libertarians’ response in the case of unowned lands within a community occupied by legitimate owners of land? In this scenario if nobody inside the community claims the land then foreigners who want to appropriate the land (maybe in exchange of other resources, or just to work the land and invest their talents over it) can do so without being refused the entrance inside the community.

¹⁹⁰ Ibid., 128

¹⁹¹ Ibid.

Nozick, from a right-libertarian perspective, would answer that if the land is not owned by anyone inside the community and nobody claims it and is left unworked or exploited and then a foreigner who can accomplish this task has a right to appropriate it. The parcels of land are not under the self-ownership right of other members and if the foreigners can work and add value to the lands then the libertarians cannot reject this scenario.

Otsuka, from a left-libertarian perspective, would offer the following response: if the members of the community do not have legitimate property rights over the un-owned parcels of land, then claiming the Lockean proviso¹⁹², immigrants can offer something in exchange for the appropriation of those un-owned pieces of land. The exchange would represent an intention of acquisition in which the members of the community are offered either a part of the benefits produced from the land in exchange of opening the borders. Opening the borders is the repaid action in this context not the appropriation of un-owned lands (the foreigners will pay a percentage of their benefits for the members' effort to open the borders, not for the appropriation of the un-owned lands).

I will analyze two situations mentioned by Nozick in "Anarchy, state and utopia" that can be useful to illustrate the case of immigration. In the first example, Nozick presents the situation of a water hole, the only one existent on a given territory, which is appropriated by a person. The individual has no right to claim the water hole only for himself knowing that this source of vital natural resource is inaccessible for other individuals in the whole area. Nozick argues:

Thus a person may not appropriate the only water hole in a desert and charge what he will. Nor may he charge what he will if he possesses one, and unfortunately it happens that all the water holes in the desert dry up, except this one. This unfortunate circumstance, admittedly no fault of his, brings into operation the Lockean proviso and limits his property rights.¹⁹³

¹⁹²Cf. Peter Vallentyne, "Libertarianism", *Stanford Encyclopedia of Philosophy*, 2010, <http://plato.stanford.edu/entries/libertarianism/#2>: "Equal opportunity left-libertarianism (...) interprets the Lockean proviso as requiring that one leave enough for others to have an opportunity for well-being that is at least as good as the opportunity for well-being that one obtained in using or appropriating natural resources".

¹⁹³ Nozick, ASU, 180

The second case refers to owning the single island on a given area and restricting the access to it: “Similarly, an owner’s property right in the only island in an area does not allow him to order a castaway from a shipwreck off this island as a trespasser, for this would violate the Lockean proviso.”¹⁹⁴

Applied to the case of immigration, we can say that if a community or state that possesses resources vital for immigrants that are inaccessible for them, for a different reason, no fault of them or the resourceful country, it is wrong to conclude that the state in question should restrict the access of foreigners. If the vital resources needed by other individuals become a motive for claiming the Lockean proviso and the state or community in question has an obligation to share a part of their resources with the immigrants. But what if the case is presented in a slightly different perspective? If the immigrants live in a community or state where the political regime they choose proves to be a vicious one leaving all the individuals (or the majority of them) without riches, resources or properties?

I present my third scenario applicable for the immigration case, in which Steiner’s analogy does not hold. Assuming that the members of that community chose rationally that type of political regime without any constraints from an external party, someone can conclude that the situation is the result of the members’ political decisions. No other external party can be accused of the outcome. Consequently, the members of that community chose to emigrate towards richer countries in search for new opportunities, resources, etc. If the members of the receiving state decide to close the borders according to the argument that the outcome of that specific community was the result of the political decisions of the members, rationally chosen, without any constraints imposed by an external party, therefore justified, and they have no duty to share any of their resources would this decision violate the Lockean proviso?

According to the Nozickian response in the case of the water hole, the above situation is not about an appropriation of the single source of vital resources or about breaking the Lockean proviso in the case of the initial acquisition. Rather this is a case of two parties that had an equal situation, two communities with a territory of their own, resources and liberty of choice and after a sequence of events, one of the

¹⁹⁴ Ibid.

parties chose a political regime that proved to be the end of its fecundity. The first community caused no harm, so Nozick can reply that it cannot be obliged to share any of the resources with the members of the second community.

But one can object to the fact that even in this case, considering that a political regime is hard to predict and the historical events are hard to control by the members of a specific state or community, anything can happen and cause this chain of events. The first community could have chosen a vicious political regime and face the same desperate situation. The argument used is that a political regime is hard to control and predict from the beginning and sometimes the members have no power in protecting themselves or correcting the course of events. Immigrants are appealing to a sense of morality and human cooperation that goes beyond the responsibilities caused by interrelated events. Should libertarians be sensible to this kind of arguments in the case of immigration?

Although the morality claim does not grip the libertarians as the opponents of this theory demand, I present the following argument in favor of offering immigrants a second chance. Consider that instead of a corrupted political regime, the first community deals with a dangerous disease capable of killing all members of the community. However, the scientists find an antidote for the disease and they test it on a small number of people. It works and they are ready to use it for the entire population in order to eradicate the plague. But in order to fabricate the medicine for the entire population they need to use a special container, which is fabricated only with a natural resource used by the second community not affected by the disease. The scientists from the first community decide to ask for permission to work and reside for a short while in the community in order to produce the necessary medicine for the whole population. It is not possible to take the natural resource and come back to the original community and fabricate the medicine there. The conditions of fabrication are not the same and they need to stay in the foreign territory for a while whilst fabricating the medicine.

What will be the response of the second community's members? If they say no, they will be responsible for the death of their neighbours (or anyway of many human lives) and they risk to be infected as well, since the disease cannot be exterminated in another way but producing the antidote. Saying 'yes' implies several con-

sequences: the scientists will use their land for a while, their resources (because they need to eat, sleep, etc.) including the natural element available only on their lands, and they will also enter into contact with some of their members thus creating possible connections.

Weighing the two situations I think the members of the second community will decide to allow the scientists on their territory, even for a short while, in order to avoid the disease to spread further. They can ask for some deposits from the antidote to make sure that they will be protected in the future by the disease's attacks. Applying this scenario to immigration we have the following outcome: the immigrants are the members from the first community and the libertarians are the members from the second community. The immigrants are in a desperate need of some resources from the second community and they need access to this community even for a short while in order to escape a fatal situation (or a very desperate one). If the libertarians make an effort to see that the same situation can happen to them in a short while or on a longer term they will make a compromise and offer them the necessary help.

However, because they are willing to collaborate with the immigrants they can claim an exchange of goods or services. They also can impose taxes, action that usually happens with the immigrants that arrive in a new territory, or claim some benefits in return for their generosity. The libertarians are aware that anytime the situation can reverse and the same treatment can be applied to them. For this scenario, I invented a mild moral claim in order to justify the acceptance of the immigrants on the libertarian territory. The obligation is not an absolute moral claim: the libertarians are still free to do whatever they want, as Steiner states.

But the future consequences will be nevertheless important for their fate. In this case, the libertarians must take a risk in order to avoid a similar situation or just to assure a serious collaboration if things will turn into their disadvantage. This can happen anytime as no one can predict the future (for good or for worse). Using this claim as a hypothetical moral backup, immigrants and libertarians reach a common agreement in order to sustain a future collaboration if resources run scarce. In this scenario I am not excluding a left-libertarian claim for an exchange or taxation, as it happens in the real world for all the immigrants.

To conclude, this section provided enough examples to sketch a response for the immigration case: even in the cases where the ownership rights are not strong enough to invoke the opening of the borders based on the Lockean proviso there are other plausible arguments for a libertarian to welcome immigrants either from a moral or from a practical perspective.

2.2. Liberty maximization and immigration

In this section I plan to analyze the arguments for immigration that fit in the libertarian framework understood as liberty maximization. The notion of respect plays an important part in Nozick's account:

Treating us with respect by respecting our rights, it allows us, individually or with whom we choose, to choose our life and to realize our ends and our conception of ourselves, in so far as we can, aided by the voluntary cooperation of other individuals possessing the same dignity.¹⁹⁵

The meaning of being morally free is that we have the liberty to do whatever we want and that we also have the right to do what we want as long as we respect the Categorical Imperative and we never infringe other individuals' liberty or consider them only as means. If we consider the reading of libertarianism as freedom maximization then the following question appeals to the issue of immigration: if we are free to do whatever we want, why should libertarians choose to restrict immigration? The minimal state is intended to protect the members from any serious violations and to avoid major situations such as war or external attacks. However if the borders are opened to all individuals, then if something like this will happen the minimal state will be there to protect the members and assure a safe outcome.

The answer is that even if we are free to do whatever we want we lack the right to immigrate. But this answer also reflects a paradox because if we had the right to immigrate then it would be pointless to ask if we are free to immigrate. If we are limited only to the rights we already possess then how can we create new freedoms if

¹⁹⁵ Kymlicka, CPP, 104

rights are missing for those freedoms to be permitted? This involves a more serious problem: in the libertarian framework being free means to have a right to do something which obviously limits the sense of freedom and its application in a non-desired way for libertarians.

The objection to this scenario might be that if immigrants are allowed to enter into foreign states the application of CI will make use of the citizens of those states as mere means. I do not think that the motivation behind opening the borders is to use the citizens of a foreign state as a mere means. It can be sustained for example that closing the borders means to refuse to help other human beings, which under a Kantian consideration should fall under the general duties of all individuals. Opening the borders reflects a response to a human need for autonomy and freedom not for mere pragmatic reasons. I do not believe that it can be strongly argued that in opening the borders immigrants use the citizens of a state as mere means because the further interaction with them will have to fall under the CI. If people have general duties to help those in need, opening the borders can be interpreted in this broad perspective not in a narrow, egoistic manner. Human cooperation is necessary for further interaction, which obviously should obey the CI from the perspective of both immigrants and residents.

In order to prove that the citizens are used as mere means in this case we need to prove that the negative effects of welcoming the immigrants reflected upon the citizens are obviously greater than the positive effects the immigrants can bring for those states. I do not think that the application of the CI in this instance violates the will of the citizens in such a negative degree because we all are human beings and we can extract that the basic human freedom is necessary for a normal evolution of life (as in many cases immigrants are desperate persons threatened by either great poverty or other abuses in their home lands it is hard to prove that they should be rejected only with the justification that they use the citizens of richer states as mere means to their desire to enter).

In the case of applying the instance of CI the members cannot protest against it because it is a universal moral duty they need to obey in an absolute manner. Once the immigrants are inside the host community and they violate the self-ownership or the basic rights of the members or their property rights then the normal punishments

of expulsion or retribution can be applied. The CI and the non-moralized definition of liberty both work to maximize the freedom of the individuals even in the case where they are immigrants and need to access foreign territories. My case is of applying the CI in the case of immigration in order to avoid the circularity of the moralized definition of liberty and also to escape the problem of the a priori restriction of immigrants (if they never resided on the foreign territory how can it be proved that they committed something wrong or they will commit it?).

Obviously I do not think that immigration conflicts with freedom. On the contrary, being free to immigrate and having symmetrically the right of entry and the right of exit permits an individual to construct a bigger sphere of autonomy and self-fulfillment.¹⁹⁶ I shall get back to these points in the next section. In this section, I wanted to point out the paradox of circumscribing the value of freedom to the already existent rights without provoking an enlargement of these rights for the benefit of the individual. I consider this action to be counter intuitive to what a libertarian really desires, which ultimately translates in maximizing freedom.

Immigrants enter libertarian communities without being restricted because they have not committed any crime against the members or the community itself. However, if they will prove to be such criminals they will have to deal with the consequences (exclusion). Or if they do not find any work or a good outcome for their situation they are free to move along without being restricted in their exiting (as long as they paid their debts to the host libertarian society, mentioned in either a contract or other type of agreement with a legitimate party resident in that community). Freedom maximization presupposes that everybody is free to enter or exit foreign communities but they have to obey the libertarian rules or residing or doing business (I used here the non-moralized definition of freedom).

Self-ownership suffices for the protection of properties and resources and each individual knows that he needs to respect the Categorical Imperative and not to harm human beings or use them only as means. Immigrants will obey the same rule and can enter libertarian communities without inflicting any harm on the members. Another question is relevant: can we consider the moralized freedom as being compatible with private property?

¹⁹⁶ Also see chapter two on liberal egalitarianism and the arguments on the symmetry between the right of exit and the right of entry.

Let us consider the framework of the minimal state and the morally free individual. The individual has a full liberty of action if he respects the self-ownership of the other individuals and also respects them as ends in themselves. If immigrants arrive at the borders of the state and they ask for the permission to enter. The members decide to welcome them only if they subscribe to the same values pertinent inside the libertarian community and understand that the self-ownership principle is the core value of libertarianism. If the immigrants agree then they are accepted and the borders are opened. The action of opening the borders respects both the immigrants' desire to free mobility and the access provided on their territory demonstrates that they are treated equally with the members inside and they are not rejected if they are of no use for them.

Nozick argues that the moral constraints imposed on individuals refer to the side constraints present in the Kantian morality: "Side constraints upon action reflect the underlying Kantian principle that individuals are ends and not merely means; they may not be sacrificed or used for the achieving of other ends without their consent."¹⁹⁷ Under this interpretation, private property is independent of the status of the individual. To say that an individual has value due to the fact that he is the owner of a private property means, according to moral liberty, to treat the individual as being inferior to a material possession, therefore disrespecting the human life.

The individual has independent value of the private property because he represents a human being, whose life must be valued above any material possessions. The answer to the above question is that the moralized freedom does not have a real connection with private property, because in this context, the individuals are respecting each other as human beings not their properties. To own more or less does not increase or decrease the value of the individuals' lives: on the contrary, in the absence of private property, an individual is still a human being who must be respected and treated as an end not as means.

Another reading of libertarianism as liberty would be that freedom constitutes a basic human right and incorporates the right to universal mobility. Freedom of movement is part of the basic liberties an individual enjoys and libertarians are promoters of individual rights over all other constraints. If the state constrains freedom

¹⁹⁷ Nozick, ASU, 30-31

of movement of individuals, then the decision of selecting a minimal or ultra-minimal state has no logic in the libertarian theory. If individuals are rational and understand the fact that they must respect the moral constraints and never treat people only as means, then it follows that they should be able to move freely across communities. Constraints imposed on the individuals' freedom to move are not justified a priori to their entrance because immigrants have not violated any of the mentioned rules within the libertarian framework. It is hard to say whether immigrants would agree or not with the self-ownership principle a priori of their entrance in the libertarian community.

Next, I focus on the problematic process of collective decision-making and the conflict between the individual's decision and the group decision within the libertarian community.

3. The problem of collective decision-making procedure

I distinguish in this final section between the individual and the collective decision in the immigration case. Whereas the collective decision-making is a process that depends on the individuals' consent over a political matter (see Steiner's analogy), I argue that within the libertarian framework this issue is a problematic one. However, if applied to the case of immigration the collective decision-making procedure needs further clarification.

I intend to offer in this section three different perspectives on this issue that refer to three distinctive types of ownership, which rely on different accounts of responding to the same problem: 1) collective ownership (Fabre's account), 2) private ownership (O'Neill's account), 3) no ownership. Firstly, I describe the general problem of the collective decision-making within the libertarian framework and offer my interpretation. Secondly, I analyze each of these accounts individually.

If an individual agrees or rejects the entrance of a foreigner in his house or on his property this action regards his personal set of values and preferences. If the libertarian community decides to reject or welcome foreigners, this action implies a collective set of preferences and values. The collective set of values and preferences must be a sum of all the individuals' preferences and values on this issue.

I construct the following imaginary scenario: how can libertarians form a perfect set of preferences on this matter, which does not disagree with the individual's personal opinion? If, for example, 98% from the community says "yes" in the case of rejecting immigrants and only 2% agree with the entrance of these immigrants, then those 2% of members will have their personal preferences violated. For instance, those 2% might strongly object to the rest of 98% that are indifferent on the issue of immigration or simply refuse foreign competition on their territory, on the basis that they can have productive and useful relations with the immigrants.

In fact, those 2% might offer the argument that even if they represent a minority, the extent of freedom they will benefit from along with the benefits brought by the immigrants will help them increase their businesses and resources in a rapid interval of time. Therefore, their future will be improved considerably in this scheme, as this might be their only chance to secure a prosperous future in the libertarian community. What is the majority's response in this case? They would answer: "we voted and you lost."

The majority can further explain that even if the minority's future depends on this decision, still the protection of their self-ownership right is more important than the benefits the immigrants might cast over the minority's businesses. How can we draw a relative fair conclusion in this case that does not violate the self-ownership right of the parties concerned? Moreover, on what principles do we rest upon while making an impartial selection in this matter? One type of response can be that: even if the consequences might affect a minority from the community and the outsiders as well, the final decision is based on the majority's consent and reflects the preferences of the group in rejecting the immigrants.

Another type of response can object to the claim that the minority must not suffer in this context, where the only chance of improving its future rests on the decision of approving immigration. As in the democratic process, the majority usually wins over the preferences expressed by a minority; however, in the libertarian framework, the minority can claim that is coerced in its liberty to engage in transactions with immigrants that can bring them profit and a greater degree of autonomy. The individuals within the minority are thus constrained in their liberty of action and their autonomy is reduced when the majority chooses closed borders instead of open

borders. For the individuals within this minority, welcoming immigrants inside the community represents a profitable action that widens their degree of autonomy in relation with the rest of members.

Some might object to the idea that within the libertarian framework self-ownership counts more than other values, such as autonomy, which is considered to bring to an individual more liberty of action. The majority tries to protect the self-ownership right of the existing members overlooking the fact that the autonomy of some individuals is coerced. These individuals might perhaps never gain their desired level of autonomy and/or wealth if immigrants are rejected from the community. In this perspective, I consider that the collective decision-making process is problematic and can lead to disputes within a libertarian community.

It is difficult to draw the line between the collective decision and the individual's decision, where the group will violate some individuals' decisions. This internal conflict represents also a problem for the libertarian argumentation, to derive the right consensus inside an association without promoting some egalitarian principle for it. We have no principle based on which the majority's decision is "more suitable" than the minority's decision. All the members of a community are facing a similar reality once the immigrants are allowed inside, since the self-ownership right can be violated arbitrarily. If immigrants violate the self-ownership right, libertarians consequently can opt for inflicting punitive measures on immigrants or for excluding them from the community.

The collective decision-making process does not render more liberty to the members of a community, on the contrary; the effect is that individuals' preferences will be blocked by other individuals' preferences, and the rule of reaching an objective decision is missing. We cannot maximize liberty where all individuals claim that they are right and their preferences should be respected accordingly.¹⁹⁸ The conflict points to the problem of selecting an objective decision, related to our case immigrants' acceptance.

¹⁹⁸ I make a reference here to the discussion on collective decision-making in Thomas Christiano, "Freedom, consensus, and equality in collective decision making", *Ethics* 101, no. 1 (1990): 160, <http://www.jstor.org/stable/pdfplus/2381897.pdf>: "Even on the broadest possible account of decisiveness, I will rarely be free to determine the course of common activities. Moreover, that freedom will be quite limited since it will only exist after the agenda has been formulated and the alternatives are supported fairly evenly by all the other members. This would be a freedom that would appear only at the very end of the decision-making process."

Another problem with the collective decision-making process is that in the absence of a contract individuals can claim that they are coerced in their liberty of associating with immigrants, which can bring profits and even extend their degree of autonomy. In the case of a contract that stipulates that all members must conform to the majority's decision and predefines the collective decision-making procedures, the majority's decision to close the borders would not violate self-ownership and would be legitimate according to this contract. The problem resides in lessening the degree of autonomy of individuals without necessarily violating the self-ownership right. Some can object that libertarians are reducing to an alarming degree the autonomy of individuals, which can also mean a reduction in their liberty.

The collective decision-making in the libertarian framework is also unclear in the case of the public and private properties. As I described in a previous section, if some parcels of land are un-owned by anyone inside a community, and some immigrants claim those parcels in view of a future usage, it is unclear what the decision-making process would be in this case. If there were no contract that would stipulate the procedures of the collective decision-making process, then the final decision would be very hard to draw without violating self-ownership. However, if a contract exists and grounds that the final decision belongs to the majority then a decision over the acceptance of foreigners on un-owned parcels of land would be justified legally.

To draw a few conclusions for this scenario: a) the collective decision-making process is unclear in the absence of a contract that stipulates the procedures of this action; b) in the absence of such a contract, self-ownership is likely to be violated and the final decision rendered illegitimate; c) the same case applies to the private and public properties where immigrants claim access or acquisition (in the absence of a contract the members of a community are in the difficulty of reaching a legitimate final decision); d) for public properties, but un-owned by anyone in particular, the collective decision should be clear in the case of welcoming foreigners and allowing them access.

To explain in detail the last point that I made: in the case of un-owned parcels of land that constitute the public properties of a certain community, the collective decision should be clear in allowing access to foreigners. The argument is that in opposition to the decision regarding private properties, where the landowner is the only

one who decides to restrict or allow access on his property, in the case of public properties, it is not legitimate to claim the same thing because the land is not the property of any of the members. Even if they contributed to the development of the land, claiming that they added value, still there would be unjustified to restrict the access on it. If foreigners can access the public properties then, at some point, if they use the land properly and add value to it, then they can acquire it.

The difficulties presented in the case of collective-decision making within the libertarian framework point to the weak case libertarians hold for immigration. If the self-ownership right is violated in the case of decision-making over closing or opening the borders and once a contract is established to secure the procedures for such a process in advance, then the premise that members of a libertarian community can be free in their decision over immigration control is refuted.

I refer to the argument presented by Fabre, which considers the collective decision-making procedure to be severely flawed:

So we consent, in advance, to not being able to decide whether a specific person or group will be allowed in. As we have given such consent in advance, if the decision goes against us, we cannot really complain that our rights of ownership have been violated. But the difficulty, of course is that, once the libertarian makes that concession, she has to accept that such a decision-making procedure will yield other results to which she objects, such as coercive taxation for helping the poor. It is hard to see how she can complain, in such cases, that taxation for those purposes violates individual rights of self-ownership.¹⁹⁹

So it seems that by agreeing to obey a contract that gives the majority the right to take the final decision, the libertarians can find themselves in the hard situation where they disagree with the majority, thus losing important gains. If instead of the immigration case the majority decides to have a redistribution scheme the members cannot object to the violation of their self-ownership right because they agreed to follow such a contract. To obey a contract in the conditions where it violates either the self-ownership right of the individuals or leads to further damages means to coerce from the start the freedom of the parties involved in the contract. The contract might be rendered invalid sooner or later, and we arrive in the same position as the

¹⁹⁹ Fabre, *Justice in a changing world* (Cambridge: Polity Press, 2007), 130

one described before, where the majority will oppose a minority in relation to accepting or not immigrants.

If libertarians want to have a contract that does not violate the self-ownership right in such a degree, they should instead select a constitution for example, which states that the majority decides in all cases, except in important aspects (such as the redistribution scheme, which libertarians oppose vehemently). The decision over the borders is entirely in the hands of the majority as Steiner argues, but in this case the violation of the self-ownership right of the minority is understood as part of the contract obligations.

If there is no contract, then the case remains a very difficult one as presented above. I next refer to the second type of scenario, which relies on the argument of private ownership. I prove that in this case there is no need to assume either closed or open borders since this issue becomes a non-issue (does not imply any further complication). If a libertarian community does not assume the need for borders in the first place as private properties are the only properties to be defended then the issue of opening the borders for immigrants is not problematic. Whether the immigrants choose to enter the libertarian community or not resumes to the case of asking for permission to trespass private properties. The landowners will choose to allow or reject the immigrants' request as they find fit according to their private ownership rights.

The role of the association is important in deciding the status of foreigners. If all individuals have the same status, without any discrimination, then all candidates have the same chances to be accepted. I argue that, in principle, the right of exit and entry should be analogous because as individuals are free to exit a protective association after they paid the debts towards the association they should be allowed inside another association if they choose to obey the rules of that particular association. As O'Neill observes we should not draw a distinction between individuals based on their birth origin or any other factors that can justify the preference for a certain category of people.²⁰⁰ We can interpret that libertarian associations can be used in the broader

²⁰⁰ See O'Neill's commentary on libertarian associations in Barry and Goodin, eds., *Free movement*, 119

context of liberalism, where individuals live in a multicultural world and are accepted as equals.²⁰¹

According to O'Neill's account, the issue of immigration is a non-issue because the individuals interact with immigrants only when they try to access their private properties. The borders are open permanently to anyone who wants to come in (actually the borders being opened is not an action that is done with the intent of allowing immigration, the borders are opened to anyone because national boundaries are not important private properties are). To trespass private properties is the issue that needs attention but as long as owners accept immigrants on their properties and give their permission unconstrained then the self-ownership right is respected and immigration is not considered to be a problem.

In the third scenario I plan to investigate the no ownership case. Consider that a certain libertarian community has un-owned territories and foreigners soon find out and become interested in appropriating them. How do libertarians respond to such a case? Do they need a collective decision-making procedure or do they automatically give access to these foreigners if they want to claim the un-owned parcels of land? I consider that this scenario is slightly problematic, but offers in the end an interesting approach to immigration. The libertarians can opt for the collective decision-making procedure because in this way, all the members will have their opinions clarified in the case of the immigrants' access on their territory. If the parcels of land are un-owned some members might claim that right now they decide to appropriate those pieces of land before the immigrants find out. From a right-libertarian perspective the following objection intervenes: according to the Lockean proviso the current members do not need the un-owned land otherwise they would have claimed it before. They must leave as good and enough for others.

Immigrants are entitled to access those pieces of land and appropriate them if they can work the land and add value to it. A left-libertarian would argue that the members should object to the foreigners' entrance and deny their access in their community. They can claim a compensation for their generosity of welcoming them on their land and letting them appropriate the un-owned land. An exchange will settle the acquisition process legitimate and immigrants cannot be accused of violating the

²⁰¹ Ibid.

self-ownership of the current members. In the second variant of response the members can automatically make a contractual claim that can offer any foreigners free access to any un-owned piece of land that resides within their community. The access of foreigners is justified only because they claimed the un-owned land and they also agreed to work the land or make use of it.

4. Conclusion

In this chapter I focused on the analysis of the libertarian arguments on immigration. I showed that although the individuals are free to decide if they close or open the borders, the collective decision-making process meets some difficulties from which we can establish that the individuals are in fact constrained in choosing their preference. Libertarians do not offer a clear argument for closing the borders when the categorical imperative and the universal right of free mobility are prerequisites for the individual liberty. I conclude that in this case libertarians should be promoters of open borders, which represents a coherent decision vis-à-vis the libertarian principles.

Conclusions

This thesis has concerned itself with presenting three perspectives on the ethics of immigration. I presented the definition of each philosophical framework followed by arguments on the issue of immigration, focusing on both the negative and the positive aspects. I integrated the objections addressed to immigration and the arguments in favor for it supported by moral claims. In this conclusion, I want to summarize the main points that highlight the ethical procedure in relation to the issue of immigration. Firstly, I present the essential points related to the utilitarian framework, secondly I highlight the main points for the liberal egalitarian framework and thirdly I describe the essential remarks for the libertarian framework.

For utilitarians helping the vulnerable, offering aid to refugees, assisting the economic immigrants with primary goods represents the right conduct. Involving the richer countries to assume the next step in protecting the vulnerable, among which immigrants, means to circumscribe the special duties within the general duties. Acknowledging the fact that assisting immigrants is part of the general duties of each state is the right ethical conduct in the utilitarian framework. There is no need to suppress the civic responsibility of helping the residents within a state, but moving towards a broader ethical account, protecting the immigrants as well as the residents, promotes the well-being of all individuals.

For liberal egalitarians freedom of movement entails an asymmetry between the right of exit and the right of entry. I showed the reasons for promoting a symmetry exit/entry and sustain it in view of promoting immigration as a moral right of all human beings. I defended the view that freedom of association and freedom of movement can sometimes conflict; however, the moral claims according to which we sustain freedom of movement can override the moral claims behind freedom of association. In essence, liberal egalitarians can assume a broader ethical account in which open borders are allowed from the perspective of both freedom and equality, permitting porous borders where extreme situations ask for institutional regeneration. Overall, protecting the basic liberties, among which freedom of movement, represents the right conduct for all states in relation to immigrants and residents as well.

For libertarians promoting closed borders represents an inconsistency with both the self-ownership principle and freedom maximization. I showed that libertarians are by default defenders of individual liberty and private property, which should not conflict with immigration. I analyzed a few scenarios according to which immigration can endanger the libertarian framework, and in each case solutions were provided to secure residents' rights to private property and their liberty without excluding immigrants. Immigration can be considered a non-threat from an ethical perspective because national boundaries are not important for libertarians. Immigrants are allowed on private properties if the owner decides to grant them permission or not.

Overall, in all three perspectives, immigration sets new debates on a philosophical level that have moral implications in the real world. My arguments pointed to the alternatives a philosopher can choose and apply them empirically in society. These philosophical frameworks showed the extent in which we can promote immigration and where inconsistencies within the argumentation made possible the emergence of empirical solutions.

Appendix: Academic Curriculum Vitae

Research interests

Moral and political philosophy, metaphysics, aesthetics, phenomenology

Previous degrees

2007: Philosophy MA, University of Bucharest, Bucharest, Romania, thesis on 'The symbolic function of the image in the works of Gaston Bachelard'

2005-2006: Maîtrise en Philosophie, Université de Bourgogne, Dijon, France, thesis on 'L'instant métaphysique et l'instant poétique chez Gaston Bachelard' (The metaphysical moment and the poetical moment in the works of Gaston Bachelard), supervisor Prof. Maryvonne Perrot

2006: Political Philosophy BA, University of Bucharest, Bucharest, Romania, thesis on 'The problem of individualist anarchism in *Anarchy, State, and Utopia* by Robert Nozick'

Publications

1) "Utilitarianism and immigration". *The Scientific Journal of Humanistic Studies*, (forthcoming), Cluj-Napoca, Romania: Argonaut, 2010.

(website: <http://revistainternationala.com/index.php?lang=en>)

2) "Two utilitarian perspectives on immigration". *Volume Colective 8*, Cluj-Napoca, Romania: Argonaut, 2010.

3) "A libertarian account of freedom of movement and open borders". *The Scientific Journal of Humanistic Studies* 2, no. 2, Cluj-Napoca: Argonaut, 2010.

4) "Poziția libertariană și stâng-libertariană cu privire la imigrare". *Volume Colective 7*, Cluj-Napoca: Argonaut, 2010 (in English: "The libertarian and the left-libertarian position concerning immigration").

Recent presentations

1) 'A Libertarian Account on Immigration: a Reconstruction', 16th of March 2010, Lecture for the Undergraduate Philosophy Society, University of Edinburgh

- 2) 'Building a normative model for migration', Work in Progress Seminar, November 2009, Department of Philosophy, University of Edinburgh
- 3) 'Why mess with self-ownership?', Work in Progress Seminar, July 2009, Department of Philosophy, University of Edinburgh
- 4) 'Moral and Religious Problems with Nozick's Proviso', Work in Progress Seminar, February 2009, Department of Philosophy, University of Edinburgh

Participation in workshops and conferences

- 1) 29th of June 2010: presenting the paper 'A libertarian account of immigration: a reconstruction' at the Brave New World conference, University of Manchester.
- 2) 26th of June 2010: presenting the paper 'Open borders, private property and libertarianism' at the postgraduate conference 'Open Minds V', University of Manchester.
- 3) 20 March 2009, Old College, University of Edinburgh: chairing the session for Richard Davis, 'The Return of the State as Antichrist in Modern Theology', Divinity School, University of Edinburgh in the workshop entitled 'Justice, Morality and Nations: Theological and International Perspectives' between Divinity School and School of Politics.

Teaching

Introduction to Philosophy 1, 2008-2009

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