

# The Morality of Immigration: A Response to Two Critics

Mathias Risse, July 2008

As both Pevnick and Cafaro point out, nowadays would-be immigrants do not generally seek admission to a country because of its natural resources. Instead, they want to be part of an economy that offers more opportunities than that of their home country. But the standpoint of common ownership of the earth matters to immigration not because immigrants are generally motivated by access to resources. Rather, this standpoint matters because it makes clear why we cannot decide questions of immigration merely in terms of what is best for a given country. Thinking about common ownership of the earth means to explore the consequences of the fact that the three-dimensional space in which we make a life for ourselves is the accomplishment of no human being. One consequence of this standpoint is that not just any number of individuals (no matter how small) can carve out any amount of space (no matter how large) for themselves. Outsiders might have claims to entry if indeed members of the community to which they seek access have carved out more space than, proportionately, they ought to be allowed to use for maintaining their culture. The standpoint of common ownership does not (seek to) capture the motivations of immigrants, but (at least some of) their entitlements.<sup>1</sup>

I urge critics of my approach to keep in mind that the default position in debates about immigration is merely to ask “what’s good for us.” What is too often neglected is

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<sup>1</sup> Some of the ideas presented here are developed in more detail in “Migration, Territoriality, and Culture” (coauthored with Michael Blake), in *New Waves in Applied Ethics*, Jesper Ryberg, Thomas Petersen, and Clark Wolf, eds. (Ashgate Publishers, 2007); as well as in Michael Blake and Mathias Risse, “Is There a Human Right to Free Movement? Immigration and Original Ownership of the Earth” (forthcoming; available as Kennedy School of Government Faculty Research Working Paper Series RWP06-012).

that immigration policies must not only be justifiable to those who are already in the country, but also to those who seek admission. The debate about immigration is at no risk to overestimate the importance of any standpoint that counterbalances that emphasis. But indeed, we must recognize that moral rights of outsiders place limits on what sorts of cultural norms and practices are legitimately maintained. For instance, what ought we to say to the Mexican who seeks access to the United States but is turned away at the Texas border? We cannot simply say the United States does not currently see it in its interest to admit more people like her, that current legislation does not authorize border guards to admit her, or even that her presence (and the presence of others like her) in the US would threaten certain social accomplishments. Instead, we must appeal to a justificatory standpoint that the would-be entrant might reasonably be expected to share —a standpoint of what one might call ‘global public reason.’

The standpoint of common ownership, I submit, is part of this standpoint of global public reason. As long as the United States is (as I have called it in the original article) *under-using* its portion of commonly owned three-dimensional space, the Mexican has a claim to entry. For in that case, Americans are demanding too many resources and, in particular, too much commonly owned space for their own culture. As soon as the United States is no longer under-using its space, the beginning of a response to her demand to entry is to point to just that fact. While the standpoint of common ownership leaves many questions about immigration open (particularly regarding the discretion countries have in deciding who to admit, what immigrants can be expected to assimilate, and thus what a country is allowed to do to preserve its own current culture), it does imply that countries that under-use their resources and space must make room for

more immigrants. Suitable domestic policies must be adopted to create a situation in which these changes work out in ways that are reasonably acceptable to everyone involved. I take for granted, at any rate, that both prudential and moral reasons will speak against keeping immigrants systematically outside of the political community.

One might say that such “suitable domestic policies” are more easily called for than adopted or even understood. Cafaro draws attention to some potential problems: immigrants might drive down wages in certain labor markets, which would be particularly problematic for unskilled laborers with their already rather low incomes; or immigrants might import their own cultural norms, which could be at odds with the norms that are currently in place at their destination. These are serious worries, and they do fuel much of the immigration debate. As far as labor markets are concerned, I do not think, however, that this effect on the wages of unskilled workers is a conclusive reason to keep immigrants out. Instead, it is then a challenge for social policy to find solutions to these issues. *Obviously*, we cannot merely change immigration policy and leave all other policies unchanged. For this reason, it is misguided to lead my proposal *ad absurdum*, as Cafaro seeks to do, by pointing out what would happen to the United States if immigration policies were to be changed, but nothing else would change along with them. We cannot deny the legitimate claims of outsiders because they would require changes in domestic policies. If we did so, we would unacceptably maintain a certain balance in society at the expense of others. Even if we had achieved an internally perfectly just society, we would not be allowed to maintain it at the expense of legitimate claims of outsiders.

Particularly striking in this context is Cafaro's point that, in light of their excessive energy consumption patterns that make such a disproportionate contribution to climate change, the world does not need more Americans. The world does indeed not need more people who produce that sort of per-capita amount of greenhouse gases. This is not even a case where domestic policies will have to be changed once immigration policy is changed. As has by now become painfully clear, these consumption patterns will have to change *anyway*, for reasons that have nothing to do with immigration. Thus this argument cannot be used to reject a proposal for rethinking immigration policies.

I should notice a few points where Cafaro misrepresents my arguments, turning them into caricatures that do not help this debate. I will ignore his peculiar ad-hominem references – except to wonder whether Cafaro really thinks they make his arguments better. But I do want to notice that this combination of misrepresentations and ad-hominem references adds much to the sense that Cafaro's article contains a good deal of the traditional, and rather unfortunate, let's-all-be-afraid-of-immigrants rhetoric. Nowhere do I argue that the standpoint of common ownership is *all* that matters to immigration policy. But it *does* matter, and so far it plays no role whatsoever in the debate about immigration. Nowhere do I suggest that anybody could go wherever they chose to go. Countries that are not under-using resources are under no obligation to accept more immigrants, and those countries that are can exercise some discretion in selecting immigrants.

And nowhere do I say that proper use of resources ought to be defined solely in terms of what is good for human beings. The standpoint of common ownership is motivated by the idea that, to the extent that human beings do have claims to the

resources and the space of the earth whose existence is no human being's accomplishment, any two individuals have symmetrical claims to these resources. The next step then (a rather arduous one, as far as the philosophical work is concerned that needs to be done here) is to assess precisely how we should understand that symmetry. But crucially, for current purposes, there is nothing about this standpoint that is inconsistent with granting a moral status to animals, or with acknowledging that nature has more than instrumental value. The most sensible views on these matters can readily be added to the standpoint of common ownership, since that standpoint only talks about a symmetry of claims among human beings. My original article does not discuss these matters, but one should not take this to entail that I am committed to the most implausible stance on them. Finally, regarding my reference to borders as "lines in the dust:" To be clear, I do not defend the view that the existence of states per se is illegitimate, and thus take no issue with the special importance of shared citizenship. On the contrary.<sup>2</sup> But the existence of a system of states must be justifiable to those subject to it, including those whom certain states deny the right of entry, and the standpoint of common ownership helps us assess the conditions under which it is.

As far as the import of different cultural norms is concerned, I am less worried than Cafaro. New immigrants enter an already existing society. A more likely prediction is that their new society will change them more than they will change that society. And as we have witnessed generation after generation, children almost always adapt to their new environment. This is not to deny that societies change to some extent in response to immigration, and that such changes can be painful and may threaten important cultural

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<sup>2</sup> See for instance Risse, "What to Say about the State," *Social Theory and Practice*, 2006, Vol. 32 (4): pp 671-698

achievements. But societies that accept the implications of the standpoint of common ownership would not be expected to make all changes right away: they could do so over time to remain more in control of what impact these changes have on society. At the same time, immigration policies of richer countries would also have to make sure poorer countries are not harmed, for instance, by a brain-drain. All these are large issues that have attracted a great deal of social-science research and require much more discussion than I can offer now. My purpose here is merely to sketch the contours of a position in response to objections, and to submit that solutions to these worries would have to, and can, be folded into the policy package needed to realize the immigration reforms suggested by my proposal. Such a policy package might not meet all desiderata. Still, worries of the sort that Cafaro rightly presses cannot justify maintaining the current situation of almost total neglect of the need to justify immigration policy to outsiders in general, nor can they justify ignoring the implications of the standpoint of common ownership in particular.

Might we not, as Pevnick suggests, take other measures than immigration to accommodate the implications of the standpoint of common ownership? The object of ownership is the earth itself, and what is at stake is how this physical location can be divided up given that it is held in common. Conceivably, the world's population might agree that people who underuse their territory should make payments (say, development aid) to others; but what cannot be reconciled with this ownership status is that they could pay off those who would *prefer* to exercise their right to immigrate. They have that right by virtue of their co-ownership of the earth; and while they may decide to waive it for such payments, it remains their prerogative not to do so.

What about cultural and institutional accomplishments? Pevnick is right that would-be immigrants generally seek access to benefits from such accomplishments, rather than to enjoy access to natural resources, and he seems to find it obvious that outsiders could have no claims to such accomplishments. Naturally, a different set of considerations than in the case of natural resources enters here, because it is precisely not the case that those goods are no one's accomplishment. But does this mean that, say, the current generation of Americans is more entitled to the legacy of their ancestors than anybody else? If so, it cannot be because they themselves have done any work to create what by stipulation now is a legacy. Nor have outsiders done such work. Does this not mean that the generation of contemporary Americans is on a par with non-Americans as far as the legacy of earlier generations of Americans is concerned?

The argument against such an implication is not very strong. True, contemporary Americans are the current participants in the culture that made the earlier achievements possible and that continues to maintain them. Moreover, it is plausible that their predecessors would have wanted for them to be the beneficiaries of their achievements. There is, however, little more one can say to show why any current generation is entitled to the legacy of their ancestors to a larger extent than outsiders. Doubts continue to be fueled by the observation that contemporary Americans have the same sort of relationship to the legacy left to them by their forbearers as they have to the natural resources and space of the earth: for any given individual, these things are like manna from heaven. For the purposes of this dispute, we do not need to pursue these questions further.<sup>3</sup> However, what matters is that it will require serious philosophical work to show that the

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<sup>3</sup> But Blake and Risse do pursue these questions. See, "Is There a Human Right to Free Movement? Immigration and Original Ownership of the Earth."

contemporary generation has a privileged claim *even* to the cultural and institutional legacy of their ancestors. They certainly have no such privileged claim to natural resources and space simply because those are within the limits of frontiers that have developed historically, without regard to how many resources and how much space that would be.

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