

# Immigration and Global Justice

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*immigration has become a hugely contentious issue in the UK and beyond as migrants from the world's poorer countries seek jobs and opportunities in richer ones (and send back substantial remittances to their compatriots). This paper argues, first, that an ethical approach to migrant admissions must be embedded in an account of global distributive justice. Rejecting the two polar alternatives found in the normative literature on migrant admissions – open borders and states' sovereign right to exclude – the paper goes on to outline and defend a quota approach to migrant admissions that is both theoretically justifiable and effective as an instrument of global justice. On this view, richer states would have obligations to admit migrants from poorer states, but the numbers and categories of migrants admitted would be governed by fair and impartial criteria into which all states would have an input. The quota approach is allied to a republican view of political community where citizenship can be straightforwardly acquired by those granted the right to reside. The paper concludes by considering two objections to the quota approach, that it is an inefficient way of tackling global wealth disparities and that it is utopian; and these two claims are refuted.*



## Introduction

Is there an unconditional right to immigrate? Few politicians think so, but recently a number of political theorists have argued that there is (Carens, 1987, 1992; Cole, 2000; Dummett, 2002; Harris, 2002; Hayter, 2000; Kukathas, 2005). They have argued for a world of open borders where people have an absolute right to settle where they wish. But how can open borders be philosophically justified – let alone accepted by ordinary people – in a world of sovereign states? Race riots, terrorist threats, militant nationalism, and the success of far right parties across Europe hardly augur well for a more liberal approach to immigration. Other theorists have argued for continued state discretion in deciding migrant admissions, and in doing so have defended the legal status quo (Meilaender, 2001; Miller, 2005; Rawls, 1999; Walzer, 1983). They have provided a convenient theoretical backdrop for rich Western states to keep out millions of poorer peoples of the world who would benefit from moving there. Somewhere between the idealism of open borders and the realism of fairly closed ones, however, there may be a middle way (Seglow, 2005a). Borders not wholly open need not mean states have discretion to close them altogether: internationally agreed quotas exist as a third alternative. My aim, in this article, is to explore and defend a quota approach to global migration.

Global migration is a complex phenomenon where different sorts of migrants move for different sets of reasons between states that have their own circumstances. In order to arrive at a normative account theory of the ethics of admission, we shall have to simplify this complexity. In the explanatory literature on migration, two models predominate (see Castles and Miller, 2003: 21-32; Stalker, 2001: 20-39). Rational choice explanations for migration focus on 'push factors', such as poverty or population growth, which cause individuals to leave their homes, and 'pull factors', such as jobs and higher living standards which draw them elsewhere. By contrast, structuralist paradigms explain migration through globalised labour markets, and richer states' and firms' economic power. What both these models have in common, however, is an economic analysis of why people migrate: they do so to improve their economic well-being. To be sure, an economic analysis does not explain all migration – it excludes forced migrants, return migrants and refugees, among others, and most important it does not accommodate those who migrate to rejoin their families. No doubt it does not explain either *all* the motivations of economic migrants:

most migrants' choice of destination state is significantly influenced by cultural, linguistic and/or historical ties. But these factors have on the whole more influence in informing the choice of destination state, rather than the decision to migrate as such. In what follows, therefore, I will work with an economic model of migration in the belief that this does not exclude large numbers of migrants or distort reality too much. I shall have nothing to say about refugees, whom one estimate calculates comprise no more than ten per cent of total migrants, and who in any case raise distinct claims of justice (Castles and Miller, 2003: 4-5). I will assume, by contrast, that the need for family reunification is an important principle of just immigration: a newly admitted immigrant's dependent family members have a right or at least a very strong claim to be admitted if he or she is, and their net economic contribution must be taken account of too. Finally, in focussing on the right to immigrate, interpreted as the right to enter and reside in a new state, I will exclude from consideration temporary contract workers who return to their own state after a set period of time. The right to immigrate is different from the right to reside.

Gross disparities in living standards are a central fact about our world, and in the absence of significant improvements in the world's poorer countries, or large-scale trans-national redistribution, migrants are people who take matters into their own hands. Not content with waiting for resources and opportunities to improve in their own states, they move to where they are more readily available elsewhere. Remittances sent home to compatriots are a substantial fraction of the GDP of many poorer states. They often benefit not just migrants' families but their wider communities too. But redistribute resources and opportunities on a global scale and migratory pressure – and with it, remittances – would reduce. More than one writer has suggested that rich states should throw open their borders just because they are so niggardly in pushing for economic reforms that would entail a global redistribution of wealth (Goodin, 1992; Harris, 2002). For reasons set out below, I reject the policy of open borders as a response to world poverty. However, I do argue for an increase in the numbers of migrants from poorer states who should gain admission in richer ones. That increase must be managed, ordered and justifiable on impartial grounds. Crucially, it should also be seen as just one mechanism among a range of others that will promote global social justice. Those others include overseas aid,



debt cancellation, abolition of tariffs and trade subsidies, encouraging private investment, promotion of good governance and universal free education, and democratising international institutions such as the IMF and World Bank. Increased migration is not an alternative to these, but neither should it be dismissed just because other policies exist. Different policies have different effects, and more open borders helps by redirecting talent and industry to where it can better help in the short- to medium-term.

The reasons why actual measures to bring about global social justice have been so thin on the ground is due largely to the intransigence of rich, powerful states. Neither have those states shown much willingness to further open their borders. But true though these facts are, I want to draw a distinction between a state's pursuit of its own interests in the international domain, and the ideal of democratic sovereignty. The former is rationalised by the realist paradigm in international relations which denies the legitimacy of moral considerations in assessing political action. The latter, by contrast, belongs to the pantheon of political values along with freedom, human rights, and so on. Some of the most intractable problems in political philosophy arise from the conflict between democracy and justice, and this is no less true for immigration. Walzer, for example, whose defence of immigration restrictions is canonical in the literature, tells us that '[a]dmission and exclusion... suggest the deepest meaning of self-determination' (Walzer, 1983: 62). Miller similarly claims that a people has a basic interest in controlling their society, and that open borders would necessarily intrude on that (Miller, 2005: 199-200). And in *The Law of Peoples*, Rawls maintains that, barring unfortunate circumstances, migratory pressure means that a people have not stewarded their territorial asset sufficiently well (Rawls, 1999: 8-9, 38-39). Conversely, writers who have championed open borders to achieve global social justice aims have had little to say about democratic sovereignty. Carens has stated baldly that 'I cannot see that sovereignty makes much difference [to immigration] from a liberal egalitarian point of view' (Carens, 1992: 42). Writers such as Pogge, who has powerfully argued for redistributive global justice, have been keen to delimit the scope of state-centred democracy so it does not intrude upon the institutionalisation of global justice (Pogge, 2002: 168-195). However, the tension is not between the cosmopolitan ideal and the value of democracy as such. Walzer and Miller can endorse a weak version of cosmopolitanism which affirms every person's equal moral

worth, while Benhabib, a stronger cosmopolitan, has called for non-state-centred democratic conversations on justice (Benhabib, 2004: 103-105). The tension is between commending a principle with global scope such as open borders and affirming the democratic sovereignty of states. I want to stress that this is a theoretical problem that arises from internal divisions in our systems of values and the way political philosophy is organised around different concepts. The conflict between open borders and democratic sovereignty is a conflict of values, and this is not the same as the lack of support the former suffers among the citizens of actual states.

This conflict underlies my rationale in this paper to find a middle way between open borders and states' right to exclude, one that embodies an appropriate moral division of responsibility. I shall first summarise what I believe is incorrect about the former two approaches, before going on to explain and elaborate the alternative quota approach.

## Open Borders versus the Sovereign Right to Exclude

Opening borders to allow unfettered freedom of international movement has intuitive plausibility for anyone with cosmopolitan sympathies, and while it may seem far fetched, it would be no more than a reversion to the global migration regime that existed before the institutional paraphernalia of passports, visas, work permits and frontier controls were instituted in the early twentieth century. Normatively speaking, open borders may be defended on grounds of free movement or social justice. Arguments for the former are not convincing, however. There is no unfettered right to free movement within a state's own borders which can be transplanted into the international realm. Moreover, migration involves participating in the institutional complex of a new society, something additional to free movement. For these reasons, open borders is better considered as a principle of social justice, or more accurately a means to achieve it. What moral reasons do we have to support it? In a well-known article Joseph Carens has argued that the theories of Rawls, Nozick and Walzer, as well as utilitarianism, all support the view that in an ideal world borders should normally be open (Carens, 1987). However, the converse may hold true: a theory's support for open borders might count as a reason not to adopt it.

In addition, there are good real world reasons to reject open



borders. First, it requires the worse-off peoples of the world to suffer the burden of uprooting themselves and settling somewhere new. Whilst, from a rational choice perspective, a potential migrant must expect to enjoy a net benefit if she migrates, the question remains why we should burden poorer people with the extra costs that migration entails. Second, the distributional results of open borders are uncertain and unpredictable. We don't know how many migrants would choose to move where and with what effects. While some of the worse-off would make gains under an open borders regime, this would not meet the demands of any recognised principle of social justice (such as global equal opportunities, for example): open borders would lead to a *principle-independent* gain. A third reason for rejecting open borders is that it would remove a peculiarly significant aspect of citizens' right to control their future: their very freedom to determine who becomes a member (even a citizen) and who does not. I suggest that the freedom to determine membership of the very polity which has freedom to determine its own affairs is of especial symbolic importance.

Open borders is certainly a legitimate expression of the kind of strong cosmopolitan outlook that grounds the argument for global justice. But there are nonetheless good reasons to resist its adoption as the sole principle governing international migration. However, the alternative of continued state discretion in admissions decisions is weaker still. Here we find two sorts of arguments. It is sometimes argued that state sovereignty should continue in order to preserve the distinctive character of the public culture of a political community (Meilaender, 2000: 81-103; Walzer, 1983: 31-63). But this supposes (i) that immigration would *necessarily* damage that character, (ii) that the public culture does not evolve over times in ways beyond members' conscious control, and (iii) that the character of the public culture is valuable and worth preserving. Since claims (i) and (ii) are false and claim (iii) - that the state of the public culture at any one time has normative authority - is highly contestable, this communitarian version of the state sovereignty argument is not worth considering further. Bypassing communitarian considerations, state sovereignty in migrant admissions can also be defended on the grounds that a people has a basic interest in controlling their society (Miller, 2005: 199-200). Some writers draw analogies between sovereign states and other kinds of associations which have the right to exclude (Barry, 1992: 284; cf. Ackerman, 1980: 93). My complaint against appealing to the value of sovereignty to support

states' unconditional right to exclude is that, in the context of global inequality, we must attach inordinate value to it. Would-be members kept out of a club they wish to join retain access to basic goods in the public sphere, but this is not true with would-be migrants. There are great numbers of poor who could benefit hugely from migration. It seems intuitively wrong to elevate sovereignty (as the *absolute* right to exclude) above their interests. We can still acknowledge that a people has a democratic right to determine many aspects of their society, especially those where outsiders' interests are not so deeply affected. Indeed, we can move towards more open borders whilst allowing peoples to retain some of their sovereignty rights – as I shall now argue.

## A Quota for Migration and its Criteria

The middle way I want to defend is, I believe, more philosophically reasonable and politically feasible than open borders or states' right to exclude. Its core idea is that each state would in principle have a duty to admit a certain quota of migrants, arrived at using impartial, publicly justifiable criteria (cf. Schuck, 1998: 243-97). It can be encapsulated in the following principle:

*P(1) Every state has a prima facie duty to admit some migrants from other states where both (a) the numbers of migrants admitted and (b) the categories of migrants admitted are determined by fair criteria.*

The key idea of the quota approach to immigration is that the numbers of migrants each has a duty to admit would vary from state to state. 'Every state' above means, in principle, every state in the world, but the duty to admit migrants from other states is only a prima facie one: it applies to every state that met the relevant criteria under (a) (see below). In practice, P(1) would not support applying the quota to worse-off states, and of course these states experience very little economic immigration.

We need to examine (a) and (b) in turn. Considering first, then, (a) the raw numbers of migrants admitted, this should be governed, I suggest, by three criteria: GDP, population density and the quality of a state's environmental infrastructure. As regards GDP, the wealthier a state is, the higher its immigration quota will be (other things being equal). This is for two simple reasons. First, richer states have in general more opportunities for migrants, more jobs they can do and a more developed welfare system to support them and their



dependents. The better off a state, the more likely migrant admission will augment rather than diminish the resources and opportunities available to the indigenous population. Second, the GDP criterion gives an impetus to migration from poorer to richer areas of the world, thus helping secure the aims of global distributive justice. It must be used, however, alongside, the second criterion of population density. Here, the more densely populated a state, the lower its immigration quota will be (again, other things being equal). The rationale underlying this is that a reasonable amount of living space is a resource to which all residents - both the indigenous population and immigrants - have a right. Now of course population density is a slightly crude tool because some low density states, Australia, Canada and Russia, for example, include within their borders vast tracts of land where life is harsh and settlement unrealistic. But there remains nonetheless a rough correlation between population density and usable territory (Australia and Canada, of course, are high immigration states), and the criterion could in principle be revised to accommodate a notion of 'settleable' land. It's also true that some crowded places can be appealing to live in; Hong Kong for instance is an apparent counter-example to the right to living space thesis. But we should not be diverted by the phenomenon of city-states: a population density which is not too high remains a generally desirable good. The third criterion, environmental infrastructure, is more difficult to measure than the previous two, but is no less important. The better the condition of a state's environmental infrastructure, the greater its ability to maintain the same quality of life (as measured by appropriate goods and resources) for its residents as numbers increase. A state with an environmental infrastructure in good condition has low levels of pollution and limited human made environmental degradation. The cost to its natural environment of admitting more people would be limited. A poor infrastructure means the environmental capital of a state would be significantly depleted by increases in numbers. There is obviously a need here to arrive at an index of the condition of the environmental infrastructure which gives some weighting the various components of which it is comprised. But while that may be a more difficult task than arriving at measures for GDP and population density, the idea that states have environmental, as well as monetary and human capital, is not obscure. Together, then the three criteria of GDP, population density and the condition of the environmental infrastructure, will determine the numbers of migrants a state has a

duty to admit. Since our concern is global justice, the GDP criterion might be given greater weight than the other two criteria, but how much weight there is no need to examine here.

The three criteria which combine under (a) refer to the receiving states of migrants, not the states which send them. I have focussed exclusively on immigration quotas, in other words, and said nothing about what states' *emigration* quotas might be. But there is nothing incoherent about the latter idea. We could use fair criteria to gain an idea of how many its citizens a poorer state had a right to have admitted elsewhere, and in turn how much it would stand to gain through emigration. There is a danger in this strategy, however. If a fraction of a state's population is guaranteed emigration, that might encourage political authorities in an unscrupulous state to employ coercive measures to 'export' some of their 'surplus' people (Miller, 2005: 201-202). We need an assurance that economic migrants genuinely leave of their own volition. Moreover, if emigrants were guaranteed admission elsewhere, as the idea of emigration quotas implies, then we would still need to know where they could settle. We would still need to use immigration quotas, in other words, alongside emigration quotas, making the scheme more complex than necessary. By contrast, the three immigration criteria outlined can be used without emigration criteria. For these reasons, I shall not consider emigration quotas further.

Let us now turn to (b), the categories of migrants a state should admit. I shall assume that many if not most host states are faced with more potential migrants than their quota allows. (If every state's quota was greater than its demand by migrants then the quota scheme would be functionally no different than open borders). Thus, if they do not want to admit everyone, some selection is inevitable. Today, some states employ points systems for selection which prefer migrants who are educated, can offer valuable skills, speak their host's language, and so on. But as well as the perspective of destination states, there are also the views of would be migrants to consider. People tend to prefer emigrating to states which are geographically close; where they have family or compatriots who can help them settle; with which they share an ethnic or religious identity or which has prior colonial links; and/or which has demand for the kind of labour they can offer. It seems unreasonable to deny migrants the choice of state to move to, using whatever criteria they favour. To do otherwise and permit person A only to settle in state B would be to use A's migration as an instrument for larger economic



purposes. (The kernel of truth in the freedom of movement argument for open borders mentioned above is that migrants should have substantial freedom to decide where their destination should be). But while the interests of emigrants are important, they must be set alongside the interests of their compatriot citizens back home as well as the citizens of the states which would host them. While emigrants tend to gain from migration, provided they have calculated the costs and benefits sufficiently well, the effect of emigration on their sending state is less certain, though it can also be substantial. Poor countries can lose out when their well-qualified citizens put their talent and industry to work overseas rather than use them to benefit their compatriots at home (the phenomenon of the brain drain). We can formalise this point through the claim that, from an economic point of view, sending states have an interest in losing only those of their citizens whose likely remittances are greater than the value they could have produced by staying at home. For most less skilled emigrants employed on far higher wages overseas than they could receive at home, there will be a substantial gain (provided that a good portion of their earnings is returned as remittances). Receiving states, by contrast, will make a net gain when the total value produced by the migrants they admit is greater than the economic losses which their admission entails (job losses for certain groups of workers, for example) plus the extra expenditure (on health, education and so on) caused by the influx of migrants and their families. This is likely to be positive for both skilled and unskilled migrants, since both fill specific labour market gaps. Of course, we are dealing here with aggregates, the gains made by sending and receiving states, include local losses, but phenomena like the brain drain suggest the ideas make some intuitive sense.

Of course, how much a state gains or loses in economic terms through sending or receiving migrants depends on what sorts of migrants make the journey. This variability is what should guide us in determining which categories of migrants should make up the quota. The ideal is a situation in which sending and receiving states can both make net gains (I am assuming that no person will want to migrate unless he and his family enjoy a net gain in doing so). Of course, whether a particular sending (receiving) state gains through emigration (immigration) depends on its own peculiar needs. And the issue is complicated further by the fact that the same migrant leaving his country of origin might benefit one possible destination state more than another. Our task, however, is not to determine the

optimum level of migration between every possible pair of states. We simply need to arrive at guidelines for prioritising certain categories of migrants. In line with the aim of using global migration as one of several instruments of global justice, the general principle must be to prioritise poorer migrants from poorer states. This means that we should count more highly gains made by migrants and their compatriots than losses suffered by their host states (in cases where we cannot achieve a gain for all). In contrast to the points systems employed by actual receiving states today, we should therefore make category selection sensitive to migrants' origins and not just their individual abilities. If global justice is our main concern then, once their immigration quota is set, richer states should discriminate in favour of migrants from poorer states, and against those from other rich states. A skilled IT engineer from the UK, for example, who wants to emigrate to another developed state might not have as much ease in finding a state ready to admit them as she does at present. An unskilled agricultural labourer from Mexico seeking entry to the US might have more chance. How far they should discriminate in favour of poorer migrants and what freedom a state should have to choose whom to admit consistent with achieving its quota number is a matter of negotiation. I am assuming only that states should have some freedom in choosing whom to select in order to meet their own labour market needs.

In selecting their preferred migrants, in line with their general duty to discriminate in favour of the worst-off, the quota approach bars states from employing 'communitarian' criteria in making their choices. Communitarian criteria include nationality, ethnicity, religion, culture, or more generally a 'way of life' which a destination state may share with would be migrants, as well as the existence of prior colonial links, or a shared history. While destination states might naturally want to make use of communitarian criteria, a migrant kept out for reason of nationality or ethnicity could only regard this as an unjust exclusion. Possession of a certain ethnic or national identity is arbitrary from a moral point of view: their use cannot be squared with the value of impartiality. Language is a further communitarian criterion, but its use may seem less arbitrary. Linguistically competent immigrants are better able to participate in their new society than those who face a linguistic barrier. However, while ethnic identity and other communitarian criteria are fixed and immutable, a language can always be learnt. States which encourage new migrants to learn the language, by offering free



language classes for example, can make the linguistic bridge easier to cross. For that reason, it would be wrong to advantage migrant applicants who speak the language of their potential hosts; given the chance, others could learn to speak it too.

The exclusion of communitarian criteria leaves us with an asymmetry since, if migrants are entitled to apply to any state, then they are entitled to use whichever criteria they please in doing so – including communitarian ones. But there is nothing unjust about that asymmetry: it arises simply as a corollary of the wrongness of instructing migrants where they should settle. Moreover, as I shall argue in the next section, both states and migrants have an interest in working towards a common civic identity that over-arches the different communities that share a society.

## The Quota Approach and Public Justification

I have said nothing so far about actual numbers of migrants who go to make up states' quotas (beyond suggesting that rich states should admit more than at present) and have merely sketched some guidelines to determine how selection within a quota should be made. These questions are for states to address in view of their own needs and interests. The numbers and the categories of migrants each state has a duty to admit should be determined through a collective decision-making procedure in which every interested sending and receiving state has an input. This could be more or less institutionalised. There could be an international agency, perhaps part of the United Nations, which determined states' immigration quotas; or perhaps state representatives could simply meet every couple of years to agree their quotas. There would be other issues to resolve too. Should each state have an equal input in decision-making or an input proportionate to its population or to the number of migrants it admits? How would international immigration be monitored to the satisfaction of all parties? Would some or all states be free to admit migrants above their quota, risking a 'brain drain' in sending states? What sanctions would be applied to states which failed to meet their quota or which admitted few or too many migrants in a particular category? Could states justifiably trade quotas with each other or mortgage them for future years? There is not the space to address these questions here. They could only be finally resolved by participants on the ground.

I now want to claim that P(1) is more publicly justifiable than its

two main rivals of open borders and continued state discretion in whom to admit. The general idea of public justification is that political principles must be reasonably acceptable to all those whom they stand to affect. While the concept has been much discussed, the basic idea is simple enough and the principle of public justification appealed to here is not controversial. It says simply that principles governing migrant admissions should be justifiable to those who stand to lose by them, those who would be made worse-off (Tan, 2004: 176; Somek, 1998: 120-125). By justifiable, I mean acceptable to reasonable people: the idea of public justification seeks to occupy that difficult middle ground between mere empirical acceptability and appeal to normative values which real people may in fact not hold.

State discretion in migrant admissions is not publicly justifiable. It offers no protection against rich states picking only highly-skilled migrants, thus perpetuating the brain drain. It licenses states to employ communitarian criteria in selection over which migrants have no control. Above all, state control arbitrarily elevates the value of democratic sovereignty over global redistributive justice, thus denying would be migrants and their compatriots back home opportunities and resources which citizens of richer states comfortably enjoy. Open borders fares somewhat better from a public justification point of view since it requires each state to relinquish border controls and it would undeniably help the poor. But it leads, as I said, to a principle-independent gain where flows of migrants are contingent, uncertain and unpredictable. This would make forward planning in the labour market and welfare apparatus very difficult. Second, the most popular destination states might have high population densities or poor environmental infrastructures: they might argue with some justice that migrants should go elsewhere. Third, since open borders mean an unfettered right to leave, poorer states could see their most highly skilled citizens haemorrhage away. Fourth, it offers no protection against undemocratic or economically incompetent states 'exporting' their citizens elsewhere. In each of these cases, open borders could not be justified to the losers.

By contrast the quota approach is publicly justifiable on a number of levels. First and most fundamentally, it seeks to improve the position of the worst-off, not by insisting they migrate, but by permitting it as an option which there is a good chance they can take. Second, through the use of the population density, GDP and



environmental capacity criteria, the states which admit most migrants are those most able to do so. Third, through the priority it accords the worst-off in the selection of migrants to make up the quota, and in its eschewal of communitarian criteria, it ensures that the poorest are those most likely to make gains.

The quota theory can claim two other advantages. First, it preserves an important role for state sovereignty since states have some freedom in whom they select. They would exercise their sovereignty further in contributing to the collective decision on what other states' quotas should be. While other states would have a say in state A's immigration quota, A would have an input in determining the quotas of other states besides itself. Thus while sovereign power is diminished in one way, it is augmented in another. The second advantage arises from the fact that the quota approach exists alongside other mechanisms that seek to achieve global social justice. We can assess the efficacy of quotas and other mechanisms, that is, their actual effects in redistributing resources and opportunities. As a developing state's economy improves through other measures the number of its citizens seeking to migrate is likely to fall. Thus in principle the quota approach, allied to other measures, can over time meet the demands of a global distributive principle such as equality of opportunity.

## Citizenship and Community

In discussing reasons for exclusions based on sovereignty above, I distinguished between a culturalist argument which is grounded in such reasons as the normative value of the public culture, considered as an historical tradition, and a political argument which highlighted citizens' basic interest in controlling their society. The latter, I suggest, should be radically disassociated from the former. I want to stress the way that the public culture is an artefact of the citizen body; its character is for them to determine, its traditions to be reflectively appropriated. This idea is at the core of a republican model of citizenship. In elaborating on this idea, we can also correct the impression that the quota approach has a commodified understanding of migrants as items to be traded (Schuck, 1998: 324).

The republican model of citizenship views the public culture of a democratic society as something which citizens themselves self-consciously manufacture over time (Kostakopoulou, 2001: 101-26; cf. Seglow, 2005b: 126-9). It regards the public culture as something which citizens reflect upon and shape. The values, ideals

and norms of the public culture, so argues this view, are ripe for revision and hence are regarded as provisional and not fixed points from which political judgement must proceed. Importantly, the republican model sees civic solidarity as a post-conventional by-product of political engagement. Civic solidarity is grounded, that is, in the fellow feeling that tends to be created among participants in a democratic process. That process calls for a robust vision of the public sphere, and it sees democratic politics as a process of communication, participation and deliberative decision-making (Honohan, 2002: 286-8). But while the vision of active self-rule at the core of republican citizenship is a conception of the good, it is not a conception which discriminates between established citizens and the newly arrived. On the contrary, it jettisons a historical account of the public culture, and insists on the equal right of all to make valid democratic contributions. Those contributions construct the public culture and citizens are equal co-contributors to this project. Political community thus has an 'epistemic' aspect as citizens reflect on just those public relationships which only they experience. Indeed, their duty to do so is one which only they can properly perform. It gives them ownership over the laws and policies, and rights and procedures, which are their historic creation. This sense of ownership undergirds republican citizenship as a shared political identity and an inclusive civic ethic.

In practice, this means three things. First, it implies a normalisation of immigration where migrants are admitted regularly and not in response to periodic labour market demand. This is what the quota approach seeks to achieve. A republican polity must undergo that shift in civic consciousness so that migrant entry is regarded as a normal and acceptable aspect of political life. Their entry becomes routinised, and, so far as possible an administrative question, not an issue of political accommodation. Second, the republican view implies that citizenship becomes the normal and expected achievement of all those granted the right of permanent residence. The road to citizenship should not be one with significant obstacles on its way. On the contrary, we need to foster a culture where this is the norm. States should adopt a system for the acquisition of national citizenship based principally on residence with low, culture-neutral qualifying conditions of political knowledge and allegiance, linguistic competence, and, for those able, at least the desire (if not the means), to be economically sufficient (Kymlicka, 2003). This in turn requires, for example, state-funded language



education, meeting immigrants' welfare needs, measures such as skills education to assist them into the labour market, and vigorous efforts to combat prejudice and racism. Finally, republican citizenship means multiplying the democratic possibilities for citizens' democratic inputs. Greater use of national and regional referenda; more civic education in schools and informally in civil society; career breaks for citizens to serve on deliberative panels and citizens' juries, and time and money devoted to helping create public spheres in neighbourhoods and towns, are all possibilities. The civic virtues of trust, solidarity, competence and so on are not easily cultivated; they require time and energy.

## An Objection Considered

We now need to consider a central objection to the quota approach as sketched above. That objection questions why migration quotas, and the institutions they entail, are necessary given the availability of a simple and effective alternative, viz, global redistributive justice alone. In his essay, 'Migration and Poverty', Thomas Pogge has put this argument simply and powerfully. '[W]e cannot possibly devote ourselves to every worthy political goal', he writes, and 'we can do much more...by attempting to better living conditions in poorer countries than by attempting to promote the admission of needy foreigners' (Pogge, 1997: 18, 25). Only a small fraction of the global poor could ever be admitted as migrants and those that are admitted are not generally the very poorest. The remittance money they send back will tend to help those communities that were at least rich enough to find the money to send them. Releasing resources rather than 'importing' migrants is also preferable because money goes so much further in poor countries than rich. In short, then, a massive expansion of global migration is a fairly inefficient way of shifting poverty. Pogge is not against the admission of more needy foreigners into richer countries (Pogge, 1997: 17). He simply questions why that should be the lodestar of global social justice. While I have argued in this paper that migrant admissions should exist alongside the kind of redistributive measures that Pogge commends, his argument nonetheless implicitly rejects the quota scheme envisaged. What reason, then, have we for adopting the latter?

The first thing to say is that the numbers of would be poorer migrants greatly exceeds the numbers actually admitted by richer states, and is likely to do so even for some years after global

redistributive policies are discharged. Trade barriers can be lowered, aid increased, skills and expertise exported, and it will still be some time to come before pressure to migrate from the poor world to the rich would significantly reduce. As long as these global disparities in wealth remain, would be migrants (most of them) have a claim in justice. Their desire to move is better founded than the well-off person who simply wants to experience a new society. It is a rational response to an economic imperative. Until poorer states' economic and welfare infrastructures are substantially improved, migration from poorer states provides migrants and their families with resources of a quality not available in their own state, and their remittances assist a wider community back home. Until we reach the point where world migration stems more from choice than circumstance, there are good reasons for richer states' borders to be more porous than they currently are for migrants from poorer regions of the world. Since each state will want some assurance that it will not be unfairly burdened compared to other states by admitting more needy foreigners than it currently does, we need some means of ensuring that all states admit their share. That is what the quota scheme, with its impartial criteria, seeks to achieve.

More generally, we might ask what other criteria there are, besides efficiency, to guide our choice of which social justice policies to pursue. Social justice measures can be judged using a variety of benchmarks among which are their efficiency, their political acceptability, their efficacy in promoting good governance, and in enabling sovereignty, reducing corruption, spreading cosmopolitan sentiment, and in their impact on the economies of richer states. Foreign aid, for example, though in theory an efficient means to help the very poorest people, may not do much to reduce corruption and encourage better governance in donor states. For each policy choice available to richer governments, there is a trade-off between different desiderata. Immigration from poorer states channels money directly to communities in need there, has in general a favourable impact on the economies of receiving states, and if managed effectively can help promote a cosmopolitan outlook both in sending states and states where migrants settle. Thus I am arguing that it should be part of the range of measures which governments, concerned to end the scourge of world poverty, could sensibly adopt. Since it achieves some desiderata, what is the rationale for insisting that it should have no place at all in the panoply of global justice measures? Pogge, of course, does not argue this.



He maintains that richer states should accept more needy foreigners into their own societies. If it is to have an impact on global wealth distribution, then somewhat more migrants than currently are must be admitted. This raises the question of how they are to be distributed between states in a way that is justifiable. The quota approach answers that question.

## Conclusion

In the context of the global maldistribution of resources, and the resulting pressures for migration that that entails, the current regime, wherein states have an absolute right to determine admissions, is unjustifiable. But the principal alternative proposed by writers on migration – a world of open borders – is unlikely to meet the demands of any recognised principle of social justice and unjustifiably intrudes on state sovereignty. The quota approach exists as a third alternative. It removes the arbitrariness to which states, seeking to control their own fortunes, would be subject under an open borders regime, and it relocates some of that control in states' contribution to an agreement on quotas. The criteria for quotas are fair and impartial, and eschew communitarian considerations. The selection of migrants seeks to benefit the worst-off. The approach recommends a republican understanding of democratic citizenship as active self-government with citizenship based centrally on residence. Indigenous citizens and migrants newly admitted to citizenship would together chart their society's future direction and re-examine its values and ideals. By incorporating the ideals of justice and democratic sovereignty, the quota approach is more publicly justifiable than either of its two rivals in the immigration literature. The changes it recommends could be instituted alongside other measures which promote that aim. It is one way, if not the only way, to help shift world poverty.

It may appear, nonetheless, unrealistic and utopian. As I noted at the beginning, the current political climate is not auspicious for a fundamental rethink on immigration. The charge of utopianism, however, must be made with care. It is a mistake to condemn a theory as unrealistic simply because it does not accommodate the particular attitudes of a certain set of people at a certain time. Those attitudes are shaped by the normative constellation those people inhabit and may themselves be shifted. A utopian theory is instead one that does not accord with any reasonable account of human motivation. And in making this assessment we must take account of the role that institutional changes can make in yielding new sources of motivation and propelling existing ones in progressive directions (Nagel, 1991: 26). Political history is replete with examples of legislative changes which found popular legitimacy only after they were introduced. We must ask first, then, whether a theory is justifiable to reasonable people, concerned both with their own aims and that justice is done. If the answer is affirmative, we then encounter the issue of institutionalisation. In the case of the quota approach, this could proceed by stages. Better-off states might first agree to admit a few more badly-off migrants than they currently do. That number could be increased over time. When the impact of migrant admissions becomes more substantial, the three criteria could be introduced. Once the scheme becomes embedded, an international body might be established to police it. All this is rather speculative, of course, but I have tried to show above what the scheme as a whole has to commend it.

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