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Ethics & International Affairs

An Exchange: The Morality of Immigration

Writing in Ethics & International Affairs *22, no. 1, Mathias Risse presented a novel way to think about the problem of immigration in the context of global justice, adopting the standpoint of the common ownership of the earth. His essay can be found on the Carnegie Council website at www.cceia.org/resources/journal/22_1/essays/001.html. The following Exchange is in response to that essay.*

*Ryan Pevnick writes:**

In his recent *Ethics & International Affairs* essay "On the Morality of Immigration," Mathias Risse argues that attempts to understand the constraints that justice imposes on immigration policy ought to begin from the fact that "the earth belongs to humanity in common."[1] Risse goes on to suggest that a comparison of population density statistics provides prima facie evidence that "the United States is critically underusing the resources under its control"[2] and that, as a result, "there can be nothing much wrong with illegal immigration" (p. 30). Without suggesting that humanity's putative collective ownership of the earth is irrelevant to the constraints justice imposes on the formulation of immigration policy, I want to argue—for two reasons—that Risse greatly overestimates the relevance of such considerations.

First, Risse pays too little attention to the distinction between natural resources and political or social resources. While collective ownership of the earth may provide reason to seek a relatively egalitarian distribution of natural resources, the goods at stake in arguments about immigration are typically the result of cooperative political or social undertakings (such as public education, health care, pension programs, and especially publicly supported markets). Second, even if equal access to natural resources were an important goal contravened by the immigration restrictions of wealthy countries, it must be recognized that there are (a) other important moral considerations (most important, the ownership claims political communities have over those institutions that they create), and

* I am grateful to George Klosko and the editors of *Ethics & International Affairs* for helpful comments, as well as to Mathias Risse for his provocative essay.

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(b) alternative ways of recognizing the importance of collective ownership—ones that do not require us to conclude that the United States is morally obliged to legalize all present illegal immigrants.

Together, these arguments suggest that a fruitful approach to the ethics of immigration policy cannot simply follow from the claim that "Humanity as a whole owns the earth and its resources in common" (p. 27); instead, such claims have to be balanced against the community's ownership over the political and social institutions that it sustains. Thus, understanding the requirements that justice imposes on immigration policy requires a more subtle understanding of the conflicts at stake.

Central to Risse's argument is the putative intuitive force of an example he introduces in order to demonstrate the significance of humanity's collective ownership of the earth:

> Let us suppose for the sake of argument that the population of the United States shrinks to two, but that these two can control access into the country through sophisticated electronic border-surveillance mechanisms. Suppose, too, that nothing changes in the rest of the world. I would argue (and I think most would agree) that under such conditions these two citizens should allow for immigration based on the fact that they are grossly underusing the territory under their control. If this is so, then it follows that what we do with the space we control must matter for assessing immigration policy. It further follows in particular that, given that by global standards the population of the United States is too small relative to the amount of space to which it claims exclusive control, illegal immigrants should be naturalized and more widespread immigration should be permitted (p. 25).

This example conceals more than it reveals.[3] Most important, it leads us to think about immigration-related conflicts in terms of access to natural resources, but the resources typically at stake in such arguments are man-made. Crucially, this includes public goods (such as the law and order provided by an effectively governed society), an effectively functioning market (whose operation hinges on government enforcement of contracts, property rights, rules of exchange, and a sophisticated publicly provided infrastructure), and public programs of mutual assistance (such as education, health care, and pension programs). It is access to these goods that immigrants typically seek.

Although this is not the space for a detailed defense of that claim, it should be relatively obvious that immigrants are knocking at the doors of those political communities that provide safe and relatively effective markets (such as the United States and the European Union) and not those that simply have an abundance

of untapped natural resources (such as Sierra Leone, Iran, Iraq, and Libya).[4] If settling on a just response to immigration pressures meant nothing more than settling migrants in resource-rich countries with relatively low population densities, there would be far more efficient ways of doing so than opening up migration to the United States. Diamond-rich Botswana and oil-rich Libya have but 10 percent of the population density of the United States, while Russia (which has three times the oil reserves of the United States) has only a fourth. It seems plain, though, that channeling immigrants from the typical wealthy receiving states to these countries would miss the point of migration by a wide mark.

Moreover, the concerns citizens in wealthy receiving countries typically express about the pressures they incur as a result of migration relate to (a) their ability to continue to provide public goods safely and effectively in the face of an influx of (especially much poorer) members,[5] and (b) their ability to maintain a coherent cultural or national identity in the face of the entry of so many new citizens.

None of this is to deny that there are cases in which individuals might migrate in order to access valuable natural resources or that citizens in wealthy countries may sometimes worry about the effect immigration may have on the availability of such resources. Moreover, such concerns may well come to play an increasingly important role in debates about immigration policy in the future. Instead, my point is only that it is a mistake to think that straightforward policy conclusions can be derived as a result of a claim about the collective ownership of the earth and current resource use—or, as a proxy, population density. To proceed in this way ignores important concerns regarding the social or political goods at stake. These are goods to which collective ownership of the earth does not (at least in any straightforward way) justify access; instead, such goods are created and sustained by a particular political community, which, as a result, may be seen to have a special claim to them. A framework for thinking about the constraints justice imposes on the formulation of immigration policy should help illuminate disputes over political goods in a way that the collective ownership perspective is incapable of doing.

If what I have said is correct and we want to understand the issue in terms of Risse's example, we should reformulate it in order to ensure that it more fairly reflects disputes regarding immigration policy. Assume, with Risse, that "the population of the United States shrinks to two, but that these two can control" territorial access (p. 25). But let us suppose also that these two individuals have

pooled their resources in a variety of ways. First, they have deliberately saved so as to put enough food to the side that, should there be a drought, they will be able to survive. Second, each month they add money to a savings account with an agreement that, should either of them fall ill, the money can be used to bring in a doctor from the outside. Third, they have set aside money that will allow them to further pursue their agricultural training or general learning by bringing in experts to provide lectures each month on subjects of their choice. Fourth, there is an extensive oil reserve that they—having no interest in oil—have left untouched.

Detailing Risse's example in this way is helpful because it highlights the fact that there are a variety of different types of resources at stake in arguments about immigration, and that our intuitions about such goods differ (for important reasons).[6]

On the one hand, there are natural resources, such as the oil in our example. It seems to me that Risse is quite correct to suggest that there is something potentially odious about the nonuse (and prohibition of use by others) of such resources.[7] However, the other types of goods mentioned in our reformulated example seem quite different. The two individuals have worked hard to create mutually beneficial institutions that help provide health care, education, and a kind of economic safety net. Given that it is only through their labor and contributions that such goods exist, the case for them admitting others to these programs seems, intuitively, much weaker than in the case of natural resources. This is because of the presence of a competing moral claim: the ownership claim of the individuals who labored to create the relevant institutions.

Again, this is not to say that natural resources are unimportant, but only that there are no straightforward conclusions about immigration policy to be drawn from the collective ownership of the earth and the varying degrees to which natural resources are (apparently) spread across individuals in different territories.[8] To assume that the individuals' nonuse of natural resources requires the legalization of undocumented immigrants ignores the ownership claim of citizens over social and political institutions that, if given citizenship, illegal aliens will also have access to. In combination with this distinction between natural and political resources, two further points cast doubt on Risse's framework.

First, the political public goods at stake in arguments about immigration are often nonexcludable. Everybody in a given territory benefits from the provision of order, the protection of property rights, and the existence of various kinds of infrastructure. Likewise, many public institutions for mutual assistance

(including education, health care, and pension programs) are available to almost all within a given territory.

Although such programs could be provided to only some inhabitants of a territory, doing so would render the provision of such goods much more costly by making it more difficult to protect against free-riding. This is important because it suggests that there is no easy way to allow immigrants territorial access in order to meet the demands of collective ownership without also granting access to the public goods that only exist through the contributions and labor of citizens. However, if, as our modified example suggests, there is reason to think that foreigners may have legitimate claims to natural resources but no such claims (or at least far weaker claims) to goods that arise only as a result of social and political programs to which they did not contribute, then it is not clear that allowing widespread access to areas with underused natural resources is, as Risse claims, required by justice. Instead, such a response prioritizes foreigners' claims to natural resources over citizens' claims to political and social resources without justification. Moreover, a response along these lines seems odd given that migrants typically move precisely to capture the benefits of inclusion in these politically created systems of public goods, rather than the natural resources that would putatively justify their inclusion.

Fortunately, and this is the second important point, should we be persuaded that natural resources (or at least the value of such resources) ought to be treated as collectively owned by humanity, there are ways that this can be institutionalized that do not involve migration, and so do not promise to undermine the apparently legitimate claim of citizens to the benefits that flow from the political and social institutions they labored to create.[9] For example, Thomas Pogge has argued for a global resources dividend that would tax those who use natural resources and distribute the benefits in a way that would make up for inegalitarian access to such resources.[10] Doubtless there are many other institutional possibilities as well.

The point is that Risse's jump from collective ownership of the earth to straightforward conclusions for immigration policy (for example, "illegal immigrants should be naturalized and more widespread immigration should be permitted" [p. 25]) is far too quick. Not only do such recommendations have costs that must be considered—in terms of jeopardizing (a) the political community's right to benefit from and control the programs of mutual benefit that it has built, and (b) the incentives political associations have to construct such institutions—but there are means unconnected to immigration by which

humanity's alleged collective ownership of the earth could be recognized. Thus, far more argumentation would be required to substantiate the policy proposals Risse puts forth.

So far, I have distinguished between political and natural resources and argued that claims regarding the collective ownership of the earth do not extend to political resources—those resources most often at stake in arguments about immigration.[11] One might respond to this claim by suggesting that the successful construction of political institutions depends upon the existence of a wealth of natural resources and, so, the claim that the collective ownership of the earth cannot establish claims over political institutions is mistaken. On this view, those political communities able to successfully construct political and social institutions were able to do so only as a result of their good fortune in possessing a territory rich with natural resources.

I am willing to grant that *if* this empirical claim were true (that is, if there was indeed a very strong causal relationship between being rich in natural resources and developing politically and economically), then approaching the issue in terms of the principle of collective ownership may indeed be a profitable enterprise. There is, however, substantial empirical reason to doubt whether political and economic development are strongly determined by natural resource endowment. Indeed, in previous work Risse himself has—against a view based on the importance of natural resources—defended the plausibility of an institutional view, according to which:

> Growth and prosperity depend on the quality of institutions, such as stable property rights, rule of law, bureaucratic capacity, appropriate regulatory structures to curtail at least the worst forms of fraud, anti-competitive behavior, and graft, quality and independence of courts, but also cohesiveness of society, existence of trust and social cooperation, and thus overall quality of civil society.[12]

The causes of economic and political development are obviously the source of lively debate and this is not the place to take up that issue. However, it is at least worth noting that the prominence of the institutional view casts significant doubt on the claim that the success of political communities is wholly or importantly determined by the natural resources with which they are endowed.[13] Indeed, to the contrary, many scholars have argued that the presence of substantial natural resources *inhibits* a country's political development by providing rulers with incentives to exploit those resources rather than create an effective system of

public goods.[14] Thus, saving Risse's framework by arguing that political goods are simply a result of natural resource endowment would require substantiating a dubious empirical claim; here, the burden of argument rests with advocates of the collective ownership view.

Risse is correct to insist that it is important to acknowledge the "relevance of moral considerations in debates about immigration" and that the issue must be considered in the context of arguments about global justice (p. 25). However, a successful approach must (a) distinguish among the variety of goods at stake, and (b) recognize the claims of ownership that political communities may rightfully make over some such goods. Unfortunately, the collective ownership framework obfuscates these points and, as a result, fails to provide a fruitful way to think about crucial disputes surrounding immigration policy. It is, therefore, an inadequate way of understanding both the relevance of moral considerations and the way in which immigration policy ought to be tied into broader arguments regarding global justice.

NOTES

[1] Mathias Risse, "On the Morality of Immigration," *Ethics & International Affairs* 22, no. 1 (Spring 2008), p. 25. All further references to this article will be parenthetical in-text page references, e.g., (p. XX).

[2] Underuse of resources is not, I think, a charge Americans are accustomed to answering.

[3] For a warning of the risks of using far-flung examples in political theory, see Robert E. Goodin, *Political Theory and Public Policy* (Chicago: University of Chicago Press, 1983).

[4] Indeed, quite the contrary: over half of Sierra Leone's tertiary educated population now lives in OECD countries, thus fleeing resource-rich territory for politically developed areas (Devesh Kapur and John McHale, "Should a Cosmopolitan Worry about the 'Brain Drain'?" *Ethics & International Affairs* 20, no. 3 [Fall 2006], p. 307).

[5] The entrance of poor individuals presents a particular challenge to sustaining programs of mutual benefit at *current* levels for the obvious reason that such programs pool and share the resources of participants: more poor participants means fewer resources per participant.

[6] The changes to the example allow us to take into account the relevance of programs of mutual benefit. However, the fact that the example reduces the number of cooperators to two makes it difficult to mirror the situation precisely, in that it will be hard for two individuals to provide the excludable public goods typically provided by states. I discuss how the presence of these goods further complicates the scenario in the next section.

[7] The extent to which this is true depends also on the connection between the use of such resources and the depletion of the earth as a livable environment. Indeed, Risse's position raises difficult environmental and population-related issues, but I will leave those to the side.

[8] The idea that we can measure the use of natural resources via straightforward reference to population density is (as Risse allows) obviously fraught with difficulty, but I will leave the measurement issues to the side in order to focus on prior conceptual difficulties with the proposal.

[9] A range of limitations ought to be recognized on the claims of citizens to the goods created by the political community. For example, limitations may be imposed by the basic human rights of outsiders or restrictions on the way in which such goods may permissibly be produced. An exploration of such limits is, however, beyond the scope of this essay.

[10] See Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity, 2002).

[11] As Risse notes (pp. 27–28), it should be obvious that the distinction is not always a neat one; there will be times when we will have to argue about which group goods fit into. That said, the basic distinction and its relevance to immigration policy should be clear even without more precise categories.

[12] Mathias Risse, "How Does the Global Order Harm the Poor?" *Philosophy & Public Affairs* 33, no. 4 (2005), p. 355.

[13] It remains possible that it is strength in natural resources that allows for the successful construction of the relevant institutions, but establishing this requires extensive and as yet unprovided empirical evidence.

[14] See, e.g., Paul Collier, *The Bottom Billion* (New York: Oxford University Press, 2007). Even those who reject this line of argument often suggest that economic development hinges on sociological or institutional factors rather than ecological ones (Andrew Schrank, "Reconsidering the 'Resource Curse': Sociological Analysis versus Ecological Determinism" [unpublished paper]). Thus, there is little empirical support for a straightforward causal link between wealth in natural resources and political development.

Philip Cafaro writes:

I write this while flying in a plane from Denver to Boston, at 32,000 feet. This seems an apt position from which to consider Mathias Risse's bold excursion into what he mistakenly labels "the morality of immigration." For Risse takes up a general principle and applies it to a particular policy issue in a specific time and place, with little apparent understanding of the effects his application might have on the people living in the society he advises.

What might higher immigration levels mean for poorer Americans? Compared to that of other industrial democracies, U.S. immigration policy already brings a higher percentage of less-skilled, less-educated immigrants into our labor markets, so low-wage workers already bear the brunt of immigration's downward pressure on earnings. George Borjas, Steven Shulman, and other economists have shown that in recent decades high immigration levels have significantly driven down wages for poorer citizens, while primarily benefiting wealthier Americans.[1] In effect, Risse proposes a massive increase in the numbers of less-skilled, less-educated immigrants. This would accelerate income inequality in America and probably drive millions of American workers into poverty.

What might higher immigration levels mean for attempts to create an ecologically sustainable society in the United States? Already, some 303 million Americans fail to live in a way that shares the landscape generously with nonhuman beings or that maintains essential ecosystem services for future generations. Increasing human numbers will inevitably increase pollution, resource consumption, habitat conversion, and species loss. U.S. Census Bureau projections suggest that at current immigration rates, our population could triple to 900 million people over the next hundred years. (With no immigration, the Census Bureau projects America's population would decline slightly, to 283 million people, by 2100.)[2]

Risse's proposal would greatly accelerate this population growth, dooming efforts to create a sustainable society. And with our gargantuan appetites for natural resources, an unsustainable America is a threat to the entire world.

None of this appears to concern Mathias Risse. He claims to know what Americans *should* do regarding immigration, because unlike us he is thinking about such issues "morally." Says Risse:

> . . . humanity as a whole owns the earth and its resources in common—not, of course, all those things that in some sense are man-made, but the original resources of the earth. After all—and this is the intuitive argument for this standpoint—such resources are needed by all, and their existence is the accomplishment of no one (p. 27).

Risse does not argue for this moral principle in his essay, but let us assume he is right that the earth's "original resources" belong to everyone equally and (implausibly) that no other moral principles are relevant to deciding immigration policy. Does this justify a general right to immigrate wherever one wishes in a world crowded with 6.7 billion people?

Such an argument might have made some sense in the eighteenth and nineteenth centuries, when many immigrants came to America to farm supposedly empty lands. But in the twenty-first century, people from Mexico and Pakistan are not coming to America to take up quarter sections of farmland under the Homestead Act. They are looking for better-paying jobs provided by the American economy and fleeing countries where jobs are scarce or poorly paid.

Such high-paying jobs are clearly a "man-made" resource. So are the rights and freedoms that many immigrants also seek. These good things are indeed the "accomplishments" of particular societies with particular laws, traditions, policies, and activities. Similarly, the bad things that immigrants flee—tyranny, insecurity, too many people chasing too few jobs—are what their societies have managed to accomplish. Much immigration around the world today is away from countries rich in original (natural) resources to countries rich in human-made economic opportunities; away from countries where fertility rates are high and labor markets are swamped to countries where fertility rates are low and labor is in demand.

On its own terms, then, Risse's argument fails to justify a general right to immigrate in the twenty-first century. Even worse, his proposal would take away people's incentives to create societies that produce and steward the very goods that immigrants are seeking.

Creating fairer, cleaner, wealthier, more egalitarian, more tolerant, less crowded, less bigoted, or otherwise better societies involves hard work and sacrifice. Over the years millions of citizens have spent their lives, or a good part of their lives, to try to achieve these good things in many places around the globe. This is why some of us have them today. But the key point is that people typically will not undertake this work absent the hope that they and their descendants will be able to enjoy the fruits of success (or absent the fear that they and their descendants will have to live with the consequences of failure).

If people can pick up and leave a difficult situation, they are likely to do so rather than stay and fight to improve the society they live in. We see a good example of this today in Mexico (a nation with bountiful original resources), where a small elite monopolizes the country's wealth with impunity, because they can use the United States as a "safety valve," forcing their less fortunate fellow citizens into exile to earn the decent living that a more just society would provide at home. Given pervasive corruption, the difficulty of making ends meet, and the dangers of challenging the system, it is perfectly reasonable for poor Mexicans to focus on helping themselves and their families. But the upshot is that few people are looking out for the common good in Mexico.

Similarly, members of more successful societies would have little reason to work to improve their societies, since under Risse's immigration proposal any social achievements would be held on a very weak tenure, always at the mercy of claims coming from members of less-successful societies. High wages for less-skilled workers would have to be sacrificed as a matter of "morality" if large numbers of unskilled workers wanted to emigrate from crowded, economically depressed countries. Widespread social tolerance for gays or atheists, or support for women's equality, would have to be sacrificed if enough people from more conservative societies needed to immigrate in search of a better life. Efforts to set aside land and resources for other species would have to be abandoned if potential immigrants with large families needed to use the resources of another country.

Risse suggests that these kinds of concerns, because they focus on the flourishing of one's own society, are selfish, being "based on little more than self-interest." At best, such issues are relatively unimportant, compared to the worthier goal of providing resources for destitute strangers. The latter is a purer example of "morality," since it is untainted by "self-interest."

Risse opines that "perhaps people born into a given society should not be favored in terms of access to its achievements," and he belittles national borders

as meaningless "lines in the dust." But absent a plausible framework of citizenship, which provides both the means and the incentives for people to improve their societies, it is hard to see how a "race to the bottom" can be avoided in more successful countries, or how the vast majority of the world's poor—who under any plausible scenario will not immigrate, but will have to sink or swim where they are—can improve their lot.

Citizenship is not to be devalued. The citizens of a nation may work hard to create particular kinds of societies: societies that are tolerant, for example, or that limit inequalities of wealth, treat women and men as equals, or set aside land and resources to preserve wild nature. Citizens typically develop feelings of affiliation and social commitments that have great value in themselves and that enable communal projects, which create further value. It seems wrong to suggest that these achievements, which may provide meaning, secure justice, and contribute substantially to quality of life, must be compromised because some other societies have failed to provide the same. Such a situation does not call for the creation of a new right to freely immigrate, which would undermine the self-government of others. Instead, it suggests that would-be immigrants need to take up responsibilities for self-government that they and their leaders have neglected in their own countries.

Perhaps the most indefensible of Risse's claims is that the United States—by far the most extravagant resource user in the history of the world—is "critically underusing the resources under its control" and should therefore let in more immigrants, to help us use even more resources. Risse reasons that because the U.S. population density is below the world average, "the population of the United States is too small relative to the amount of space to which it claims exclusive control" and "illegal immigrants should be naturalized and more widespread immigration should be permitted."

I would argue, on the contrary, that the populations of China, India, and other more densely populated countries are too *large* relative to the amount of space that they control. Their cities are too big and are growing too fast for people to live comfortably and cleanly within them. Efforts to provide a modest living for their immense populations are already fouling their environments, harming their people's health, and jeopardizing their hopes for future development. These overpopulated countries also have limited opportunities to set aside land, water, or other resources for other species, since those resources are needed to support ever more people.

A massive Millennium Ecosystem Assessment, sponsored by the United Nations and involving over 1,300 experts, states: "At the heart of this assessment is a stark warning. Human activity is putting such strain on the natural functions of the earth that the ability of the planet's ecosystems to sustain future generations can no longer be taken for granted."[3] Given mounting evidence that human beings are stressing the earth's ecosystems to the breaking point, Risse's proposal that we decide whether a country is "underusing" resources based on whether its population density or resource use is below the world average is a recipe for planetary disaster. Further, given biologists' warnings that we have entered the sixth great extinction episode in the earth's history, Risse's attempt to define the proper use of natural resources *solely* in terms of what is best for people is, in my judgment, profoundly immoral. Morality in the twenty-first century, I insist, must include some appreciation of our responsibilities to nonhuman nature.[4]

"The point of thinking about the earth as collectively owned is not to establish human despotism over the rest of the earth, organic or inorganic," Risse claims. But greatly increased human impact and de facto despotism over the natural world would surely be one of the effects of his immigration proposal, were Americans to put it into practice. We cannot cram two, three, or four times as many people onto our landscape without harming and displacing nature.

Risse, however, apparently feels little responsibility to think through the real-world environmental implications of his immigration proposal. He even avers that "an obvious topic that would benefit from revitalizing the standpoint of collective ownership is climate change." As if the United States, with 4 percent of the earth's population and generating 25 percent of its greenhouse gas emissions, was not the last country we would want to see increasing its population, given the dangers of global warming! According to the recent UN Intergovernmental Panel on Climate Change's *Fourth Assessment Report*, these dangers disproportionately threaten the earth's poorest residents, such as farmers and pastoralists in Africa's Sahel region and the inhabitants of the great river deltas of South and Southeast Asia. These are the very people that an egalitarian internationalist like Risse should be most concerned about. Very few of them will ever have the chance to immigrate to America. But they and their descendants may well starve to death, or drown, if the U.S. population triples over the next hundred years, spewing three times as much carbon dioxide and methane into the atmosphere.

What has gone wrong here? Undergirding Risse's approach is, I believe, a fundamentally mistaken view of morality. True morality, to my mind, is more empirically grounded, more attentive to the particular, more appreciative of the contingent, and more modest in its pronouncements.

"Flyover morality," as I'll call it, emphasizes a radical split between self-interest and morality, which it equates with selflessness and sacrifice. True morality tries to extend people's self-concern to more fully include family, friends, neighbors, and fellow community members (including, I believe, non-human community members). It realizes that most of the good that we do for others is not purely selfless, but occurs within particular roles that we find meaningful and that contribute to our happiness. It is especially concerned to build up the claims of citizenship and to make them more meaningful and effective in people's lives, since it sees doing so as essential to securing human happiness as widely as possible.

Flyover morality boldly legislates for the entire world. It readily redistributes resources wholesale on the basis of one or two general ethical principles. True morality looks more carefully at the details of redistribution in particular places, and pays equal attention to redistribution and responsibility. It insists that rich people share their wealth, as a matter of justice. But it also demands things from the poor; it might ask them to have fewer children, for example, if they or their societies cannot provide for more.

With flyover morality, we soar, and may imagine ourselves agents of pure unselfishness. With true morality, we must ask bluntly: How would a particular policy proposal affect us and people like us? College professors are highly educated, well-paid professionals, often with considerable job security. As a class, we are not likely to see our wages lowered or have our job security undermined by high numbers of less-skilled, less-educated immigrants. We are, however, well placed to benefit from the kind of immigration advocated by Risse, by paying lower wages to the immigrants who wash our cars or reshingle our roofs, clean our homes or take care of our children. For many of our fellow citizens who earn less and consume less, and who compete for these jobs, this calculation is reversed.

I agree with Mathias Risse that "moral considerations should influence immigration policies much more than they currently do." Were Americans to take this suggestion seriously, I believe we would reduce, rather than increase, the numbers of less-skilled, less-educated immigrants we allow into our country.

The issue is as complicated as it is important, however, and for that reason, this is a moral debate that Americans need to have.

NOTES

[1] George Borjas, *Heaven's Door: Immigration Policy and the American Economy* (Princeton, N.J.: Princeton University Press, 1999); and Steven Shulman, ed., *The Impact of Immigration on African Americans* (New Brunswick, N.J.: Transaction Publishers, 2004).

[2] U.S. Census Bureau, "Annual Projections of the Total Resident Population as of July 1: Middle, Lowest, Highest, and Zero International Migration Series, 1999 to 2100" (Washington, D.C.: U.S. Census Bureau, 2000).

[3] Millennium Ecosystem Assessment, *Living Beyond Our Means: Natural Assets and Human Well-Being: Statement from the Board* (Washington, D.C.: World Resources Institute, 2005), p. 5.

[4] For a powerful argument to this effect, see Holmes Rolston III, *Environmental Ethics: Duties to and Values in the Natural World* (Philadelphia: Temple University Press, 1988).

Mathias Risse replies:

As both Ryan Pevnick and Philip Cafaro point out, these days 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 countries. 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 exploring 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 implication 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.[1]

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 that immigration policies must be justifiable not only to those who are already in the country, but also to those who seek admission. The debate over immigration is at no risk of overestimating the importance of any standpoint that counterbalances that emphasis. But indeed, we must recognize that

the 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 United States 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 noted in the original article) *underusing* 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 underusing 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 that 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 underuse their resources and space must make room for more immigrants. Suitable domestic policies must be adopted to create a situation in which these changes can be worked 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 a challenge to 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 reduce my proposal ad absurdum, as Cafaro seeks to do, by pointing out what would happen to the United States if immigration policies were changed without additional policy changes. 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 the legitimate claims of outsiders.

Particularly striking in this context is Cafaro's point that, in light of their excessive energy consumption patterns, which 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 level of per capita greenhouse gases. This is not even a case where domestic policies will have to be changed to accommodate my proposed immigration policy. As has by now become painfully clear, these consumption patterns will have to change *anyway*, for reasons that have nothing to do with immigration. So we cannot simply hold these patterns fixed and then reject a proposal about immigration policy by pointing out that this will mean more people will participate in them.

I should note a few points where Cafaro misrepresents my arguments, turning them into caricatures that do not advance this important debate. This combination of misrepresentations and occasional ad hominem references adds much to the sense that Cafaro's argument contains a good deal of the traditional, and rather unfortunate, let's-all-be-afraid-of-new-immigrants rhetoric. For example, nowhere do I argue that the standpoint of common ownership is *all* that matters to immigration policy. But it *does* matter, and unfortunately it currently plays no role in the debate. Similarly, nowhere do I suggest that anyone should be able to go anywhere they choose. Countries that are not underusing resources are under no obligation to accept more immigrants; and those countries that are underusing resources can still exercise some discretion in selecting immigrants.

And nowhere do I say that the 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 space of the earth, the existence of which is not of our doing, any two individuals have symmetrical claims to these resources. The next step then (a rather arduous one, in terms of the philosophical work 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, or with insisting that resources, to the extent that they can be used up by human beings, ought to be used up wisely and with an eye on future generations. (The term "underusing" is admittedly misleading in some respects, but what is meant by "underusing" is to occupy a disproportionate share of original resources at the exclusion of others. Not all these resources need to be in circulation, and certainly my position is not that more actual use of resources ought to be encouraged.) 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 imply 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.[2] But our system of states as a whole must be justifiable to those subject to it, including those who are denied the right of entry by certain states. The standpoint of common ownership helps us assess what the system of states has to be like to be justifiable, and one aspect of this justification is that countries ought not to occupy resources and spaces of the earth *disproportionately.*

As far as the import of different cultural norms is concerned, I am less worried than Cafaro. When new immigrants enter an existing society, a likely outcome is that their new society will change them more than they will change that society. 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 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 ensure that 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 potential problems would have to, and can, be folded into the policy package needed to realize the immigration reforms suggested by my original article. 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 measures other 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.[3] However, what matters is that it will require serious philosophical work to show that the 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.

NOTES

[1] Some of the ideas presented here are developed in more detail in Mathias Risse and Michael Blake, "Migration, Territoriality, and Culture," in Jesper Ryberg, Thomas Petersen, and Clark Wolf, eds., *New Waves in Applied Ethics* (Aldershot, UK: 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).

[2] See, for instance, Mathias Risse, "What to Say about the State," *Social Theory and Practice* 32, no. 4 (2006), pp. 671–98.

[3] But Blake and Risse do pursue these questions. See Blake and Risse, "Is There a Human Right to Free Movement?"