Global Political Issues

Lecture 2

Immigration (again)
The plan for today...

1. Property

2. Freedom of association

3. Communities of character

4. Population
§1. Property
Does the British state have a liberty-right to exclude non-citizens from its territory...?

Not if would-be immigrants have a claim-right to enter...

Does the British state have a claim-right to exclude non-citizens from its territory...?
People have the right to exclude one another from land that is their private property...

E.g. I have the right to exclude Arsenal fans from my private property...

Are property rights also relevant to immigration...?
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.
But P1 is just false.

Most British territory is the private property of individuals...

...it is these individuals who have the right to exclude other people from their land.
Perhaps it’s not the *land* we should be concerned about, but rather the political and economic institutions, the education and health systems, etc.

...as well as the various good things that are produced by these institutions...
‘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.

This is the ‘associative ownership’ argument...
§2. Freedom of association
If two or more people wish to associate then they have the right to do so...

This could be a marriage...

...a trade union...

...a religious group...
If someone does not wish to associate with someone else then they have the right *not* to do so...

Nobody can force me to marry a particular person....

If we all form a club, nobody can force us to admit a particular person as a member...
‘...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.

(Christopher Heath Wellman, *Immigration and Freedom of Association*, p.110-111)
‘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 marriage...

Exclusion seriously harms the excluded party, but the association is about as intimate as you can get...

Take clubs and societies...

...exclusion doesn’t seriously harm the excluded party...
Now 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)
A community of character is an *association* of men and women...

...who recognize *special obligations* to one another...

...and it is recognizably the *same* association even though its members come and go...
P1  We have a strong interest in belonging to a community of character.

Otherwise we will be ‘radically deracinated’.

P2  A community of character must have the ability to decide its membership.

P3  Communities of character must be either world-sized, state-sized, or neighbourhood sized.
P3  Communities of character cannot be *world-sized*.

P4  We have a strong interest in *neighbourhood-sized* communities not being able to decide their membership (‘a thousand petty fortresses’).

C   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)

What is a common public culture...?
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...
Two conceptions of a common public culture...

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…?

It provides ‘…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)
P1  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.

P2  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*)
§4. Population
‘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...?

‘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...

But this is true only if other states aren’t also making efforts to reduce the global birth rate...
Next week

The global environment