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moral superiority and employment and education appropriate for men rather than women.

If Vetter's claims for the importance of early women's activists seems to default too often to equal rights, it is important to remember that this is not necessarily where she started, and it is not her reason for selecting thinkers such as Tocqueville and Smith for her comparisons. The main issue I raise is simply that the case Vetter makes for why these seven women activists are founding feminists points to more innovative and far-reaching conclusions than she articulates, even if the theoretical argument for those conclusions has to wait for another book. Regardless, her important case stands.

Migration in Political Theory: The Ethics of Movement and Membership, edited by Sarah Fine and Lea Ypi. Oxford: Oxford University Press, 2016, 320 pp.

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How should political theorists respond to the demands and challenges that migration across borders brings? Recently, this question has been addressed from different perspectives that highlight the specific contribution that political theory can provide. A selection is now available as an edited volume that provides an overview of the current state of the debate while also presenting new and original contributions to it. The editors have wisely organized the individual essays into three subject areas, distinguishing the questions of "Entry and Exit," "Migration, Equality, and Justice," and "Migration and Membership." Such distinctions are of course often difficult to make, since several essays could be slotted into at least two of the suggested parts. What is clear, however, is that the discussion of migration in political theory has gone beyond the original question of who should be allowed to enter and on what grounds. One of the questions now is whether or not political theory can motivate and justify a human right to immigration, a topic discussed in the first two essays by David Miller and Kieran Oberman. Much here hinges on the normative basis of human rights; both Miller and Oberman subscribe to the view that human rights are meant to protect basic human interests, and both accept that leading self-determined autonomous lives is one such important human interest. But whereas Oberman argues that the right to immigrate may be necessary to realize individual autonomy, Miller believes that individual autonomy requires the satisfaction of generic interests, which can be satisfied without allowing immigration. Oberman accepts, of course, that the

human right to immigration is not an absolute right and should be considered in concert with other obligations nation-states may have. The discussion here resonates with other pieces in the collection, particularly those discussing the duties towards refugees.

Chandran Kukathas argues that the original spirit of the Geneva Convention and Protocol Relating to the Status of Refugees (1951) has been undermined. He bases his critique on the current forms of implementing the principle of *non-refoulement* of those who seek asylum, which the signatories of the Convention are called upon to observe. The principle mandates that claims for asylum ought to be carefully assessed and evaluated in the country of first arrival. Countries that accept the principle of *non-refoulement* are seemingly prevented from doing several things: they cannot select refugees based on their expected capacity to integrate into the social fabric; they cannot delegate the duties of asylum to other states; and they cannot set limits on how many asylum claims they assess. Kukathas argues that the definition laid out in Article 1.A.2 is too narrow: instead of focussing on “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion,” other reasons should be counted as justifying the quest for asylum and refuge, such as a threat to survival for lack of means to subsistence (p. 255f). Yet those leaving their homes for these reasons are qualified as economic migrants rather than refugees under the current regime, even though both groups are in dire need of protection. Kukathas argues that the special status and claim for protection that refugees *should* enjoy have disappeared, “eroded in governments’ attempts to institutionalize the distinction between economic migrants and refugees” (p. 261). The result is a lack of access to countries offering opportunities for both refugees and so-called economic migrants. Moreover, Kukathas suggests that the seemingly permissive principle of *non-refoulement* has led to the erosion of the principle of protection, instead casting asylum-seekers in the role of abusers of a charitable system, making governments of asylum-granting states suspicious of abuses (p. 260). In this vein, Kukathas illustrates that the suspicion that somebody could falsely claim to be a refugee is such that physical torture is by now the gold standard in asylum claim assessments.

The suspicion derives from a system that links the place of arrival (where the claim for asylum is made) and the place where one finds asylum. Based on the generally accepted principle of *non-refoulement* that mandates states to assess asylum claims in the country of first landing, the link between claim and place of arrival provides incentives for refugees to arrive in rich democratic states and lodge their claim there. This, however, has led to increasing restrictions on the bases of possible claims and has made individual countries wary of accepting refugees.

David Owen argues in this vein that the international community may need to develop and establish a fair system of allocation of refugees among asylum-granting states. The novelty in Owen's piece is the link he provides between the acceptance of refugees and the political legitimacy of the nation-state. As Owen writes, whether or not states satisfy duties towards refugees should be considered part of the definition of political legitimacy of liberal democratic states (p. 270). This may sound unduly demanding. However, Owen allows that not only should resettlement of refugees be realized and made possible by the asylum-granting state, but also asylum-granting states could satisfy their moral duties arising from *non-refoulement* in other ways, for example by providing resources for resettlement in third countries. Balancing duties towards refugees and the principles of democratic legitimacy is also the principle underlying Christopher Wellman's defense of immigration restrictions. Wellman argues that these same duties can be satisfied without necessarily having to allow immigration: as long as nation-states provide for refugees according to their fair share, this need not happen on the territory of the duty-bound state (p. 93). The question of admission and the protection of basic interests of refugees could thus be separated, possibly leading to a fairer distribution of refugees among asylum-granting states, as Owen demands.

Wellman's as well as Miller's contribution are based on the assumption that nation-states may legitimately show partiality towards the interests of their members, and in particular their disadvantaged members, what Arash Abizadeh discusses as the "special-obligations challenge" that those advocating for more open borders face. The argument from special obligations assumes that liberal democratic states can justifiably restrict immigration because of its nefarious effects on the local poor. It assumes that liberal states, in other words, have reasons of partiality to prioritize the welfare or justice concerns of compatriots over those hoping to immigrate. As Abizadeh shows, however, even if we admit that members of liberal democratic states "owe each other special obligations" (p. 107) and that, in principle, acting on special obligations can be reconciled with the concern for moral equality that is owed to all—a concern accepted by Miller, as I pointed out above—it does not follow that special obligations, in the rare cases that they can be justified, can take the form of *prioritizing* obligations. All that the special-obligations challenge can justify are *additive* obligations towards the domestic poor. Yet "[a]dditive obligations may warrant special concern for the needs of co-participants, but not at the expense of fulfilling one's general duties to others: prioritizing can come into play only if one's general duties to others are fulfilled" (p. 120). Put differently, concern for compatriots can't be used to justify exclusive immigration policies if they hope to respect moral equality.

Exclusive immigration policies in liberal democratic states are also criticized in Sarah Fine's careful discussion of the undertheorized impact that racism and the colonial heritage have had on those same policies. Fine acknowledges that states should have the possibility to set immigration regimes that limit access to the state's territory—however, no policy can be based on the discriminatory assumptions and practices of the past. Instead, Fine argues that any defense of a morally permissible immigration policy will have to satisfy three criteria: first, it has to acknowledge what Fine calls “the ‘racial discrimination in immigration restrictions’ problem” (p. 134) in its encompassing effect on contemporary thinking about immigration. Second, a justifiable policy will have to be able to diagnose racism in immigration problems in its impact. As Fine argues, “it also should be able to explain what exactly makes [racism] a problem, and in a way that is consistent with the defense of the state's right to exclude” (p. 134). And, finally, the defense of any immigration policy that aims to justify exclusion will need to describe how the identified problems can be avoided in future policy design. Fine's piece sets out a research agenda for those who aim to side with Wellman and Miller when it comes to asserting the state's right to limit immigration onto the territory, while also hoping to rid immigration policies of some of the historical wrongs that have prompted many to call for open borders.

The first call for open borders was articulated by Joe Carens in an article in 1987, in which Carens compared the opportunities and privileges that accrue to citizens of rich and developed states with those enjoyed by former feudal lords. Following this comparison, Carens then argued that the concern for moral equality liberals espouse, and the concern to abolish morally arbitrary discrimination, should prompt liberal democratic states to open their borders. In his contribution to the volume under review, Carens now discusses the conclusion that some have drawn from his earlier plea, namely that birthright citizenship is part of the problem in current migration regimes.¹ Carens defends birthright citizenship against its detractors as an important tool that states have to protect future members, their moral agency, and their legitimate expectations to become political members. Importantly, though, Carens argues that birthright citizenship should not be restricted to the children of other birthright citizens, but should also come to children of settled immigrants. Indeed, as Carens plausibly argues, children of immigrants born on the territory will likely develop stronger ties to the political community than children of emigrants, for whom birthright citizenship is most often accepted. The plea for open borders, in other words, should not be misunderstood to include the abolishing of the important value that citizenship provides.

Carens' original argument for open borders was founded on the value of individual liberty that may be promoted by free movement, and a concern for

equality of access to opportunities. Both of these are unfairly distributed in today's world of closed borders and tight immigration restrictions. As Ayelet Shachar illustrates, opportunities abound for those who are considered desirable in "the brave new world" of the meritorious immigrant (i.e., those with sought-after skills, or money to bring to their new state, or both). Shachar describes how far removed actual immigration regimes are from the idea of immigration as a human right. More troubling still, she describes how nation-states are willing to tailor their immigration regimes based on market demands, or economic clout. With citizenship for sale to the highest bidders, we are a long way from Wellman's principles of democratic self-determination.

We are equally far removed from any redistributive justice concerns that have been raised in the context of *emigration* recently. The dilemma liberal political theory faces when discussing emigration of particularly high-skilled members in potentially institutionally weak states has recently been highlighted by Gillian Brock and Michael Blake.² The concern over brain drain is addressed by Anna Stilz within her discussion of an unqualified right to leave. Based on a Kantian conception of the state as the rights-granting institution, Stilz questions whether it is plausible to claim a right to exit if we accept the legitimate state as the foundation of individual rights. In her view, a right that carries beyond the borders of the legitimate state is implausible. Moreover, Stilz provides a nuanced account of the obligations high-skilled emigrants may have to their original state, including the duty to uphold the institutional context in which protection of basic interests is possible.

Lea Ypi challenges the often-made distinction between high- and low-skilled temporary labour migration. Instead of assuming that there are some who benefit from their skill when migrating for work—by being sought after as in the case of brain drain, or by being possibly fast-tracked to citizenship, as Shachar describes—and that there are others who are exploited in carrying out jobs that are often dirty and dangerous, as in the case of many agricultural seasonal workers for example, Ypi argues for a class-based account of guest-workers. According to this view, all workers face exploitation in the capitalist labour system that considers and values individuals only based on their skills and source of revenue. Concurrently, all temporary foreign work casts those who carry it out as members of a disadvantaged class, irrespective of skill level and origin. Temporary workers would then have to be considered as members of an exploited international class because of the exploitative nature of all guest-worker programs. This analysis points to a structural problem of local and global markets, rather than one with national migration regimes.

Sarah Song argues that some of the dangers to temporary foreign workers in host societies can be remedied through legal protection. She suggests differentiated rights for different members of the polity, including those who are

neither residents nor citizens but instead “sojourners.” The idea behind the concept for such differentiated rights is that territorial presence warrants acknowledgement that takes into account what it means to treat individuals as moral equals, while nevertheless respecting relevant differences between those who are residents of the territory over an extended period of time, and those who are newly arrived. Not providing guest-workers with access to the full set of rights would suggest a particular kind of harm arising from “living in a community in which commitment to moral equality is not obviously respected, where some are worth more than others because of their status as full members of the community and where others are worth less because of their status as partial members.”³ According to Song, we should instead “disaggregate certain rights from the status of citizenship and extend them to non-citizens in virtue of their territorial presence” (p. 242).

Song’s point of departure reflects the cardinal liberal value of moral equality and individual autonomy already discussed in the context of other chapters. Liberal democratic states that support the idea of individual autonomy as part of individual well-being normally accept duties of autonomy. Following Song, all individuals residing in a territory experience coercion at the hands of the state. If we accept that coercion challenges an individual’s capacity to be autonomous, as Song proposes, then we should also endorse her proposal that all those subjected to coercion should be equipped with the protection against coercion that access to the relevant rights provides. And while we can agree that protection against coercion would be a welcome improvement to the lives of many migrants, it is not clear if it would address Ypi’s concern over the structural inequality that migrant workers experience—regardless of level of skill. The concern over moral equality and the conditions of individual autonomy is shared by all authors and will likely guide the future discussion of the topic.

Notes

1. See, e.g., Ayelet Shacher, *The Birthright Lottery* (Cambridge, Mass.: Harvard University Press, 2009).
2. Gillian Brock and Michael Blake, *Debating Brain Drain: May Governments Restrict Emigration?* (Oxford: Oxford University Press, 2015).
3. See Lenard, P. T. and C. Straehle. “Temporary labour migration, global redistribution, and democratic justice.” *Politics, Philosophy & Economics* 11, no. 2 (2011): 206-230, at 217.