



Immigration and Democracy

Sarah Song

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CHAPTER

11 Conclusion

Sarah Song

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Abstract

Chapter 11 reiterates the intermediate ethical position between closed borders and open borders. Against restrictive nationalists who favor closing borders, it argues that states should not regulate immigration solely in the interests of their own members. Members of a political community have special obligations to one another, but they also have obligations to the rest of humanity, including prospective migrants. Against proponents of open borders, it maintains that political membership is morally significant, even if its distribution is morally arbitrary. Political membership grounds special rights and obligations, and a government may show some partiality toward the interests of its members. This means a government may deny admission to prospective migrants if their basic interests are protected in their home countries and doing so protects important interests of its constituents. What is required is not closed borders or open borders but controlled borders and open doors.

Keywords: [open borders](#), [closed borders](#), [controlled borders and open doors](#), [ethic of membership](#), [ethic of universalism](#), [immigration priorities](#)

Subject: [Political Theory](#)

IMMIGRATION IS AN issue that generates strong disagreement and strange political bedfellows. Labor-market protectionists find themselves on the same side as restrictive nationalists in supporting immigration restrictions. On the other side, immigrant rights advocates are joined by proponents of the free market in their commitment to open borders. In the heat of the public debate about immigration, it may seem that the only positions are restrictive nationalism or radical cosmopolitanism, closed borders or open borders.

This book has offered an intermediate ethical position situated between these poles. In contrast to restrictive nationalists who favor closing borders, I do not believe states should regulate immigration solely in the interests of their own members. Although members of a political community have special obligations to one another, they also have an obligation to take the interests of prospective migrants into account alongside the interests of fellow members. Prospective migrants may have urgent reasons to move, and their interests may trump the less weighty interests of members. For example, refugees are migrants fleeing

persecution and violence, and sometimes the only durable solution to their displacement is to make a new life in a new country. States with integrative capabilities have a duty to take them in.

At the same time, in contrast to proponents of open borders, I do not interpret the moral equality of all human beings as requiring us, in Carens's words, "to weigh the claims of those trying to get in equally with those who are already inside."¹ I believe political membership is morally significant, even if its distribution is morally arbitrary. Political membership grounds special rights and obligations, and a government may show some partiality toward the interests of its members. This means a government may deny prospective migrants admission if their basic interests are protected in their home countries and doing so protects important interests of its constituents. For example, a government is justified in excluding prospective migrants who want to move to pursue higher wages above an already decent level if doing so protects important interests such as sustaining social welfare programs and assisting the domestic poor.

What is required is not closed borders or open borders but controlled borders and open doors. The idea of collective self-determination grounds the right of political communities to control immigration, but this right of immigration control is qualified, not absolute. Countries must open their doors to those fleeing persecution and violence and those with family connections. Democratic states are also constrained by democratic principles. Democratic norms of equality and antidiscrimination limit the kinds of criteria that may be used in selecting prospective migrants. The norms of fair play and social membership also constrain the power of democratic states to remove noncitizens from their territories. When the basic interests of prospective migrants are not at stake, however, governments are justified in restricting their movement for the sake of protecting the important interests of their members.

As critics will point out, this moderate position embraces commitments that pull in opposing directions, an ethic of membership and an ethic of universalism. The ethic of membership says we have special obligations to members of our own country. The ethic of universalism says we have obligations to all human beings. I do not think either ethic should be relinquished; we must pursue both. The tensions between them may never be entirely eliminated, but they can be managed and reduced by recognizing that our membership-based obligations and our global obligations are mutually constraining.

In Part III, I elaborated a number of the policy implications this theory has for democratic societies. Can anything more be said about the specific content of immigration policy? I want to conclude by considering the question of priorities in immigration policy. How should states prioritize among different claims for admission, including the claims of forcibly displaced migrants, those with family ties, and those with economic skills? In the preceding chapters, I have considered the normative grounds and limits of each of these claims but not how the different claims might be weighed against one another.

As discussed in chapter 8, family-based immigration makes up a large share of the admissions for permanent residence in many democratic countries. For example, in 2015, the percentage of migrants admitted to the United States for permanent residence because of family ties was 65 percent of total admissions. By contrast, refugees and asylum seekers made up only 14 percent and employment-based preferences, 14 percent.² Some defend the current immigration system that prioritizes family ties. Others argue that we should reduce family immigration so that we can take in a greater number of refugees because the latter are at risk of serious harm in a way that many family migrants are not. Still others argue that it is in a country's best interests to prioritize high-skilled migrants over family migrants because of the contributions the former will make and because the latter are said to negatively impact the wages of low-skilled workers already in the domestic labor market.³ Which priorities are the right priorities?

This is a question that must be answered by members of democratic societies. Political philosophy can provide analysis of the values and principles that might guide public debate about immigration policy, but it cannot deliver a comprehensive immigration reform proposal. This is not just because policymaking

requires context-sensitive political judgments but also because the power to regulate immigration is a legitimate power of members of democratic societies. Part III offered a number of principles that might guide public deliberation about immigration. What serves the interests of the political community is surely one consideration, but there are also humanitarian and democratic commitments that must be honored.

Even critics of family-based immigration who favor high-skilled immigration, such as the Cuban-born American economist George Borjas, take pride in belonging to a country that has provided refuge to the world's persecuted and poor. Borjas stops short of recommending that the United States change its admission rules to select only high-skilled migrants, saying, "But I still feel that it is a good thing to give some of the poor and huddled masses, people who face so many hardships, a chance to experience the incredible opportunities that our country has to offer."⁴ In other words, cost-benefit analyses of specific policy options are not the only things that matter. Values and principles also matter. When we engage in debate with others, we appeal not just to facts and numbers but also to our values. When people protest with signs that say "Refugees Welcome" and "Shame" in response to their political leader's decision to cut the number of refugee admissions by more than half, they are invoking values.

This appeal to values and principles is especially important in democratic societies in which political power is the collective power of the people who must ultimately authorize the decisions made in our name.

p. 192 Because political power belongs to all members, we owe one another reasons for the exercise of that power. Of course, we don't always argue that way but that is the promise of democracy: to show respect for others by debating pressing political issues with reasoned arguments. We may not reach agreement on a single solution to the challenges of immigration but, as this book has tried to do, we can identify the basic principles that an acceptable solution must satisfy. It is up to us, in our role as members of democratic political communities, to debate immigration in light of the values we hold dear and to press our political leaders to aspire to them.

Notes

1. Carens, "Migration and Morality," 37.
2. See Table 8.1 on p. 140. My calculation of percentages is based on data provided by the Department of Homeland Security, *2015 Yearbook of Immigration Statistics*, table 6, <https://www.dhs.gov/immigration-statistics/yearbook/2015/table6>.
3. Borjas, "The Immigration Debate We Need," *New York Times*, February 27, 2017, <https://www.nytimes.com/2017/02/27/opinion/the-immigration-debate-we-need.html>.
4. Borjas, *We Wanted Workers*, 205.