Global Political Issues

Lecture 1:
Immigration
The plan for today...

1. The right to exclude

2. The right to emigrate

3. Internal migration

4. Immigration and global inequality
§1. The right to exclude
Do states have a moral right to exclude non-citizens from their territory...?
I have a *liberty-right* to drink this cup of tea if and only if...

...I have no moral obligation *not* to drink this cup of tea.

I have a claim-right that you not prevent me drinking this cup of tea if and only if...

...you have a moral obligation not to prevent me drinking this cup of tea.
Does the British state have a liberty-right to exclude non-citizens from its territory...?

...or, conversely, does it have a moral obligation not to exclude non-citizens from its territory...?
Does the British state have a *claim-right* against non-citizens that they not settle here without permission…?

...i.e. do non-citizens have a moral obligation not to settle here without the permission of the British state?
Hey! What about would-be migrants...?

Don’t they have rights too...?
P1  Would-be migrants have a claim-right against the British state not to be excluded from its territory.

P2  If X has a claim-right against Y not to be $\phi d$, Y has a moral obligation not to $\phi X$.

P3  If Y has a moral obligation not to $\phi X$, Y does not have a liberty-right to $\phi X$.

C   The British state does not have a liberty-right to exclude would-be migrants from its territory.
P1  *Refugees* have a claim-right against the British state not to be excluded from its territory.

C  The British state does *not* have a liberty-right to exclude refugees from its territory.
Article 1 of the United Nations Convention Relating to the Status of Refugees (1951)

‘...the term *refugee* shall apply to any person who... owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...’
Other *special* groups of would-be migrants...

People whom the British state has *promised* not to exclude from its territory...?

People to whom the British state owes its gratitude...?

People to whom the British state owes *compensation*...?
§2. The right to emigrate
Article 13 of the 1948 Universal Declaration of Human Rights...

Clause 1 Everyone has the right to freedom of movement and residence within the borders of each state.

Clause 2 Everyone has the right to leave any country, including his own, and to return to his country.
P1 There is a human right to *emigrate*.

P2 There cannot be a human right to *emigrate* unless there is also a human right to *immigrate*.

C There is a human right to *immigrate*.
‘...one cannot consistently assert that there is a fundamental human right to emigration...

...but no such right to immigration...

...[this] position is not merely ethically, but also conceptually, incoherent.’

(Philip Cole, *Philosophies of Exclusion*, p.46)
Suppose there are only two states and that they have divided up all of the territory between them...
P1  I have a human right to leave British territory.

P2  If I have a human right to leave British territory, every state has a moral obligation not to prevent me leaving British territory.

P3  If the French state prevents me entering French territory, it prevents me leaving British territory.

C  The French state has a moral obligation not to prevent me entering French territory.
Would P3 be false if there were a third state...?
Is P2 true...?

P2 * If I have a human right to leave British territory, the *British* state has a moral obligation not to prevent me leaving British territory.

It all depends on which state(s) the human right is a right *against*.

And that is a *substantive* question.
§3. Internal migration
Article 13 of the 1948 Universal Declaration of Human Rights...

Clause 1 Everyone has the right to freedom of movement and residence within the borders of each state.

Clause 2 Everyone has the right to leave any country, including his own, and to return to his country.
The argument for a human right to migrate within borders is at the same time an argument for a human right to migrate across borders.

The argument for a human right to migrate within borders is sound.

The argument for a human right to migrate across borders is sound.
‘Every reason why one might want to move within a state may also be a reason for moving between states...

...The radical disjuncture that treats freedom of movement within the state as a human right while granting states discretionary control over freedom of movement across state borders makes no moral sense.

(Joseph Carens, *The Ethics of Immigration*, p.239)
Suppose I had *not* been free to leave Bromsgrove.

This would have severely limited the range of...

...jobs I could have applied for...

...people I could have married...

...cultures I could have experienced, etc.

And this would not have been in my interests...!
P1 We all have a strong interest in being able to choose from the *full range* of life options.

P2* We are able to choose from the *full range* of life options only if we are able to migrate across borders.

P3 If we all have a strong interest in being able to *φ*, we have a human right to *φ*.

C* We have a human right to migrate across borders.

C We have a human right to migrate within borders.
P1   We all have a strong interest in being able to choose from an adequate range of life options.

P2*  We are able to choose from an adequate range of life options only if we are able to migrate within borders.

P3   If we all have a strong interest in being able to φ, we have a human right to φ.

C*   We have a human right to migrate across borders.

C    We have a human right to migrate within borders.
If being able to migrate within the borders of the UK is enough to be able to choose from an adequate range of life options...

...why isn’t being able to migrate within the borders of California also enough...?

(Keith Oberman, *Immigration as a Human Right*)
The Warsaw ghetto...
The discrimination argument...

P1 If a state is able to prevent its citizens moving freely within its borders, it will find it much easier to inflict harm upon, or withdraw benefits from, specific groups.

C The state should not be able to prevent its citizens moving freely within its borders.
§4. Immigration and global inequality
P1  It is unjust if your life chances are affected by unchosen factors such as gender, race, class, or which state’s territory you happen to have been born upon.

P2  If other states exclude you from their territory, your life chances will be affected by which state’s territory you happen to have been born upon.

C   It is unjust if other states exclude you from their territory.
‘...you have to be able to move where the opportunities are in order to take advantage of them...

...So, freedom of movement is an essential prerequisite for equality of opportunity.’

(Joseph Carens, The Ethics of Immigration, p.228)
Cosmopolitanism About Distributive Justice...

...principles of distributive justice are applicable not only to the distribution of good things within a particular society....

...but also to the global distribution of good things.
Rawls rejects *Cosmopolitanism About Distributive Justice*...

His principles of distributive justice are supposed to apply only to the distribution of the benefits and burdens of social cooperation within a particular society...
## Distributive justice beyond borders...?

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‘The quickest way to equalize world income distribution would be to permit free migration between countries.’

(David Begg et al., *Economics*, p.644, quoted in Simon Caney, *Justice Beyond Borders*, p.106)
‘The current division between rich and poor states can persist in its current form only because the rich states feel entitled to restrict the entry of people from poor states...’

...at least some of the people who are poor remain poor because we will not let them in.’

(Joseph Carens, *The Ethics of Immigration*, p.234-235)
P1  The British state has a moral obligation not to prevent people from escaping poverty.

P2  If the British state excludes would-be immigrants from its territory, it prevents people from escaping poverty.

C  The British state has a moral obligation not to exclude would-be immigrants from its territory.
Doesn’t this just show that the British state has a moral obligation not to exclude *poor* would-be immigrants...?

What about *rich* would-be immigrants...?

What about immigration into *poor* states...?
Next week

More immigration...