

## Basic Income and Migration Policy: A Moral Dilemma?

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The origin of this paper is a conversation about basic income I had a few years ago with a European friend who remarked that basic income was a good idea, but its advocates were prepared to embrace a Fortress Europe in order to make it work, closing the door to immigrants. It made me wonder further, as an American, whether, in the unlikely event that basic income—or any generous welfare policy—should be on the agenda in the U.S., the price to be paid for it would be coming down even harder on immigrants. As egalitarians, particularly those of us who are globalists, it is troubling to contemplate the prospect of significantly increasing the divide between insiders and outsiders, a distinction which seems as morally arbitrary as the wealth of one's parents. Is there a dilemma between favoring a generous welfare policy, especially a BI, and favoring an egalitarian immigration policy? In looking through the BIEN literature, one finds very little on this topic. One notable exception is Roswitha Pioch's paper for the Geneva conference, in which she argued that "basic income proponents can no longer be quiet on the issue of international mobility."<sup>1</sup> This paper is an effort further to break the silence.

For the purposes of this paper, I will take for granted that a strong moral case can be made within the framework of a liberal theory of justice for a basic income for all, if not globally, then at least within a liberal society with established political, social, and economic institutions and a sufficient shared history to warrant the assumption that there is a shared sense of justice to be articulated in theory and realized in practice through such measures as a basic income.<sup>2</sup> For the problem I am addressing we could just as easily refer to the entire class of generous welfare policies of which BI is one possibility.

I am also going to assume that for some years into the future basic income advocates will need to focus on national basic income (NBI) policies, because neither a global basic income

(GBI) nor a regional basic income (RBI) is feasible, and they may also be vulnerable to moral objections. I am not completely convinced of this assumption, but I believe it is at least plausible, even if one is inclined, as I am, to favor GBI in principle. Proponents of GBI or RBI envision “democratic scale-lifting” (Van Parijs 1995, 229), democratizing the EU or the UN, and expanding their powers to include income redistribution. But critics argue that a GBI (or RBI) is not feasible because there are not yet institutions at a global (or regional) level suitable for collecting revenues and administering a basic income. Nor is there agreement at the global (or regional) level on an egalitarian principle of income distribution. Even regional integration such as that of the European Union is not far enough advanced to warrant a RBI. “There is so much economical and institutional diversity among the fifteen EU member states which will become even greater after Eastern enlargement, that policy harmonisation cannot be a realistic goal.”(Piocch 2002) Will Kymlicka (2002), although not against cosmopolitanism, is skeptical of a strengthened and democratized European Parliament, (and presumably *a fortiori* a strengthened and democratized UN). Most Europeans, he argues, would rather not strengthen the European Parliament vis-a-vis their national governments, preferring instead to hold their governments responsible for their actions in the Council of Ministers. “Danes wish to debate, in Danish, what the Danish position should be vis-a-vis Europe.” Transnational government would weaken “democratic citizenship at the domestic level,” by undermining the national veto. And given the diversity of languages, media, and parties, “what would be the forum for such a trans-European debate?” He concludes, “transnational political institutions will work best if their rules and decisions are debated and ratified within national democratic forums.”<sup>3</sup>

Moral objections are raised by social liberals and nationalists, who consider politically organized societies as having the primary responsibility for social justice, “while the international community serves mainly to establish and maintain background conditions in which just domestic societies can develop and flourish. The agents of international justice are states or societies, not individual persons (on the one hand) or international or transnational actors (on the other).”(Beitz 1999, 272) Rawls, for example, recognizes only duties of assistance between states, such as for famine relief, but not a strong principle of distributive justice such as a global difference principle like that favored by Beitz. Among the reasons for this is a principle

of respect for cultural differences between liberal and other “decent” but non-liberal societies, the latter possibly not accepting egalitarian distribution of resources among their citizens. There is also a denial (or failure to recognize?) that there is a global basic structure analogous to the basic structure of political societies which is the subject of theories of justice. For these reasons, cosmopolitan theorists, including principled advocates of GBI, would be thought to be extending liberal theories of justice beyond their legitimate scope.

Assuming then that NBI is the highest level on which BI can be practically considered, the problem I am addressing is a possible dilemma between generous egalitarian welfare policy, epitomized by NBI, and egalitarian immigration policy, epitomized by relatively open borders. If a generous NBI would trigger welfare migration, and this in turn would undermine the economic or political feasibility of NBI, then egalitarians would have to choose between a generous BI and restrictive immigration policies on the one hand, and on the other hand more open immigration policies but a less generous or more qualified welfare policy (BI for citizens only, or the benefits subject to familiar sorts of means tests and willingness-to-work requirements, or even further erosion of a commitment to a welfare state). If indeed this is a dilemma, then it is not enough to say, as some BI defenders do, that BI cannot solve all problems. In this case, BI would itself trigger a problem in immigration, that in turn would require either retreating from BI, or possibly making undesirable changes in immigration policy. Can we defend BI in light of possible welfare migration effects, and what kind of defensible immigration policy is compatible with NBI?

Is there a Migration Dilemma?

We should consider first the argument that there is a migration dilemma, at least politically, if not economically, for relatively generous welfare states with relatively open borders between member states. (I will address the moral status of restricted borders in another section.) The answer may differ for different countries and regions.

Even among the EU-15, the gap in gross wages and salaries, as a percentage of the EU-15 average gross wages and salaries) between the poorest (Portugal, 39 percent) and the richest

(Denmark, 157 percent) is substantial enough to create a “welfare gap.” The gap will widen with the inclusion of states of Eastern Europe and the former Soviet Union, none of which attains 50 percent of the EU average gross wages and salaries, and most of which are below 20 percent. Pioch concludes that “these welfare gaps undermine the political viability of a basic income,” because “countries that provide generous income support have become vulnerable to welfare migration under the EU’s freedom of mobility rules, which do not allow a country to discriminate against the nationals of another welfare state....if basic income is introduced in any one of the member states of the European Union, it must be offered to nationals of other EU member states as well” (Pioch 2002). Pioch isn’t entirely clear about whether “political viability” is undermined by economic realities or by values and psychological perceptions. She acknowledges that “all economic models predict that migration from Eastern to Western Europe in general is highly overestimated,” suggesting that the cost of extending NBI to all residents (not only citizens) might not be significant, and thus that welfare migration, if it occurs at all, does not undermine economic viability. Nonetheless, “people would fear welfare migration and would not support anything like an unconditional basic income.” In other words, even if some welfare migration is economically sustainable, it is not politically sustainable. This problem can be expected to grow as the European Union enlarges, encompassing “welfare gaps which are among the largest ...between neighboring states in the world.”

Turning to the U.S., the evidence on internal welfare migration among the native population is mixed. Some studies in the U.S. show no evidence of internal welfare migration between states that have significant differences in the generosity of their benefits; others find evidence of “positive, but modest, effects of welfare benefit generosity on migration decisions” (McKinnish 2003). However, the welfare gaps between states within the U.S. are relatively small compared to the differentials between some countries in the EU, or between the U.S. and Mexico. These larger gaps, and other differences between the native and immigrant populations would lead one to expect a more substantial “welfare magnet” effect. This is the case even if most immigrants come in search of work and not state services. Although Borjas (1999) claims that “there is little evidence to suggest that interstate differences in welfare benefits generate a magnetic effect in the native population,”(116), he points out that the costs of interstate

movement are lower for immigrants than for natives, and there is a clustering of immigrants in the more generous states (117). Furthermore, this clustering in California, one of the most generous states, is not due only to its proximity to Mexico and Asia (the latter the origin of many refugees), there is also clustering of non-Mexican and non-refugee immigrants (117–18). And while higher welfare benefits are generally not the reason for migration, they may discourage return to the country of origin if a person fails in the labor market (115). Higher welfare generosity, although not the magnet that draws, may be the magnet that holds.

Before 1965 immigrants in the U.S. participated in welfare benefits at a lower percentage than the native population. But the trend since 1965 has been toward a higher percentage of immigrants receiving benefits compared with the native population. Most of the roughly 7 percent gap is due to household composition (immigrant households are larger), education (immigrants tend to be less educated), age (immigrants tend to be either younger or older than the average native), gender of head of household, and state of residence. Hence much of the shift toward greater welfare use is due to the changing composition of the immigrant population along these dimensions. Still, at current benefit levels, it does not appear that most immigrants are migrating for the sake of benefits. Despite this, there has been significant backlash against immigrants, both at the national level and in California. It has been estimated that native households in California pay an additional \$1200 per year in taxes to support social services for immigrants. A significant part of the fiscal burden is in education for children of undocumented aliens. While the long run benefits of immigration probably outweigh the costs for the native population, this short run cost, borne unevenly by citizens of different states, is part of the background for the infamous Proposition 187 in California, which “would have excluded undocumented immigrants from a variety of services including education and health care and required educators and other government employees to question and report immigrants suspected of not being documented.”<sup>4</sup> At the federal level, the Clinton Administration’s 1996 welfare reform act contained provisions denying Federal benefits such as SSI (supplemental security income, i.e., pension/disability benefits) and food stamps to legal immigrants, leaving it to individual states whether or not to provide assistance. *New* legal immigrants were not eligible for food stamps (although this benefit has been restored) or SSI, and are ineligible for Medicaid

or cash payments (temporary aid to needy families, or TANF) for five years. The results for immigrant families have included increased food insecurity at a time when food insecurity among native households has fallen.<sup>5</sup>

These mean-spirited policies have been accompanied by increased border patrol, resulting in “more than 2,640 border crossing-related deaths—10 times more lives than the Berlin Wall claimed during its 28-year existence—and a sharp increase in permanent settlement of unauthorized Mexicans in the United States.”<sup>6</sup> Migrants have not been deterred from entering the U.S., they are only entering by more dangerous routes and incurring higher personal risks. On top of this we have the increased security after the 9/11 attacks. In this political climate, it is unlikely that any generous welfare policy could be introduced that promised to have even a modest welfare magnet effect.

However, I do not conclude from these observations that a NBI is politically unfeasible.

“Political feasibility”

It will help our thinking about the political feasibility of NBI, to make a distinction between two types of political feasibility. The failure to make a distinction may lead us to conclude too hastily that NBI is unfeasible. The first type I will call political expediency. A policy is politically inexpedient if it is simply the case that no party or politician hoping to win an election can get away with favoring it, for a variety of reasons: the people will not tolerate it, the media will ridicule it, etc. Political inexpediency may rest on quite irrational prejudices, and so we—philosophers, social scientists, social critics—must be prepared to embrace some politically inexpedient policies, and do our best to develop persuasive arguments and strategies for defusing the opposition. It may be necessary to do this outside the electoral arena for some time before a politically inexpedient policy can become politically feasible.

The second type of political feasibility has more to do with rationality and morality, let’s call it political reasonableness. A policy is politically unreasonable if it would impose unreasonable demands on citizens. I mean reasonableness to include both moral and prudential reasons, so a reasonable policy is one that can be defended by something like what Rawls (1999)

calls public reason. Thus I am not talking merely about rational choice or so-called realism. I hope to elaborate this idea in later work, but for this talk, this rough idea should suffice.

Now it is clear that NBI can be politically inexpedient yet politically reasonable. If opposition to NBI turns on ungrounded fears of a level of immigration that will not occur, or an additional cost to the taxpayer that far exceeds what will happen, or racist distinctions between us and them, or an unwillingness to give up privileges that cannot themselves be publically defended, it may nevertheless be politically reasonable. The hardest case to deal with is not that which rests only on irrational fears and falsehoods, but that which takes into account appeals to self-interest. For example, in the analysis of Borjas, he considers only the national interest of the U.S. in evaluating immigration policy, and the economic cost to American citizens. But a reasonable person will consider not only the cost to herself of a policy, but also the moral justification, which might involve some degree of self-denial. Thus, the aforementioned \$1200 cost per Californian household for education for the children of illegal immigrants may be a reasonable cost to bear, as a matter of justice, given that the children are there through no choice of their own. (There might be a case for spreading this cost to other taxpayers in the U.S., by federalizing the costs of education, since it is an accident of location that this cost is falling heavily on the Californians. But the difficulty of moving the tax base of education even from local property taxes to state taxes suggests that a further centralization is not to be expected in the near future.)

A NBI under current world conditions might have such costs attached. It might for example have a welfare magnet effect that increased the cost to the average taxpayer by a few hundred dollars a year. Or, alternatively, to reduce the flow of immigrants effectively, NBI might need to be coupled with national contributions of a similar amount to basic income or development funds targeted to the countries of origin for the immigrants. Such costs, although conflicting with the narrow self-interest of citizens, might nonetheless be defensible by appeal to their sense of justice.

NBI for Citizens Only?

One solution to the welfare magnet problem would be to restrict NBI to citizens. This would partly just shift the problem. With the aforementioned Clinton welfare reform, applications for citizenship increased dramatically, as the benefits of citizenship vis-a-vis residency increased. But more to the point, a citizens-only NBI is an unethical solution, and unworkable. Simply put, people who have been legally admitted, allowed to reside, to work, and who often are required to pay taxes, cannot be denied the benefits of full membership, even if they are not citizens. In the U.S., where, as I just indicated, an effort has been made to deny benefits to legal immigrants (benefits much less generous than NBI), it has proven difficult in practice to enforce in many respects. In the European context it is already not even a legal possibility at the current stage of integration.(Pioch 2002)

An additional concern, particularly relevant to consideration of BI, is the labor market effect. Because every citizen would get the BI, over time the structure of the labor market would be bound to change. One might reasonably expect that the wages of some jobs would fall, as people would be willing to take them for a lower wage, the wage being an addition to their BI. Some part-time jobs would become economically viable for people who otherwise would be unable to piece together a living income. (On the other hand, the right to refuse work, would lead to wages rising for some low-wage, dirty, or dangerous work.) But now factor into the picture a class of workers who do not receive the BI, alongside the citizen recipients. They will be confronted with wages for some jobs much lower than they otherwise would be in the absence of the NBI. This might discourage them from migrating, but it could also mean that they will receive less for their efforts. Certain other jobs that citizens now refuse because of the freedom afforded by their NBI, will be taken only by migrant workers, so there might be an additional stimulus for migration. Whatever the net effect, the two-tier system can only result in substantially poorer labor market conditions for those deprived of the BI. The migrant workers in effect would be exploited for the benefit of the NBI recipients, a situation for which I can find no justification.

Thus, if there is to be a NBI, it must be for all residents, with at most some reasonably short residency requirement (not five or seven years!). Addressing the migration dilemma thus shifts to the border.



## NBI and Tightening the Borders?

Philippe Van Parijs, who supports a GBI in principle, but NBI for residents as a second best, endorses some measure of border control against economic migrants.<sup>7</sup> “In the meanwhile, however, do not let people in too easily from poorer countries—because capital migration is a less painful process, because the least advantaged, being less mobile, are not likely to benefit, and above all because it would undermine any serious attempt to equalize, be it locally and partially, wealth and job assets.”<sup>8</sup>

If this strategy were construed narrowly as stronger border enforcement, it would carry a heavy price indeed, in lives but also money, and might even be counterproductive with respect to the narrow aim of reducing the number of immigrants, because of the disincentive to return home, as we have noted. In the U.S., it has been frequently pointed out that there has been lax enforcement of immigration laws at the workplace, so that the major demand for foreign labor goes unchecked. But stronger worksite enforcement “is greatly complicated by the proliferation of false documents, which can be obtained easily on the streetcorners of any Mexican border city. Congress has shown no appetite for a new, national system of verifying employment eligibility, without which effective worksite enforcement is impossible. Moreover, most members of Congress have no stomach for the widespread economic disruptions and constituent complaints that a systematic crackdown on employers of unauthorized immigrants would generate.” President Bush’s proposed temporary worker program is likely to produce a parallel flow of undocumented workers, and “permanent settlement of ‘temporary’ workers whose continued services are sought by employers.” Cornelius concludes that “the most effective approach would be to get serious about creating alternatives to emigration in the key sending areas of Mexico and Central America.... Any strategy of immigration control that addresses only the supply side is doomed to failure.”<sup>9</sup>

A GBI could be part of a policy addressing the demand side. But our starting point was the premise that in the short term we are not able to do this successfully. Now we find that a precondition of NBI, controlling the supply side of immigration, may be unworkable. [Perhaps a GBI is not more utopian than a NBI after all.]

“Justice among Thieves”?

Let us assume nevertheless that a way can be found to reduce the flow of immigrants. An additional problem with the NBI second best policy is that it might make the transition to RBI or GBI more difficult later on. The move from a relatively weak welfare state of an affluent country (such as the U.S.) to a RBI or GBI can be a win-win situation for the poor in both poorer and richer countries. The BI for the poor in the richer country would be an improvement over their previous condition. But suppose, as the strategy of “solidaristic patriotism” envisions, that we build up solidarity among citizens in the affluent country, and institute a NBI, such that the worse off are better off than they could be under any other regime. Now imagine that a proposal is put forward to widen the circle of concern to include in the distributive regime the citizens of a neighboring relatively poor country (such as Mexico). The poor in the poorer country would stand to gain, but the poor in the affluent country would be the losers because the level of their BI would fall. So why would not the strategy of solidaristic patriotism, even in its best incarnation, be a formula for entrenched enclaves of economic privilege, and marginalized enclaves of deprivation? Is not a NBI, as Hiller Steiner put it, a formula for “justice among thieves?”<sup>10</sup>

Van Parijs’s response is, first, that a “global practice of national asset retention” that would go with solidaristic patriotism, while at first glance appearing to favor asset-rich countries, in reality might favor asset-poor ones. This is evident if one considers not only the movement of capital and natural resources, but also the movement of human capital. “The creaming off of the world’s human capital may amount to a plundering of the asset-poor countries by the asset-rich of a magnitude which dwarves the earlier plundering of their natural resources.” Solidaristic patriotism might be key to stemming the flow of highly trained professionals from asset-poor countries to asset-rich countries. Second, it is important to distinguish between a country’s wealth and its basic income potential. Solidaristic patriotism, even if it reduces a (poorer) country’s wealth, may facilitate a higher basic income, because of the greater willingness of citizens to keep their assets in the country and be taxed.<sup>11</sup> But he cautions that “the choice of the locus of desirable solidaristic patriotism is not left to the

vagaries of spontaneous popular sentiment. It must be nurtured in those places, and only in those places, in which it helps to protect an existing or emerging redistributive *patria*.”

How does this apply to Europe? Given the rules concerning mobility, the EU is already beyond tightening borders between member states, even if that were a desirable option. The question then becomes, internally, whether welfare migration will undermine (economically or politically) the prospects for NBI in the member states. A question which I cannot pursue here is whether any costs of such migration are politically reasonable, even if not politically expedient to advocate in the short term. But I would surmise that NBI coupled with a modest RBI for the EU would be more politically reasonable than NBI with unameliorated welfare magnet effects to be dealt with by each country individually. Externally, the situation of the EU vis-a-vis non-member states can be seen as somewhat analogous to that of the U.S. and its neighbors, particularly Mexico. Thus, if it is possible for the EU states, individually with NBIs or jointly with a RBI, to surmount the problem of intra-EU welfare migration, still the dilemma arises with respect to people immigrating into the EU. Must a strong EU welfare regime (or set of regimes) require unfair restrictions on immigration to the region? What should count as fair? Does fairness require open borders, or something less?

Free Movement?

Some egalitarians, eg. Joseph Carens, argue that liberal egalitarianism requires virtually open borders. There is a presumption for freedom of movement for three liberal egalitarian reasons: “First, the right to go where you want to go is itself an important freedom.... Second, freedom of movement is essential for equality of opportunity. You have to be able to move to where the opportunities are.... Third, freedom of movement would contribute to a reduction of political, social and economic inequalities.”<sup>12</sup> He acknowledges reasons for overriding this presumption for free movement, but still affirms that it is necessary to take in as many immigrants as one can, consistent with public order, national security and the maintenance of liberal institutions. (32) Especially after 9/11/2001 it is important to acknowledge that these qualifications can be stretched to cover a wide range of cases. Nonetheless, most will

acknowledge some reasonable restrictions on movement under these headings, and movement under these conditions is what I am referring to as relatively open borders or free movement.

Carens considers the following (politically expedient) “backlash argument” which, although unjustifiable at the level of principle may be “prudent in practice” and would result in greater restriction:

“On this view, the commitment to liberal egalitarian principles is not very secure even in liberal societies. Current citizens might object to the ethnic and cultural characteristics of new immigrants, fear them as competitors in the workplace, and perceive them as economic burdens placing excessive demands on the welfare system. At the least, this reaction might erode the sense of mutuality and community identification that makes egalitarian and redistributive programmes politically possible. At the worse, it might threaten the basic liberal democratic framework.”<sup>31-2</sup>

Filtering out the questionable racist elements, James Woodward offers a more principled version of this backlash argument, in order to rebut Carens’s case for free movement.<sup>13</sup> It is most helpful to distinguish as he does between immigration that arises because of economic inequality across borders, and migration for other reasons. The economic inequality might better be addressed by other means than labor migration.<sup>14</sup> The question is then, whether there are good reasons for free movement other than economic equality. What remains of Carens’s case is the intrinsic freedom to go where one wants. There is cause for skepticism, as Woodward notes, in the fact that all liberal egalitarian societies have border restrictions beyond the bare minimum Carens accepts, and that free movement per se is not found among the various authoritative enumerations of rights. What this suggests is that, if there are other and better ways to address global economic inequalities than by allowing free movement, then there is only a rather weak argument against states controlling entry, and so no deep moral dilemma between a generous NBI and a restrictive immigration policy.<sup>15</sup> But much depends on this condition. If wealthier states fail to find ways to address the just claims on their resources by the world’s less favored, one might be forced to favor migration as the only available means of addressing global inequality.

Unfortunately, as we shall see, in his principled argument, Woodward lets go of this

useful distinction between migration for economic and for other reasons. His argument turns on motivational constraints in the theory of justice.<sup>(76)</sup> Principles of justice must be of such a character that the society conforming to them will be stable, in the sense that people can be reasonably expected to support just principles and practices. If their commitment is strained unreasonably, that fact argues against the principles themselves. (It is a powerful argument against utilitarianism, for example, that it requires too much of individuals for the sake of maximizing an aggregate or average utility.)

Open borders strain commitment first by increasing labor market competition to such a degree that poorer citizens would be worse off, and inequality would be increased.<sup>(69)</sup> Second, drawing on the experience of areas with concentrated migration, such as Los Angeles, the educational and other social services are strained even by present levels of migration, and would be unable to manage the levels associated with open borders; the higher levels of funding needed would be politically unsustainable. Third, the increasing ethnic diversity makes it harder to sustain a democratic community with a commitment to justice for its members. The already low level of welfare in the U.S., and trends toward privatization of education, may be due to existing divisions of this sort.

Notice that only this third point about diversity applies as much to non-economic migration as to economic. The first two concerns about the worst-off citizens in the labor market, and strains on the welfare system, shrink in the case of the relatively smaller numbers who migrate for non-economic reasons.<sup>16</sup> I will set aside discussion of this third point for separate treatment, as it raises the complicated topic of multiculturalism. Clearly Woodward has sided with those who are skeptical about multicultural citizenship.

In the other two points Woodward recognizes and values liberal egalitarianism within states, and his concern is with the erosion of liberal egalitarianism within such states by the economic pressures of migration. But it is important to note that the objection here is not just to free movement but to cosmopolitanism generally. He doesn't think there is any shared sense of justice that motivates people sufficiently to care about strangers beyond the borders of their state. "There is simply no realistic possibility of an affluent country under a democratic government admitting immigrants on the scale implied by such rights." And, note well, he adds

that there is similarly no chance for extensive transfers of wealth (such as a GBI or RBI).

Thus baldly asserted, Woodward's social liberalism appears simply to beg the question against cosmopolitanism.<sup>17</sup> Worse, the social liberal position itself falls prey to an analogous objection. In reality, Rawls's principles of justice do not have the allegiance of citizens of the U.S., or any other actually existing state. The requirements of stability are those that we counterfactually expect would be met, if just institutions were established and people became acculturated to them. Woodward's objection does not distinguish between the strains of commitment in ideal theory and the strains of commitment by people as they are now, with all their prejudices and privileges in place. On the one hand, then, Woodward's objection could be taken against further egalitarian reform even within liberal egalitarian states. One might object against a NBI (or other generous minimum income policies), for example, that "there is simply no realistic possibility of affluent people under a democratic government admitting transfers of income and wealth on a scale implied by the difference principle." The Rawlsian reply is that if such a just order were established, it would demand of its citizens reasonable requirements that they could learn to live with and affirm. This does not entail that the real world path from where we are to a just society is not full of obstacles, not least of which is the resistance of the privileged and the powerful.

On the other hand, if we consider the counterfactual strains of commitment, and not current political resistance, with respect to cosmopolitanism, we simply don't know how far people's sympathies can be stretched. They have historically expanded from clans to states, and from small city states to nations. So long as each person is getting a fair share in what is, and is perceived to be, a shared cooperative enterprise, what rules out the eventual emergence of a global sense of justice?

A further cosmopolitan rejoinder to Woodward invokes his distinction between economic and non-economic reasons for migration. Insofar as his case for open borders undermining state-based liberal egalitarianism turns on the economic effects of economic migration, we can concede that if these effects are real and substantial (and not exaggerated fears), then there are better solutions that address the poverty and underdevelopment in the places of origin. Failing these, we must unjustly exclude the immigrants, endure hysteria-driven

campaigns to destroy the welfare state, or create a caste system, none of which is acceptable to a liberal egalitarian.

Are there liberal egalitarian reasons for restricting immigration for non-economic reasons?

## Multiculturalism

Woodward is not alone in thinking that liberal egalitarianism requires a degree of unity among citizens that might be undermined by too much ethnic diversity, such as might result from too much immigration. A “politics of recognition” that involves rights for cultural groups or their members is thought by its critics to undermine the “politics of redistribution,” (including of course basic income), and for that reason the politics of recognition, (i.e., multiculturalism) should be opposed. (Barry, 2001, cited in Kymlicka, 2002).

“The more we emphasize our cultural differences, the less likely we are to work together to fight economic inequality. On this view, we need to choose between struggling against the status hierarchy or struggling against the economic hierarchy.” (Kymlicka, 2002, 367). And, we may add, the more that immigration gives rise to cultural and status differences, the more difficult it will be to avoid struggle over recognition.

The main thing to note about this is, as Kymlicka says, that there is very little evidence to support the view that multiculturalism erodes the support for redistribution. Such evidence as there is suggests that multiculturalism “often enhances, rather than erodes, social unity. For example, the evidence from Canada and Australia—the two countries which first adopted multiculturalist policies—strongly disputes the claim that immigrant multiculturalism promotes political apathy or instability, or the mutual hostility of ethnic groups. On the contrary, these two countries do a better job integrating immigrants into common civic and political institutions than any other country in the world. Moreover, both have witnessed dramatic reductions in the level of prejudice, and dramatic increases in the levels of interethnic friendships and intermarriage. There is no evidence that the pursuit of fairer terms of integration for immigrants has eroded democratic stability.” (367–68; cf. Kymlicka 1998: ch. 1)

## Immigration “dystopia”?

Brian Barry (1995) claims that no moral position that takes account of consequences can support open borders. His argument rests on the following factual claims:

- Many people wish to migrate to the wealthier industrial countries.
- Migration tends to snowball, as communities of migrants provide networks of support for additional migration.
- At a certain point, the cultural barriers to migration disappear, as immigrants become the majority.
- Immigration will continue until conditions are no better in the countries of destination than in the countries of origin.

He concedes that if this outcome were substantially to improve the condition of the great majority of human beings, it would be “hard to deny its justice, at any rate on cosmopolitan liberal premises.” (282)

What Barry disputes is this outcome. His worst case scenario is worth quoting: “Within the recipient countries, immigration on the scale envisaged would inevitably cause gross overcrowding and loss of every kind of amenity. It would also result in the collapse of the medical and educational services. There is no reason to suppose that the productive capacities of these economies could survive an influx of people unaccustomed to the ways of an industrial society at a rate far too great for any kind of acculturation to be possible. Nor should we expect liberal democracy to survive, especially since uncontrolled immigration would create any number of situations of potential ethnic conflict.” (282)

The end result, Barry claims, would be a decline of the better off to the condition of the poorer part of the world’s population.

As an aside, it is worth noting that one could make a similar argument against massive global income and wealth transfers, which Barry favors as a less disruptive alternative. While the changes in the composition of the citizen populations would remain relatively more homogeneous, the transfers necessary to bring about global justice could have similar effects on the economies of the transferring countries, undermining the public sector services, starving



capital, and leveling living conditions.

However, if these were the only results, bad as they may sound from the standpoint of the wealthier countries, it might still pass muster for the cosmopolitan if the worse off were better off at this equilibrium than they would be under the continuation of restricted borders. To tip the scale the other way, Barry adds two ecological considerations: 1) restricted borders put more pressure on states to control population increases; in the absence of these pressures, population growth would be greater and thus the welfare of all and each would be reduced; 2) “industrial countries... are the only ones with the money and technology to act effectively” in response to global warming and other green issues; in the “dystopia of open borders” there will be neither the capacity nor the will to respond, and everyone will suffer the consequences.

These two points are thought-provoking, but hardly uncontroversial as factual claims. It might well be the case that migrating families would begin to have fewer children in the context of the host country than they would have had at home, and the combined effect of their absence and the remittances sent back could contribute to lower population growth at home. It could be that international institutions could be strengthened under a regime of global justice, including open borders, that could handle ecological challenges better than the uncertain stewards that now rule the world economy.

Be that as it may, I am going to try another tack, which has implications for immigration policy, and incidentally also for global income transfers, such as we might envision with a GBI.

Particular versus universal obligations: toward a politically reasonable policy

I want to begin with a principle that James Woodward suggests in his argument against open borders: “obligations which are already in place to present members of institutions and organizations, can sometimes defeat the claims of needy newcomers to participate in those organizations.”(73) For example, the obligations I have to my existing children may obligate me not to adopt ten more very needy children, who would indeed benefit more than my children would lose. “A similar conclusion seems to hold in connection with many other organizations and institutions (for example, private schools, hospitals, shelters for homeless people) when

there is no prior, agreed upon understanding that they will take all comers. This is sometimes framed as a priority of special obligations incurred in particular relationships over universal obligations to persons as such (Scheffler 1999). Why should not a parallel argument apply in connection with the obligations of states to their present residents or citizens?"

One objection is that this is a formula for the status quo trumping any argument for redistributive justice. Woodward replies: "While I fully agree that present arrangements concerning national sovereignty are morally defective and non-ideal, it does not follow that moral requirements based on such arrangements lack force or are without serious moral weight in the way that the objection claims." (74)

Applying this to immigration, it may be that the obligations the state has to improve the conditions of its worse off citizens constrain the amount of immigration that it can allow to that amount that would not substantially lower the conditions of the previously worse-off. Applying the principle to GBI, the transfer of GBI should not be so great as to substantially worsen the position of the worse off in the transferring countries. These examples suggest a middle path between an unconstrained policy of open borders (and/or a global difference principle) on the one hand, and, on the other hand, a narrowly nationalist policy that ignores global inequalities. The contrast can be illustrated by contrasting two paths of progress toward global justice, suggested first by Barry's "nightmare" scenario, and second, by the principle I am trying to articulate:

On the first path, the guiding principle is the condition of the worse-off globally, whose minimum condition should be maximized as rapidly as possible, even if this means significantly worsening the condition of the worse off in the wealthier countries. This goal might be met either by global transfers, or less perfectly and with unwanted side effects, by unconstrained migration. The citizens of the transferring countries might complain, not purely out of self-interest, that they are being deprived of wealth and income to which they are entitled as a result of prior promises. These promises are not, as a libertarian might argue, absolute, but they carry, as Woodward suggests, some weight.

Doing justice both to the claims of the world's poor, and to the historically grounded expectations of the worse-off in the wealthier countries, these expectations for income in the

present should not lead to steady continued enrichment into the indefinite future. Rather, steady growth should build in a process of transfer of wealth (and/or a reasonable flow of new immigrants to share the wealth), so that over time, the world distribution will converge toward an ideally just distribution. On this scenario, there is not the heaven-crashing justice Barry worries about. The wealthy just get wealthier at a slower rate as the rest of the world catches up.

Two objections: First, what about the poor's immediate needs and their just claims to their fair share of the resources? I think a case could be made, that respects special obligations and Barry's worries, for immediately addressing the catastrophes that everyday are befalling millions, not only the famines and refugee crises, but the continuing grinding poverty in which much of the world's people live. There should be agreement on a world minimum, to which everyone is raised as soon as possible. And failing this, there should be toleration of immigration that results from the pressures of survival. This is not a Rawlsian maximized minimum (maximin), but a minimum against a standard of survival. The Rawlsian minimum would be the longer term goal.

Second, it might be argued that the principle I have introduced allows a slippery slope backward from every claim for social justice. Not only the worse-off in the wealthier countries can lay claim to prior promises of their (relative) privileges, the wealthiest in those countries too have a sense of entitlement, expectations historically grounded, that they and their children shall enjoy their wealth. I think one can develop reasonable arguments to differentiate the position of the privileged from that of the relatively impoverished in the wealthier countries. But in the limited space I have here, I am going to grant these claims, under conditions of non-ideal practice, with the same sort of qualification that I made about the claims of the worse-off of the wealthier countries. The wealthy's claims should be given some weight, but they are not absolute, libertarian entitlements. Rather, into the future the expectations must include a convergence toward justice, nationally and globally.

Two examples of policy proposals exhibit the pattern suggested by my principle. One is the ill-fated Meidner plan in Sweden, which, over the course of a few decades, would have transferred most of the capital wealth in Sweden from wealthy individuals to workers' funds, without any expropriation (Meidner 1993). Such funds could, incidentally, be the basis for at

least part of a NBI, if further structured in the manner suggested by John Roemer's socialist stock ownership scheme (Roemer 1994). Second, the proposal for the introduction of a basic income in Ireland, as projected by Charles Clark (2002), would phase in the BI over a period of years, without expropriating wealth or reducing the wealth and income of the wealthy, but only reducing the rate of growth of that wealth and income.

I think a further elaboration of this idea can be shown to be politically reasonable.

In conclusion, NBI policy should be designed to address the implications of NBI for immigration. There is likely to be a tension between generous NBI and relatively open borders, and more open borders are to be expected from further economic integration. While the case for tightening borders is rather weak, and the effort to reduce immigration at the border can be counterproductive, some restriction can be justified as politically reasonable in order not to strain the commitment of citizens to egalitarian principles by making the poorest citizens significantly worse off. At the same time, the claims of global justice need to be acknowledged, and wealthier states put on a path toward egalitarian justice on a global scale.

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## ENDNOTES

1. Pioch (2002). See also Jordan and Duvell (2003) for a case for a global basic income in response to problems of migration.
2. I have defended basic income from a Rawlsian standpoint in *Self-management and the Crisis of Socialism: The Rose in the Fist of the Present*, Rowman and Littlefield, 2000, and “Basic Income, Liberal Neutrality, Socialism, and Work,” *Review of Social Economy*, forthcoming; to be reprinted in *The Ethics and Economics of the Basic Income Guarantee*, ed. Karl Widerquist, Michael Lewis, and Steve Pressman, published by Ashgate; earlier version published as: “Liberal and Marxist Arguments for Basic Income,” in Guy Standing, ed., *Promoting Income Security as a Right in Europe and N. America* (Geneva: International Labor Organization, forthcoming).
3. Will Kymlicka (2002), 314–15. The 2004 elections to the European Parliament were not encouraging, with a record low voter turnout and surge of support for anti-EU parties. Reports by Sylvia Poggioli, Morning Edition, National Public Radio, June 10 and June 14, 2004.
4. This proposition was struck down in the courts. *ACLU News*, January/February 1998, <[www.aclunc.org/aclunews/news198/187.html](http://www.aclunc.org/aclunews/news198/187.html)>.
5. Amanda Levinson, “Immigrants and Welfare Use,” Migration Policy Institute, August 1, 2002, <[www.migrationinformation.org](http://www.migrationinformation.org)>
6. Wayne Cornelius, “Evaluating Enhanced US Border Enforcement,” Migration Information Source, May 1, 2004, <[www.migrationinformation.org](http://www.migrationinformation.org)> .
7. Real Freedom for All, 228, 34.
8. “Commentary: Citizenship exploitation, unequal exchange and the breakdown of popular sovereignty,” in Brian Barry and Robert E. Goodin, *Free Movement: Ethical issues in the transnational migration of people and of money* (University Park, Pennsylvania: The Pennsylvania State University Press, 1992), 164.
9. Wayne Cornelius, 2004.
10. Hillel Steiner, “Compatriot Priority and Justice among Thieves,” in Andrew Reeve and Andrew Williams, eds., *Real Libertarianism Assessed: Political Theory after Van Parijs* (Houndmills, Basingstoke, Hampshire: Palgrave, 2003), 161–71.

11. Philippe Van Parijs, "Hybrid Justice, Patriotism and Democracy: a Selective Reply," in Andrew Reeve and Andrew Williams, eds., *Real Libertarianism Assessed: Political Theory after Van Parijs* (Houndmills, Basingstoke, Hampshire: Palgrave, 2003), 201–16.
12. Joseph H. Carens, "Migration and morality: A liberal egalitarian perspective," in Barry and Goodin (1992), 25–47, 26.
13. James Woodward, "Commentary: Liberalism and migration," in Barry and Goodin (1992), 59–84.
14. Woodward argues that only a small number of the world's poor will be affected by free movement to the United States; they are imperfectly targeted because the poor in Latin America are not the world's poorest, and because those who migrate are not the poorest but rather those who have some resources such as youth, health, and some finances; there is no reason to be optimistic about the performance of migrants in first world labor markets; and benefit levels in richer countries will provoke welfare migration. (66)
15. Considerations of economic opportunity and equality aside, why should unlimited numbers be allowed to migrate to the French Riviera to live? At the same time, if people have adequate opportunities and resources in their own countries, relatively open migration policies would probably not generate destabilizing migration flows.
16. There is a question how to classify refugees and asylum seekers. Often economic reasons and political reasons are mixed together in complicated ways. The oppression experienced that leads refugees to flee may be related to conditions of poverty and underdevelopment. Hence they leave with few resources and place a burden on the social services of host countries. While in the long run addressing political oppression as well as economic deprivation in poor countries must be on the agenda of the wealthier countries, in the meantime, states that receive large numbers of refugees and asylum seekers will be faced with the welfare magnet dilemma when considering NBI. Because, in fact, most of the world's refugees are not in the wealthiest countries, but in countries bordering their countries of origin, the problem I am discussing creates an even greater problem for any relatively wealthy third world country considering NBI. See Stephen Castles, "Confronting the Realities of Forced Migration," Migration Information Source, May 1, 2004, [www.migrationinformation.org](http://www.migrationinformation.org).
17. For the term "social liberal," see Beitz (1999). The term connotes a liberal who regards societies, rather than individuals, as the subjects of the theory of justice at an international level. The cosmopolitan, in contrast, considers individuals to be the subjects of the theory of justice at this level as well as within states.