Global Political Issues

Lecture 2: Immigration (again)

§1. Property

People have the right to exclude one another from land that is their private property...

P1 The territory of the British state is the private property of the British people.
P2 If a piece of land is X's private property, X has the right to exclude other people from this piece of land.
C The British people have the right to exclude other people from its territory.

Perhaps it’s not the land we should be concerned about, but rather the political and economic institutions, the education and health systems, etc.

T1 ‘Like [a] family farm, the construction of state institutions is a historical project that extends across generations… the value of membership… is very largely the result of the labor and investment of the community.’

(Ryan Pevnick, Immigration and the Constraints of Justice, p.38)

P1 British political and economic institutions, the NHS, etc., are the product of the collective labour of the British people.
P2 If X is the product of Y’s labour, X is Y’s property.
C1 British political and economic institutions, the NHS, etc., are the collective property of the British people.
P3 If X is Y’s property, Y has the right to prevent other people from making use of/having access to Y.
C2 The British people have a right to prevent other people from making use of/having access to British political and economic institutions, the NHS, etc.

§2. Freedom of Association

If two or more people wish to associate then they have the right to do so… If someone does not wish to associate with someone else then they have the right not to do so…

T2 ‘…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.’

(Christopher Heath Wellman, *Immigration and Freedom of Association*, p. 111)

P1 Individuals have the right to freedom of association.

P2 If individuals have the right to freedom of association, so do states.

P3 The right to freedom of association includes the right not to associate.

C States have the right not to associate.

It may follow that the British state has a right not to extend *citizenship* to would-be immigrants…

But it doesn’t follow that the British state has a right to exclude would-be immigrants from its territory…

P1 States have a moral obligation to extend citizenship to would-be immigrants that it does not exclude from its territory.

P2 States have the right not to extend citizenship to would-be immigrants.

C States have the right to exclude would-be immigrants from its territory.

The right *not* to associate may be restricted if (1) exclusion seriously harms the excluded party, and (2) the association is neither *intimate* nor *expressive*.


Consider a political community… Exclusion seriously harms the excluded party… The association isn’t intimate… Is it expressive…?

§3. *Communities of character*

‘Admission and exclusion are at the core of communal independence… Without them, there could not be *communities of character*… historically stable, ongoing associations of men and women with some special commitment to one another and some special sense of their common life.’

(Michael Walzer, *Spheres of Justice*, p. 62)

P1 We have a strong interest in belonging to a community of character.

Otherwise we will be ‘radically deracinated’.
A community of character must have the ability to decide its membership.

Communities of character must be either world-sized, state-sized, or neighbourhood sized.

Communities of character cannot be world-sized.

We have a strong interest in neighbourhood-sized communities not being able to decide their membership (’a thousand petty fortresses’).

We have a strong interest in belonging to state-sized communities that have the ability to decide their membership.

‘…states… require a common public culture… that serves valuable functions in supporting democracy and other social goals.’

(David Miller, Immigration: The Case for Limits, p.369)

A common public culture could involve a shared religion or language… It could involve a shared commitment to democratic principles… It could involve a shared commitment to queuing…

There is a common public culture in the strong sense just in case there are sufficiently many commitments shared by every member of society…

There is a common public culture in the weak sense just in case every member of society shares sufficiently many of the same bundle of commitments…

Why are we supposed to have a strong interest in belonging to a community of character/a society with a common public culture…?

‘…a background against which… individual choices about how to live can be made…’

(David Miller, On Nationality, p.86).

‘…a common public culture… serves valuable functions in supporting democracy and other social goals.’

(David Miller, Immigration: The Case for Limits, p.369)

The preservation of a community of character requires the right to exclude only if large numbers of people have an interest in settling on the territory of a community whose character they don’t share.

If large numbers of people have an interest in settling on the territory of a community whose character they don’t share, it cannot be true that people have a strong interest in belonging to a community of character.

It cannot be true both that the preservation of a community of character requires the right to exclude and that people have a strong interest in belonging to a community of character.

(cf. Joseph Carens, The Ethics of Immigration, p.261)
§4. Population

T8 ‘A viable population policy at global level requires each state to be responsible for stabilizing, or even possibly reducing, its population over time, and this is going to be impossible to achieve if there are no restrictions on the movement of people within states.’

(David Miller, Immigration: The Case for Limits, p.371)

P1 It is desirable that states have an interest in adopting policies that prevent the birth rate in their territory from getting too high.

P2 States have an interest in adopting policies that prevent the birth rate in their territory from getting too high only if other states control their borders.

C It is desirable that states control their borders.

Why accept P2…?

T9 ‘Such states have little or no incentive to adopt such policies if they can “export” their surplus population through international migration.’

(David Miller, Immigration: The Case for Limits, p.371)

P1 It is desirable that states have an interest in adopting policies that prevent the birth rate in their territory from getting too high.

P2 States have an interest in adopting policies that prevent the birth rate in their territory from getting too high only if they can’t force their citizens to emigrate.

C It is desirable that states can’t force their citizens to emigrate.

Perhaps the point is that individual states’ efforts to reduce the global birth rate will be in vain if citizens can easily avoid birth rate controls by emigrating…

References