

Immigration and Borders

Shelley Wilcox

**Forthcoming in *The Bloomsbury Companion to Political Philosophy* edited by Andrew Fiala
(London and New York: Bloomsbury, 2015)**

[A] Introduction

Within the past three decades, the ethics of immigration has emerged as a topic of considerable interest among political philosophers. The subject includes normative questions related to various dimensions of global migration, including territorial admissions, admission to citizenship, and the rights and duties of noncitizen residents. The central question in these debates is whether liberal democratic states have a moral right to restrict immigration.¹ On one side of the issue, philosophers argue that states have a broad moral right to select whatever immigration policies serve their national interest, excluding would-be immigrants as they see fit. On the other, proponents contend that a commitment to fundamental liberal values, such as freedom and equality, requires states to maintain open borders. This chapter surveys the main lines of argument in this debate, beginning with arguments in defense of the state's supposed right to exclude would-be immigrants.

[A] Arguments for the state's right to exclude

[B] The conventional view

Early work on the ethics of immigration typically defends the common intuition that states have a broad right to control their borders, including a right to regulate immigration in accordance with national priorities. Walzer offers the best-known philosophical defense of this position (Walzer 1983). He understands political membership as a social good, constituted by the shared understandings of a political community. This implies, Walzer believes, that members of a political community should be free to decide who is admitted to their political community in accordance with their own understandings of it. It follows that we must know something about the nature of liberal democratic communities in order to determine what sorts of immigration policies are appropriate for them. However, since political communities tend to be large and abstract, their natures can be difficult to grasp. Thus, Walzer compares liberal democratic societies to other, smaller associations that we understand more readily. By examining

neighborhoods, clubs, and families, and the membership policies that govern them, we can determine which immigration policies are appropriate for liberal democracies.

The first model Walzer considers is that of the neighborhood, a loose association of individuals living in close proximity to one another. Neighborhoods have no formal legal admissions policies; although residents may choose not to welcome newcomers, the state does not prevent individuals from settling in whatever neighborhood they choose. Should liberal democratic societies adopt membership policies analogous to those of neighborhoods? That is, should liberal states maintain open borders, permitting prospective immigrants to settle in whatever country they wish? Walzer argues that they should not. Since citizens are deeply committed to protecting their culture and political life against perceived threats by outsiders, free migration at the national level would almost certainly be resisted at the local level. Such local closure is undesirable liberal societies; thus, states must be able to regulate immigration as necessary to protect the freedom, welfare, and culture of current citizens.

Based on these considerations, Walzer suggests that liberal democratic societies are like clubs: both are free to choose their own admissions decisions, admitting and excluding would-be members in accordance with collective understandings. However, despite these parallels, Walzer believes the club analogy fails to capture an essential moral feature of liberal societies. Unlike club members, citizens have moral obligations to certain unchosen groups of outsiders, such as those with whom they share significant cultural or ethnic ties. In this sense, liberal democratic societies are like families, “for it is a feature of families that their members are morally connected to people they have not chosen, who live outside the household” (Walzer 41). This kinship affinity has important implications for immigrant admissions policies. In particular, it implies that the relatives of current citizens and displaced ethnic nationals should receive admissions priority.

Walzer also acknowledges an additional constraint on liberal immigration policies. Since admissions decisions regulate relationships between members and foreigners, they are governed by the principle of collective mutual aid. This principle maintains that a society is obligated to aid needy outsiders if the need is acute and the cost of providing aid is comparably negligible. Affluent societies can usually fulfill these duties by transferring some of their wealth to poorer societies as economic aid. However, in the case of political asylum-seekers—individuals who are fleeing their countries to escape political or religious persecution—the duties of mutual aid

can be fulfilled only through territorial admission. Thus, Walzer concludes that liberal states have a broad right to regulate immigration in accordance with collective self-understandings, provided they accept at least some refugees, narrowly defined.²

Several commentators have raised objections to Walzer's argument. One prominent line of criticism takes issue with the analogies he draws between liberal democratic states and other associative organizations (Cole 2000 and Higgins 2013). For Walzer's argument to be persuasive, critics argue, it is not enough for states simply to be like the associative organizations he identifies; they must be like them in all morally relevant respects. However, this simply is not the case. Consider the analogy between states and clubs. These associations may share some idealized features, such as a collective identity or shared sense of purpose. However, they differ in several morally relevant respects, most obviously: membership in states is typically non-voluntary; states possess territorial jurisdiction that clubs do not; and states provide a much wider range of basic goods to their members than clubs. Given these differences, critics insist that Walzer cannot simply derive the right of liberal democratic communities to choose their membership policies from the fact that most clubs are free to choose their own members.³ He can only offer the observation that states and clubs are alike in this respect, but in absence of further argument, this begs the question of whether political communities have a legitimate right to choose any membership policies they wish.

[B] Self-determination arguments

For reasons such as these, most liberal philosophers reject Walzer's defense of the state's supposed right to exclude would-be immigrants. Nevertheless, some insist that his argument contains a valuable insight: membership decisions are tied to collective self-determination. Recently, several of these philosophers have attempted to draw out the normative implications of this connection, arguing that the right to collective self-determination includes the right to exclude would-be immigrants. I will discuss two prominent arguments here.⁴ The first maintains that the state's right to exclude follows from collective right to freedom of association, and the second attempts to derive the right to exclude from the collective ownership of public institutions.

[C] The freedom of association argument

In a widely discussed article, Wellman argues that the collective right to self-determination includes a right to close borders, excluding all would-be immigrants, including refugees (Wellman 2008 and Wellman and Cole 2011). His argument proceeds in two stages. The first seeks to establish that states have a general right to self-determination, which includes a presumptive right to exclude would-be immigrants. The second aims to show that this right is not outweighed by standard egalitarian and libertarian considerations, and thus that states may legitimately close borders in practice.

The argument begins with the relatively uncontroversial claim that individuals have a basic right to self-determination, which includes a right to freedom of association. Using the examples of religion and marriage, Wellman further argues that freedom of association has both inclusive and exclusive aspects. Freedom of marital association, for example, includes the both the right to marry one's willing partner and the right to refuse to marry any given suitor or to remain single altogether. He then suggests the citizens of states also have a collective right to self-determination, which includes the right to choose which would-be immigrants are admitted into the state or to exclude immigrants altogether. In his words:

Just as an individual has a right to determine whom (if anyone) he or she would like to marry, a group of fellow-citizens has a right to determine whom (if anyone) it would like to invite into its political community. And just as an individual's freedom of association entitles one to remain single, a state's freedom of association entitles it to exclude all foreigners from its political community (Wellman 2008, 110-11).

Wellman is quick to point out that the state's right to exclude would-be immigrants is a presumptive right. As such, it can be outweighed by competing moral claims. In particular, two types of cosmopolitan moral duties—samaritan and relational egalitarian—could, in theory, place limits on the right to exclude. Samaritan duties, which are generated by the principle of collective mutual aid, require affluent states to assist foreigners living in abject poverty. Relational egalitarian duties require states to mitigate inequalities that contribute to oppression within transnational structural relationships. However, Wellman insists that in practice, neither samaritan nor relational egalitarian duties require states to open their borders because these

obligations can be satisfied by “exporting justice” in the form of material aid or through military intervention rather than by admitting immigrants (Wellman 2008, 129).

By attempting to derive the right to exclude would-be immigrants from uncontroversial liberal rights rather than through analogies between liberal states and other associative organizations, Wellman’s argument evades many of the objections to which Walzer’s position is subject. However, it is not without its critics. Some reject Wellman’s claim that the right to freedom of association includes the right to exclude would-be immigrants. For instance, Fine points out that the right to self-determination protects only self-regarding actions; individuals—and importantly, groups—are not morally free to engage in behavior that harms others, in the sense of setting back their significant interests (Fine 2010). Yet this is precisely what some immigration exclusions do: many would-be immigrants have substantial interests in living in a new state, and barring their entry thwarts these vital interests. Wellman acknowledges that individuals who cannot live a minimally decent life in their home countries have a substantial interest in moving to a new state in which their basic needs could be met, but he insists that states can fulfill their duties to help these needy individuals by transferring material aid. However, Fine argues that individuals may also have significant “familial, social, religious, cultural, political, or economic” interests that can be met only by moving to a new state and immigration restrictions wrongly thwart these interests. Thus, in many cases, the right to self-determination does not give liberal states the right to exclude would-be immigrants.

Other critics object to the second stage of Wellman’s argument. Wellman acknowledges that some relationships between citizens and outsiders are robust enough to generate relational egalitarian duties, but he contends that societies can fulfill these duties by transferring aid. However, I have argued that exporting aid is often an inappropriate means of fulfilling relational egalitarian duties because aid transfers tend to create the sorts of oppressive relationships that relational egalitarians reject (Wilcox 2014). For instance, contributing economic aid can enable donor nations to dominate recipient nations by setting conditions for its use or by leveraging the possibility of continued aid to gain an unfair advantage in negotiations over other policies. Moreover, aid transfers alone often cannot remedy the injustices that generate relational egalitarian duties in the first place, since these injustices are maintained by ongoing, unfair economic policies. Critics also reject Wellman’s claim that samaritan duties can be discharged by military intervention on similar grounds (Cavallero 2014).

[C] The associative ownership argument

Pevnick shares Wellman's conviction that the *prima facie* right to exclude immigrants is connected to the right to collective self-determination (Pevnick 2011). However, his account of this connection differs from Wellman's in two important respects: he derives the right to exclude from claims to collective ownership rather than the right to freedom of association; and he acknowledges that in practice, a broad range of moral duties to outsiders could outweigh the presumptive right to exclude. Thus, Pevnick's version of the self-determination argument yields something of a middle-ground position on immigrant admissions.

Pevnick argues that the right to self-determination is grounded in the special ownership relationship between citizens and their institutions. Citizens contribute to the creation and maintenance of state institutions in numerous ways—through their labor and tax payments and by obeying the law—and as result of these efforts, they may claim ownership in state institutions and the benefits that flow from them. Collective ownership supplies citizens with a right to self-determination with respect to these institutions, including a presumptive right to decide who will have access to them and the benefits they produce. Since access to state institutions is inextricably linked to access to territory, Pevnick concludes that collective ownership claims include the right to exclude would-be immigrants.

Pevnick contends that liberal states considerable discretion over immigration policies; however, he acknowledges that some would-be immigrants have moral claims to admission that outweigh the right to exclude, and in such cases, states must grant admission to these immigrants. Refugees, defined as “those fleeing political persecution and those trapped in abject poverty” are an obvious case (Pevnick 2011, 92). Pevnick also acknowledges four cases of global inequality that generate stringent moral duties to outsiders: (a) when one group falls below some minimal standard of decent living while another enjoys an excess of wealth; (b) when inequalities are a direct result of the past illegitimate actions of a better-off group; (c) when inequalities threaten to undermine fair interaction among parties in robust transnational relationships; and (d) when inequalities result from the unfair distribution of benefits or burdens within a self-supporting scheme of social cooperation. While Pevnick does not explicitly argue that states must admit immigrants in order to fulfill these moral duties, he also does not rule out this possibility. Thus, for example, if opening borders were a suitable means for rectifying

ongoing inequalities resulting from a state's past illegitimate actions, then the victims of such injustices would have a strong claim to admission.

Although some commentators applaud Pevnick for developing a more moderate position on immigration than many of the other theorists who defend the right to exclude, critics worry that his arguments leave many questions unanswered. Pevnick contends that citizens develop ownership claims in public institutions by contributing to their creation and maintenance, and that these claims include a right to self-determination with respect to these institutions, including the right to determine who will have access to them. Some critics doubt that Pevnick's theory can offer a satisfactory account of the extent of original citizenship in a newly founded state (Hudson 2011). Others focus on his position on undocumented immigrants, which, they claim, commits him to circular view. For instance, I have argued that Pevnick's associative ownership account seems to imply that undocumented immigrants, who also contribute to public institutions in various ways, have legitimate ownership claims in these institutions, and thus a corresponding right to help to choose the membership policies that apply to them. However, Pevnick denies that undocumented immigrants have legitimate ownership claims in public institutions because, in his view, they entered the country without the consent of citizens. This, I suggest, commits his account to a problematic circularity, wherein the consent of citizens is necessary to establish a right to self-determination (because consent is required for ownership and ownership supplies the right to self-determination) and the right to self-determination supplies citizens with the right to consent (Wilcox 2012).

[A] Arguments for open borders

Some liberal thinkers, most notably Carens, have raised a broad challenge to arguments in favor of the state's supposed right to exclude immigrants. They argue that fundamental liberal principles, such as freedom and equality, entail not that liberal democratic states have broad authority to restrict immigration, but rather that states have a *prima facie* duty to maintain open borders. I will discuss two well-known lines of argument here. The first derives the duty to maintain open borders from the purported right to freedom of international movement, and the second draws upon luck egalitarian ideals to establish the duty to admit all would-be immigrants.

[B] The freedom of movement argument

Proponents of the freedom of movement argument maintain that the liberal commitment to liberty requires that states to recognize a basic right to freedom of international movement. In his early work, Carens defends this view by arguing that each of the three main theoretical approaches to liberalism—utilitarianism, liberal egalitarianism, and libertarianism—implies that liberal states should maintain open borders (Carens 1985). Of these approaches, Carens is most interested in Rawlsian egalitarianism. According to his cosmopolitan reading of Rawls, parties in the original position are charged with selecting global principles of justice rather than domestic principles that apply only within a particular state. Like parties in the standard original position, representatives in the global original position would choose a scheme of equal basic liberties, prioritizing these freedoms over other principles of justice. And importantly, Carens contends, they would include a right to freedom of international movement in this scheme of basic liberties. Thus, he concludes, liberal states should maintain open borders.

More recently, Carens has developed a version of the freedom of movement argument that foregoes specifically Rawlsian concepts, drawing instead on the analogy between domestic freedom of movement and international freedom of movement (Carens 1992). Liberals widely acknowledge domestic freedom of movement as a basic right of liberal citizenship. Carens argues that international freedom of movement is an equally important freedom because every reason one might have for moving to a new state within a particular country could also apply to moving across national borders. To name just a few:

one might want a job; one might fall in love with someone from another country; one might belong to a religion that has few adherents in one's native state and many in another; one may wish to pursue cultural opportunities that are only available in another land (Carens 1992, 28).

Since the same fundamental human interests that support the case for considering freedom of domestic movement to be a basic right also support the case for considering freedom of international movement to be a basic right, Carens concludes that liberal states should respect the right to free international mobility, opening their borders to would-be immigrants.⁵

Carens believes that the right to freedom of international movement establishes a strong

presumption for open borders. Nevertheless, he acknowledges that certain limitations on immigration will sometimes be justified. In his view, restrictions on particular liberties, including freedom of international movement, are legitimate if they are necessary to preserve those liberties in the long run. However, because such limitations involve overriding a basic right, they can be justified only by the weightiest of reasons and only on the basis of rationales that are compatible with liberal commitments. Given these considerations, Carens suggests that states may legitimately limit immigration insofar as is necessary to maintain public order, ensure national security, and protect liberal institutions from erosion by immigrants with illiberal political values.

The freedom of movement argument has been enormously influential. However, it has also been subject to a number of forceful objections. Some critics charge that Carens overstates the moral importance of free international mobility, and thus fails to establish that freedom of international movement is a genuine human right. One prominent formulation of this objection, developed by Miller, rests on the distinction between a basic interest and a bare interest (Miller 1995). A basic interest refers something that is vital to human well-being, such as the means of subsistence, and thus warrants protection by a moral right. A bare interest, on the other hand, is a legitimate interest, but is generally not important enough to deserve such protection. Carens maintains that there is no morally relevant difference between free domestic movement and free international movement; both satisfy basic human interests. Miller acknowledges that people have a basic interest in free domestic movement, and he concedes that free international movement may also be a basic interest in some cases, such when immigration is the only way to escape political persecution or avoid starvation. However, he insists that most of the world's people have only a bare interest in freedom of international movement. Certainly many people wish to move to another country in order to pursue economic opportunities there or to participate a culture that does not exist in their home country. Yet as long they have an adequate range of opportunities in their home country—that is, a reasonable choice of occupations, cultural activities, and so on—then their interest in free international movement does not warrant protection as a basic moral right. Thus, Miller concludes, freedom of international movement is at best a remedial right of those persons whose basic rights cannot be secured in their home country; it is not a basic human right as Carens claims.

[B] The luck egalitarian argument

A second leading argument for open borders draws upon luck egalitarianism. Luck egalitarians maintain that distributive arrangements are just to the extent that they track the distinction between choice and luck.⁶ More specifically, they argue that social benefits and burdens should be allocated on the basis of people's responsible choices and not on the basis of circumstances over which they have no control. Distributive justice requires minimizing the effects of factors attributable to brute luck, such as one's race, native abilities, intelligence, and the wealth of the family into which one is born, on the allocation of social benefits and burdens. Thus, luck egalitarians tend to endorse redistributive policies that involve transferring social benefits from luck-advantaged persons to those disadvantaged by bad brute luck.

Most luck egalitarians are concerned with justice within a single, democratic political community. However, cosmopolitan luck egalitarians believe that a commitment to moral equality entails that distributive principles should be applied globally, without regard to political borders.⁷ In their view, justice among citizens of different countries does not differ significantly from justice among co-citizens; people have as strong distributive obligations to foreigners as they have to their fellow citizens. The luck egalitarian argument for open borders draws upon this cosmopolitan insight, together with a commitment to luck equality, which maintains that the goal of distributive justice is to eliminate inequalities based on factors attributable to brute luck.

The argument begins with the uncontroversial claim that the country into which one is born is a matter of brute luck, just as one's race or family wealth. Proponents then argue that because global economic inequalities among individuals are determined primarily by the country into which they are born, these inequalities are also attributable to brute luck. It follows, they claim, that justice requires eliminating global economic inequalities among individuals. Borders maintain such inequalities by preventing individuals born in poor countries from accessing the opportunities and social benefits available in affluent societies. Thus, the argument concludes, global justice requires affluent societies to maintain open borders.

Some of the most prominent liberal advocates of the open borders position endorse versions of the luck egalitarian argument. For instance, Carens condemns immigration restrictions as tantamount to a geographical caste system, in which national borders serve to protect and preserve the underserved wealth of affluent countries. As he puts it, "[c]itizenship in Western liberal democracies is the modern equivalent of feudal privilege – an inherited status

that greatly enhances one's life chances. Like feudal birthright privileges, restrictive citizenship is hard to justify when one thinks about it closely" (Carens 1987, 252). Furthermore, Carens argues, immigration restrictions cannot be justified "on the grounds that those born in a given territory or born of parents who were citizens are more entitled to the benefits of citizenship than those born elsewhere or born of alien parents. Birthplace and parentage are natural contingencies that are 'arbitrary from a moral point of view'" (Carens 1987, 261).

The luck egalitarian argument for open borders successfully evades the most prominent objection to the freedom of international movement argument—namely, that free international movement is not a genuine human right. However, the argument has been subject to a number of forceful objections. Some critics, such as Wellman, contend that the argument overstates the normative force of luck equality (Wellman 2008). To defend this claim, Wellman appeals to a familiar thought experiment comparing two cases of inequality. The first case, which represents luck equality, includes two independent societies, A and B. Members of A are considerably better off than members of B, but no one in either society is aware of the disparity between them. The second case, which represents another form of equality, relational equality, includes a single society, C. Members of C are aware that some of their fellows are faring considerably better or worse than they are and these disparities affect the relationships among them, rendering some individuals vulnerable to oppression. Wellman believes that the inequalities in the second case are significantly more troubling than those in the first. Thus, he concludes, although moral claims generated by relational equality are stringent enough to outweigh the state's interest in excluding immigrants, those generated by luck equality are not.

Other critics of the luck egalitarian argument acknowledge that affluent states have weighty redistributive duties to outsiders, but deny that opening borders is an appropriate way to fulfill these obligations. For instance, Pogge argues that migration will not solve the problem of poverty, for two reasons (Pogge 2006). First, the number of needy persons in the world far exceeds the number of immigrants that affluent countries could admit. Thus, open borders would leave much poverty unmitigated. Second, increased migration to affluent countries will not help the worst-off. Assuming that affluent countries may legitimately place some upper limit number of immigrants they admit, prospective immigrants will have to compete for the available positions. Affluent countries are likely to prefer immigrants with the skills, education, and native endowments that are perceived to be in the national interest. Since the better-off are typically

relatively advantaged in terms of these characteristics, they are more likely to be admitted. This advantage also extends to remittances. It is often argued that remittances by those who have been admitted to and allowed to work in one of the affluent countries help to ease poverty in their home country. While it is true that many immigrants send money home, the families to whom this money is being sent are often among the more privileged in the poor country in question.

[A] Feminist arguments

Many of the feminist philosophers who have written on immigration also are critical of the mainstream arguments for open borders. In particular, they charge that these arguments fail to account for the gendered aspects of immigration and the normative implications that follow from these features. Thus, although they tend to support open borders policies, most feminist philosophers defend these policies on alternative grounds.

Early feminist philosophers of immigration typically argue that formally gender-neutral immigration restrictions often work to the detriment of women immigrants in practice. For instance, I have argued that recent U.S. immigration admissions policies disproportionately disadvantage women migrants (Wilcox 2005).⁸ During the 1980s and early 1990s, the United States enacted a series of legislation designed to limit the entry of unskilled immigrants by shifting the balance from family-based to employment-based immigration preferences, and by restructuring the latter to favor highly-skilled and well-educated immigrants. This legislation is formally gender-neutral in the sense that it does not explicitly make distinctions on the basis of sex or gender. However, it disproportionately disadvantages women migrants in practice because women comprise the majority of immigrants who enter on family reunification visas. Moreover, in the context of a society that devalues work traditionally performed by women, laws aiming to exclude unskilled workers also disproportionately disadvantage women labor migrants in practice, since feminized lines of work, such as childcare and domestic labor, are typically considered to be unskilled.

Many recent feminist arguments focus on what theorists refer to as “global care chains” (Hochschild 2002, 2002, Kittay 2008, 2009, Weir 2008). These chains, which link women around the world, are established through the transnational exchange of domestic services. Global care chains are often initiated when relatively well-off northern or Western women enter the paid labor force and hire other women, usually poorer women from developing countries, to

care for their children and other dependents. Migrant careworkers often must leave their own children behind in their home countries to be cared for by even poorer careworkers or family members who may already have care-giving responsibilities or be engaged with paid labor. Many factors have contributed to the production of global care chains. In wealthy countries, the entry of women into the paid workforce, without corresponding increases in public provisions for childcare or the redistribution of caring responsibilities between genders, has created a high demand for paid domestic labor. In poor countries, the supply of domestic labor has been stimulated by a scarcity of well-paying jobs and in many cases, a growing reliance on remittances. Cuts in public services in developing countries have also encouraged women to migrate as a means for earning the income to pay for newly privatized services for their children, such as healthcare and education.

Feminist critics of global care chains typically argue that traditional theories of justice have difficulty articulating the precise nature of the harm that they produce. Most cosmopolitan theories of justice focus on unjust global distributions, but it is not clear that care should be understood as a distributive good. Other features of care chains also resist traditional ethical evaluation. Careworkers are not overtly coerced to migrate, and each party in the global care chain appears to benefit from her participation: women who employ migrant caregivers are able to pursue opportunities in the public sphere; migrant caregivers are able to send money home; and their children and sending nations benefit economically from these remittances. Migrant caregivers are uniquely vulnerable to exploitation and workplace abuses, and they and their children suffer from their long absences. However, it could be argued that each of these harms is counterbalanced by significant gains (Kittay 2008, 2009).

Some feminists, such as Kittay and Weir, argue that a feminist ethics of care is better suited to theorize global care chains (Kittay 2008, 2009 and Weir 2008). In particular, care ethics emphasizes several key normative features and practices that traditional theories tend to overlook: concrete specificity; acknowledgement of human dependency and vulnerability; and a relational understanding of the self. Care ethics focuses on the ethical significance of relationships formed through dependency, such as those between caregivers and their charges. For instance, Kittay argues that intimate relationships between specific individuals, in which caring and affection are the norm, play a vital role in forming and sustaining individuals' self-identities. When these relationships are disrupted, people suffer harm to their sense of self and

self-respect. It follows, she contends, that the harm involved in global care chains lies in their threat to the core relationships that are constitutive of self-identity.

To protect dependents and caregivers from the harms that are generated by fractured relationships, Kittay believes the right to give and receive care should be recognized as a basic human right (Kittay 2008, 2009).⁹ However, she insists that the recognition of a properly formulated right to care would not eliminate global care chains on its own. Care chains will persist until care, whether provided by professionals or within family networks, is socially recognized and economically supported. Caregiving responsibilities should also be more fairly distributed between genders and paid work should be organized with the recognition that all workers—male and female, rich and poor—are responsible for providing care. Unlocking care chains will also require mitigating the unjust background conditions that force women to choose between providing financial support for their families and being with and providing face to face care for them. However, open immigration policies will also play an important role. To begin, specific open borders provisions should be adopted to make it easier for careworkers and their families to move freely across national borders. Ultimately, however, eliminating care chains will require restructuring the global economy so that no one is forced to leave her home country to find decent working and living conditions.¹⁰

By including the unjust background conditions that shape current migration flows in their analyses, feminist philosophers are able to offer nuanced normative recommendations concerning real-world immigration policies. However, some critics may object to the nonideal theoretical methodologies that these analyses employ. To determine the ways in which background injustices bear on immigration arrangements, feminists must take certain features of the current, nonideal world as given, at least for the time being. These features include the background injustices that are relevant to immigration, such as sexist assumptions about value of carework and the relative importance of family life and economic production. Feminists also tacitly presuppose additional features of the current political landscape, such as a presumptive right to regulate immigration. To the extent that these assumptions preclude critical inquiry into the fundamental morality of such features, critics contend, feminist arguments inadvertently contribute to the legitimization of unjust arrangements.

[A] Conclusion

As globalization has intensified, the ethical issues raised by global migration have become increasingly urgent. Philosophers of immigration have helped to clarify these issues and to chart a normative course toward their successful resolution. Their efforts have broadened the discipline of political philosophy, directing us away from questions pertaining solely to the nation-state, toward those that arise within global contexts. In doing so, philosophers of immigration challenge many of the core assumptions in political philosophy—for instance, that territorial borders are morally justified—while joining forces with other theorists of global justice to develop persuasive accounts of our duties to outsiders.

[A] Works Cited

- Arneson, R. J. 1989. "Equality and Equal Opportunity for Welfare," *Philosophical Studies*, 56: 77–93.
- . 1999. "Egalitarianism and Responsibility," *Journal of Ethics*, 3: 225–247.
- . 2000. "Luck Egalitarianism and Prioritarianism," *Ethics*, 110: 339–349.
- . 2001. "Luck and Equality," *Proceedings of Aristotelian Society*, 75: 73–90.
- . 2006. "Luck Egalitarianism: An Interpretation and Defense," *Philosophical Topics*, 32: 1–20.
- Bauböck, R. 1994. *Transnational Citizenship: Membership and Rights in International Migration*. Aldershot: Edward Elgar.
- Beitz, C. 1979. *Political Theory and International Relations*, Princeton: Princeton University Press.
- Benhabib, S. 2004. *The Rights of Others Asylum, Residents and Citizens*. Cambridge: Cambridge University Press.
- Blake, M. 2012. "Immigration, Association, and Antidiscrimination," *Ethics* 122: 748–62.
- Bosniak, L. 2006. *The Citizen and the Alien: Dilemmas of Contemporary Membership*. Princeton: Princeton University Press.
- Caney, S. 2005. *Justice Beyond Borders: A Global Political Theory*, Oxford: Oxford University Press.
- Carens, J. 1987. "Aliens and Citizens: The Case for Open Borders," *The Review of Politics*, 49: 251–73.
- , 1988. "Nationalism and the Exclusion of Immigrants: Lessons from Australian Immigration

- Policy,” in M. Gibney (ed), *Open Borders? Closed Societies? The Ethical and Political Issues*. Westport: Greenwood Press, pp. 41–60.
- , 1992. “Migration and Morality: A Liberal Egalitarian Perspective,” in B. Barry and R. Goodin (eds), *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*. University Park, PA: The Pennsylvania State Press, pp. 25–47.
- Cavallero, Eric. 2014. “Association and Asylum.” *Philosophical Studies*, 169: 133–41.
- Cohen, G. A. 2000. *If You're An Egalitarian, How Come You're So Rich?* Cambridge: Harvard University Press.
- , 2008. *Rescuing Justice and Equality*, Cambridge: Harvard University Press.
- , 2011. *On the Currency of Egalitarian Justice and Other Essays in Political Philosophy*, Princeton: Princeton University Press.
- Cole, P. 2000. *Philosophies of Exclusion: Liberal Political Theory and Immigration*. Edinburgh: Edinburgh UP.
- Dworkin, R. 2000. *Sovereign Virtue*, Cambridge: Harvard University Press.
- , 2002. “Sovereign Virtue Revisited,” *Ethics*, 113: 106–43.
- , 2003. “Equality, Luck and Hierarchy,” *Philosophy and Public Affairs*, 31: 190–198.
- Dummett, M. 2001. *On Immigration and Refugees*. London and New York: Routledge.
- Fine, S. 2010. ‘Freedom of Association is Not the Answer.’ *Ethics*, 120: 338–56.
- , 2013. “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8: 254–268.
- Gibney, M. 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge: Cambridge University Press.
- Higgins, P. 2013. *Immigration Justice*. Edinburgh: Edinburgh UP.
- Hochschild, A. R., 2000. “Global Care Chains and Emotional Surplus Value,” in W. Hutton and A. Giddens (eds.), *On the Edge: Living with Global Capitalism*, London: Jonathan Cape, pp. 131–146.
- , 2002. “Love and Gold,” in B. Ehrenreich and A. R. Hochschild (eds.), *Global Woman: Nannies, Maids and Sex Workers in the New Economy*, New York: Metropolitan Books, pp. 15–30.
- Hudson, J. 2011. Review of *Immigration and the Constraints of Justice: Between Borders and Absolute Sovereignty*, by Ryan Pevnick, *Notre Dame Philosophical Reviews*:

<https://ndpr.nd.edu/news/24785-immigration-and-the-constraints-of-justice-between-open-borders-and-absolute-sovereignty/>.

Joppke, C. *Selecting by Origin: Ethnic Migration in the Liberal State*. Cambridge, MA: Harvard UP, 2005.

Kittay, E. 2008. "The Global Heart Transplant and Caring across national Boundaries," *The Southern Journal of Philosophy*, 46: 138–165.

——. 2009, "The Moral Harm of Migrant Carework: Realizing a Global Right to Care," *Philosophical Topics*, 37: 53–73.

Kukathas, C. 2002. "Immigration," In H. LaFollette (ed), *The Oxford Handbook of Practical Ethics*. New York: Oxford University Press, 567–90.

Miller, D. 1995. *On Nationality*. Oxford: Clarendon Press.

——. 2005. Immigration: The Case for Limits.' In A. Cohen and C.H. Wellman. *Contemporary Debates in Applied Ethics*. Oxford: Blackwell, pp. 193–206.

——. 2008. "Immigrants, Nations, and Citizenship," *The Journal of Political Philosophy*, 16: 371–90.

Narayan, U. 1995. "'Male-Order' Brides: Immigrant Women, Domestic Violence, and Immigration Law," *Hypatia*, 10: 101–119.

Nine, C. 2010. "Ecological Refugees, States Borders, and the Lockean Proviso," *Journal of Applied Philosophy*, 27: 359–75.

Parekh McGushin, S. and Wilcox, S. 2014. "Feminist Perspectives on Globalization," *The Stanford Encyclopedia of Philosophy*, URL = <http://plato.stanford.edu/archives/sum2014/entries/feminism-globalization/>.

Pevnick, R. 2011. *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty*. New York: Cambridge University Press.

Pogge, T. 2006. "Migration and Poverty," in R. Goodin and P. Pettit (eds), *Contemporary Political Philosophy: An Anthology*, 2nd ed. Oxford: Blackwell, pp. 710–20.

Shacknove, A. 1985. 'Who Is a Refugee?' *Ethics*, 95: 274–84.

Shachar, A. 2009. *The Birthright Lottery: Citizenship and Global Inequality*. Cambridge, MA: Harvard UP.

Tan, K-C. 2008. "A Defense of Luck Egalitarianism," *Journal of Philosophy*, 105: 665–690.

- . 2012. *Justice, Institutions, and Luck: The Site, Ground and Scope of Equality*, Oxford: Oxford University Press.
- Temkin, L. 1993. *Inequality*, New York: Oxford University Press.
- . 2003. “Egalitarianism Defended,” *Ethics*, 113: 764–82.
- . 2003. “Exploring the Roots of Egalitarian Concerns,” *Theoria*, 69: 125–51.
- Walzer, Michael. 1983. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.
- Weir, A. 2008. “Global Care Chains: Freedom, Responsibility and Solidarity,” *The Southern Journal of Philosophy*, 46: 166–175.
- Wellman, C.H. 2008. “Immigration and Freedom of Association,” *Ethics*, 119: 109–41.
- and Cole, P. 2011. *Debating the Ethics of Immigration: Is There a Right to Exclude?* New York: Oxford University Press.
- Wilcox, S. “Culture, National Identity, and Admission to Citizenship,” *Social Theory and Practice* 30: 559-83.
- . 2005. “American Neo-Nativism and Gendered Immigrant Exclusions,” in B. Andrew, J. Keller, and L. Schwartzman (eds), *Feminist Interventions in Ethics and Politics: Feminist Ethics and Social Theory*, Lanham, MA: Rowman & Littlefield, pp. 213-32.
- . 2007. “Immigrant Admissions and Global Relations of Harm,” *Journal of Social Philosophy*, 38: 274-91.
- . 2008. “Who Pays for Gender De-Institutionalization?” in A. M. González, *Gender Identities in a Globalized World*, Amherst, NY: Humanity Books, pp 53-74.
- . 2009. “The Open Borders Debate on Immigration,” *Philosophy Compass*, 4: 1-9.
- . 2012 Review of *Immigration and the Constraints of Justice: Between Borders and Absolute Sovereignty*, by Ryan Pevnick, *Ethics*, 122: 617-22.
- . 2014. “Do Duties to Outsiders Require Open Borders? A Reply to Wellman,” *Philosophical Studies*, 169: 123-32; article initially appeared as 10.1007/s11098-012-9902-y in 2012.

¹ Other questions concern what states owe to refugees (see Benhabib, Dummett, Gibney,

Kukathas, Nine, and Shacknove) and noncitizen residents, including guestworkers and undocumented immigrants (see Bauböck, Bosniak, Dummett, Miller 2008, Pevnick, Shachar, and Wilcox 2004, 2005); what selection criteria states may legitimately use to guide admissions policies (see Blake, Carens 1988, Joppke, Miller 2005, Wellman, Wilcox 2007, 2007, 2008, 2014; and what states may require of immigrants seeking citizenship (Wilcox 2004). These philosophers consider these questions within the context of liberal democratic states, asking, for instance, whether such states can legitimately refuse to admit would-be immigrants who are committed to illiberal political values. However, many of these issues also arise with regard to non-liberal states. For instance, philosophers may be interested in the ethics of guestworker programs in China or Qatar.

² The previous summary of Walzer's view draws upon Wilcox 2009.

³ Some critics also reject Walzer's claim that clubs are morally free to choose any membership policy they wish. See Cole 2000 and Higgins 2013.

⁴ For a third, liberal nationalist version of the self-determination argument, see Miller (1995).

Fine provides an excellent overview of the self-determination arguments for the right to exclude in her recent survey of the debate (Fine 2013).

⁵ Philip Cole offers an alternative version argument of freedom of international movement argument. In his view, acknowledging the right to exit any state as a core liberal right commits one to recognizing a corresponding right to freedom of international movement because without a right to enter and settle in a new state, the right to exit is useless (Cole 2000).

⁶ Rawls's work initiated the contemporary discussion of the role of luck in theories of justice. Prominent luck egalitarians include Arneson, Cohen, Dworkin, Tan, and Tempkin.

⁷ Cosmopolitan luck egalitarians include Beitz, Caney, and Tan.

⁸ See also Narayan (1995).

⁹ See also Weir (2008).

¹⁰ The previous summary of feminist approaches to migration draws upon Parekh and Wilcox 2014.