

Immigration in a Global Economy:  
Why the Left Should Embrace Open Borders

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**Abstract**

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My dissertation explores the implications of discretionary control over immigration policies, arguing that the class-based selection that it facilitates plays a vital role in constructing and maintaining issues of global and domestic injustice. High-income countries have the authority and power to decide, with few exceptions, who gets admitted, under what conditions, and for how long. The result is that poor nonwhite would-be immigrants are largely excluded and the skilled and affluent are confronted by relatively porous borders. While this is largely taken for granted—including within liberal political philosophy—I argue that discretionary control ought to be rejected. Global and domestic justice are best served by opening borders to the least advantaged.

I argue for freedom of movement for the globally least advantaged for two related reasons. First, the power of high-income countries to regulate their movement plays a key role in constructing their proneness and precarity. It leads to the spatial segregation of negative externalities and undesirable opportunities in already marginalized communities. Second, the ability to exclude low-income and

“unskilled” would-be immigrants harms low-socioeconomic status people in both sending and receiving countries. In addition to causing the brain drain, it contributes to status harms and failures of equal opportunity for low-socioeconomic status residents.

In chapters 2 and 3 I develop the first argument. Chapter 2 explains how discretionary immigration control contributes to the domination-for-exploitation of low-income countries and their residents by global capital. The ability of transnational corporations to leverage their mobility and bargaining power as a way of pressuring down wages, tax policies, environmental protections, and workplace standards depends on a prone and powerless population. With open borders, by contrast, such policies would promote largescale immigration *from* low- to high-income countries. This would change the incentive structure of those actors with the power to regulate the behavior of transnational corporations.

In chapter 3 I criticize the *green border argument*—the claim that we ought to restrict immigration into high-income countries as a way of fighting the climate crisis. In addition to exaggerating the emissions generated by immigration and requiring that we avoid all poverty reduction strategies, the green border argument is also counterproductive. By focusing blame on low-income immigrants, the green border argument prevents global coalitions between affected parties, undermines support for environmental movements, and allows high-income countries to avoid the perceived costs of climate migration, thus removing an incentive to pursue mitigation and global adaptation strategies.

In chapter 4 I develop the second argument. Here I switch from the global to domestic justice, illustrating how skill-selective immigration policies have an unintended effect of exacerbating domestic status harms. The traits selected against—low education, low incomes, and “unskilled” labor track the markers of merit used to construct the social status of low-socioeconomic status residents. Finally, skill-selection undermines movement towards equal opportunity by providing high-income countries with an already trained and educated workforce.

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## Ch. 1. Introduction

*Unlike most other European countries, however, Britain was in a position to turn to an alternative and comparatively uncompetitive source of labour in its colonies and ex-colonies in Asia and the Caribbean. Colonialism had already underdeveloped these countries and thrown up a reserve army of labour which now waited in readiness to serve the needs of the metropolitan economy. To put it more graphically, colonialism perverts the economy of the colonies to its own ends, drains their wealth into the coffers of the metropolitan country and leaves them at independence with a large labour force and no capital with which to make that labour productive. And it is to these vast and cheap resources that Britain turned in the 1950s.*

- A. Sivanandan – A Different Hunger<sup>1</sup>

### *1. Border Control as Population Control*

Cuban President Miquel Díaz-Canel recently accused the US of using immigration control as a way of preventing Cuban emigration and thereby increasing the effects of the economic blockade.<sup>2</sup> Michael Blake has argued, citing Albert Hirschman, that “emigration from East Germany was one of the most powerful goods that forced some degree of reform onto the East German leadership.”<sup>3</sup> And in the quote above, A. Sivanandan described how colonial powers corrupted the economies of former colonies and selectively used their labor to suit their own economic needs.

Together, these communicate important lessons about the role of mobility. First, immigration policies can be weaponized and can put increased economic and political pressure on small and/or low-income countries. Second, control over low-income economies and control over the mobility of labor can both be used to the benefit high-income countries. By constructing a mobile pool of laborers who can be granted entry when it is beneficial and refused entry when they are no longer needed, countries are able to meet temporary labor market needs without *either* paying for the training and education of workers *or* having to worry about excess labor when it is no longer needed.

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<sup>1</sup> A. Sivanandan, 102.

<sup>2</sup> Petrov, Prensa Latina English Edition.

<sup>3</sup> Brock and Blake, 196.

High-income countries are currently free to exercise discretionary control over immigration.<sup>4</sup> They can, with few exceptions, decide *who* to admit, *why* to admit them, *in what capacity* to grant them entry, and *for how long* they can remain. They use this to largely exclude poor and nonwhite would-be immigrants. They use it to control the movement of asylum seekers, either contesting the legitimacy of their claim or their right to seek asylum *there*. And they use this power to select for “skilled” workers, gaining the benefits of the training and education paid for by low- and middle-income countries.

In this project, I advocate for the mobility rights of the globally least advantaged. However, unlike many arguments in liberal political philosophy, I do not investigate whether there is a natural right to freedom of movement. Nor do I dissect the sovereign rights of states to critique their claims to control borders. Finally, my argument is not based on giving people access to (independently existing) benefits. Instead, I focus on how the current regime of border control harms the global poor, constructing and perpetuating their economic and political powerlessness. On my view, international mobility is not intrinsically positive or negative. Freedom of movement matters, when it does, because of how it promotes or undermines justice in other more fundamental spheres.<sup>5</sup>

I argue for freedom of movement for the globally least advantaged for two reasons. First, the power of high-income countries to regulate their movement creates a set of perverse incentives and increases existing power imbalances between the globally privileged and marginalized.<sup>6</sup> Rates of immigration would normally increase in response to hyper-exploitation by transnational corporations, climate change generated by the emissions of high-income countries, and wars of regime change.<sup>7</sup> This immigration pressure is often directed at the same high-income countries responsible for, or

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<sup>4</sup> While they are free to regulate immigration flows, it is worth noting that they lack the power to guarantee the desired outcome. Undocumented migration is, perhaps, ineliminable. At the very least, no strategies used to date have been fully successful.

<sup>5</sup> On this view, movement is a tool that is used for, and only valuable insofar as it secures, more fundamental goods.

<sup>6</sup> I develop this argument in chapters 2 and 3.

<sup>7</sup> Hyper-exploitation is here understood as rates of exploitation that exceed normal market rates, due, for example, to political powerlessness, overt coercion, or monopoly.

benefitting from, these injustices. And these countries perceive largescale immigration to be a threat to social, political, and economic values. Therefore, by allowing such high-income countries to prevent this “cost” from accruing, borders help incentivize behavior that would otherwise lead to high rates of immigration.

Second, the ability to exclude low-income and “unskilled” petitioners—selecting for the affluent, “skilled,” and educated—harms low-socioeconomic status people in both sending *and* receiving countries. It causes the global brain drain. It prevents the mobility of those who need it the most. And it contributes to status harms and failures of equal opportunity (EO) for low-socioeconomic status citizens in receiving countries.<sup>8</sup>

## *2. The Classic & New Open Borders Debates*

The liberal philosophical literature on immigration is, for the most part, insufficiently attentive to the structures within which migration is located. Questions of power, status, and stability are backgrounded. And the relationship between migration and capital has been inadequately explored. In this project, I develop an account that is more sensitive to these problems. I propose that we situate any analyses of migration within the context of the global economy and evaluate proposals in part based on how well they secure the non-domination of states and individuals globally—as well as the equal status of citizens domestically—within such a practice.<sup>9</sup>

In this introduction, I discuss the problem through a general overview of the literature, including the contrast between Amy Reed-Sandoval’s New Open Borders Debate (ND) and what she calls the Classic Open Borders Debate (CD). The goal is to identify the space occupied by prominent theorists as well as the space they have left vacant. I suggest, following Reed-Sandoval, that ahistorical

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<sup>8</sup> I will focus on this point in chapter 4.

<sup>9</sup> This is not to say that this is the *only* perspective from which we should evaluate immigration justice. I am here developing one approach to immigration justice, one that should be supplemented by analyses of imperialism, colonialism, as well as racial and gendered justice, for example.

and abstract analyses of rights are an unfruitful strategy for analyzing immigration justice. Migration as a philosophical issue is *sui generis* and requires tools that are more responsive to the unique historical contexts and relationships within which its problems arise. What I propose is a friendly addition to the ND. We must focus on particularity—including particular colonial and imperialist histories. But we ought to do so in pursuit of an analysis of the general relationships of power—and the incentive structures within the current practice—that reliably led to and perpetuate these histories.

According to Reed-Sandoval, the CD begins with an ideal theoretic analysis of universal and abstract rights held by individuals and states and brackets particular facts about relationships or identities.<sup>10</sup> The ND, on the other hand, foregrounds the importance of gendered, racial, geographic, and national particularity, and uses a non-ideal lens in order to evaluate, from “the bottom up,” how we should respond to real-world injustices.<sup>11</sup> While the CD ignores and perpetuates the injustices afflicting marginalized people, the ND begins with, and is deeply sensitive to, these concerns.

In this introduction I begin by critically evaluating the CD. By trying to identify general and ahistorical rights—either to freedom of movement or sovereign rights to control borders—such accounts struggle to motivate their conclusions. These rights, I suggest, are only intelligible in certain contexts and within specific practices. Then I suggest that the ND best proceeds by explicitly situating migration within a broader structural analysis of the global and domestic practices within which they occur. While we must be sensitive to particularity and how immigration policies affect specific groups, we must also foreground the incentive structures and broad power dynamics that serve as the backdrop for the current regime of border control.

I argue that we should approach migration by first determining which elements of the practice predictably generate the power imbalances and incentive structures that lead to the domination and

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<sup>10</sup> Sager 2016, 14.

<sup>11</sup> *Ibid.*, 14.

exploitation of low-income countries and their citizens, and then working out how migration policies can mitigate against these injustices. This is part of a broader approach to justice which begins with a practice-based analysis and treats questions of mobility and opportunities as downstream from—and largely significant because of their relationship to—questions of autonomy and status. Economic justice and justice in migration are not fully explicable in a vacuum, nor are they best approached primarily as issues of restorative justice or non-ideal theory.<sup>12</sup>

### *2.1. The Classic Debate*

Joseph Carens, David Miller, and Michael Blake are three prominent philosophers working within the CD. Each begins their analysis with domestic justice and builds outward to solve the problem(s) of migration. They start with a recognition of the moral equality of persons. Then they look at the rights of citizens in a liberal democracy *or* at the nature of the liberal democratic state. The goal is to either explain why our equal personhood means that liberal democratic rights must extend beyond the boundary of the state *or* why the liberal democratic state is justified in coercively enforcing its borders, thus keeping out other equal moral persons. Carens does so by identifying rights and interests that we have as citizens of a liberal democratic state and extending them globally. Miller and Blake largely reject this extension, arguing that there is something special about the liberal democratic state or our relationships within it.

Carens promotes open borders by universalizing commonly accepted rights within liberal democracies, arguing that the reasons for valuing them domestically do not depend upon being subject to a coercive regime, or on being members of an extended political project. Instead, freedom of

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<sup>12</sup> Duties to repair damage done to victims of colonial and imperialist oppression, or to those who have had their domestic economies perverted and stunted by decades of neoliberal intervention and exploitation, will be vital to any full analysis of migration. My point is not to downplay these considerations, but to note that they are not sufficient to promote a just world order. Rather, we need to investigate the ways in which predictable threats will, absent changes in the background rules or the development of anti-powers for the least-advantaged, reliably perpetuate domination and exploitation.

movement, EO, and “economic, social, and political equality” are fundamental liberal values, each of which are threatened by closed borders.<sup>13</sup> And as with citizens, unequal access to these goods, or satisfaction of these interests, is permissible only if we can justify the inequality to those affected. Borders lined with gun-wielding guards cannot be justified to those seeking admission except in very special circumstances, and ones not often met by affluent liberal countries.

Carens’ argument is driven by his claim that closed borders are “the modern equivalent of feudal privilege.”<sup>14</sup> Feudal caste systems involved the luck-based stratification of society into (in part) lords and serfs, where movement between these castes was prevented by force. Similarly, Carens argues, our modern state system—including the power of states to control their borders—involves some being unluckily born into low-income, and others luckily born into high-income, countries. This is a problem of justice in large part because accidents of birth are being cemented by our policies, with people being trapped in poverty and undesirable opportunity sets. And, importantly, this cementing is done by coercively enforcing arbitrary boundaries between countries.

David Miller, by contrast, begins not with the importance of equal consideration, but the deep value of partiality. Compatriots are owed special consideration, including equal treatment, due to joint membership in cooperative schemes, mutual citizenship, and a sense of national identity.<sup>15</sup> Non-citizens, on the other hand, do not stand in such a relationship to us and so our duties to them are merely to hear their claims and “consider them seriously and be ready, if necessary, to provide reasons for refusal.”<sup>16</sup> These need not be reasons that would be compelling to compatriots, but only a plausible explanation for differential treatment. Respect for humanity permits no less but demands no more.

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<sup>13</sup> Carens 2013, 227-8.

<sup>14</sup> *Ibid.*, 252.

<sup>15</sup> David Miller 2016, 26.

<sup>16</sup> *Ibid.*, 37.

Miller uses facts about territorial jurisdiction and self-determination to explain the exclusion of would-be migrants. The state has a cluster of duties to those who are territorially present. It must, for example, satisfy and protect human rights and ensure equal educational and employment opportunities. This places a serious burden on the state when it admits potential migrants. And a large enough flow of migrants can, he argues, threaten the social safety net and the health of the economy. Admitting all who seek entry can undermine the capacity of the state to meet its obligations not just to current citizens but to those immigrating. Accordingly, the state must have the right to determine the nature and number of immigrants, and this interest is sufficient *pro tanto* justification for exclusion.

Michael Blake argues for a (limited) right of states to control their borders. His argument begins by defining the state. After all, if all states have *prima facie* right to exclude at least some would-be migrants then they have this right by virtue of being states, rather than by virtue of contingent features. Roughly, he defines states as entities that have jurisdiction over a particular territory, and which must respect, protect, and fulfill the rights of those people living within that territory.<sup>17</sup> On the other hand, their duty to those outside of their jurisdictional reach is primarily that of respecting rights. This relationship changes, however, when people cross the border. They go from beyond to within the jurisdiction of the state, thereby acquiring claims to the protection and fulfillment of their rights.

Within liberal democracies, this places citizens under a corresponding obligation to ensure that the newcomer finds that “her rights are effectively protected and fulfilled; they are obligated to help pay for the police that will defend her physical security, they are obligated to serve on juries...they are obligated to help create and sustain institutions sufficient to protect her basic human rights.”<sup>18</sup> Because of this, “legitimate states may refuse to allow immigrants to come in, because the residents of those states have a right to refuse to become obligated to the would-be immigrants.”<sup>19</sup> This right of refusal

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<sup>17</sup> Blake 2020, 68-71.

<sup>18</sup> *Ibid.*, 72.

<sup>19</sup> *Ibid.*, 78.

only applies, however, when the would-be migrant already has her rights sufficiently protected at home. Our moral equality requires intervention when those responsible for protecting and fulfilling our rights are unwilling, or unable, to do so.

While Carens, Miller, and Blake all offer powerful arguments regarding the extension of liberal values to the context of immigration justice, their strategies are unlikely to be successful. They each assume that rights can be found in the nature of the parties rather than their needs within a particular kind of practice, and that all parties require—at least roughly—the same things to protect their basic interests.<sup>20</sup> Moreover, by trying to identify universal justifications for freedom of movement or a right to control borders, they base rights to movement or to control over borders on what are, I suggest, insufficiently weighty considerations. Attempts at identifying general, ahistorical interests to immigration or to border control will pick out considerations too weak to rise to the level of a right.

The right to control borders and the right to freedom of movement are, I suggest, only compelling in specific contexts. In a world of autarkic states, it will be difficult to motivate a fundamental right to immigration. And in a robustly integrated world economy, the ability of large, high-income countries to control movement serves to create and perpetuate other injustices.<sup>21</sup> It is only in response to certain threats, and specific needs, that these claims arise, or at least rise to the level of rights.

As I discuss in chapter 2, Carens' feudal privilege argument fails to fully understand feudal caste systems or the injustice of the current regime of border control. On Carens' view, the mere fact that unequal opportunities are maintained by coercion is sufficient to render a practice unjust. However, there are two ways of fleshing out this point, neither of which will succeed. First, we could

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<sup>20</sup> While I do not deny that *some* rights are natural and practice-independent, I do not think that international freedom of movement is such a right.

<sup>21</sup> Mobility rights and distributive justice claims are, in this sense, similar. A right to universal healthcare, or an inheritance tax that prevents generational wealth from unduly accruing, do not exist in every practice or at all stages of development. These arise in response to the ability of states to meet them as well as the need for the state to implement them.

say that it is unjust to coercively enforce *any* unequal opportunities. However, it is unclear why the mere fact that one autarkic state has slightly more desirable opportunities than another autarkic state—especially when both satisfy the needs of their citizens—is of moral concern, let alone a violation of rights.<sup>22</sup> This is true even when it is the more privileged state restricting immigration. Mere inequality in the absence of relationships—let alone relationships of hierarchy or domination—does not rise to the level of injustice.

Second, we could say that it is only unjust *if* one opportunity set is below, and the other above, that which is needed to live a decent (or minimally decent) human life. This is feasible. But then it is unclear why the response is to *equalize* opportunities or resources. Instead, if the injustice lies in a group falling below that which is needed for a decent life, then the duty seems to be limited to raising them above that level. Moreover, the duty will be satisfied by any strategy that raises people above the level of a decent human life. While this might include immigration, it also includes trade agreements, aid, and jobs training programs. And insofar as immigration only benefits those who are able and willing to leave, there is reason to think it will be a poor strategy for achieving distributive ends.<sup>23</sup>

By contrast, Michael Blake's defense of immigration control is grounded in the right of people to avoid unwanted obligations. This is, he notes, not about the *costs* of being obliged—it is not about having to pay slightly more in taxes, for example. It is, instead, about the relationship of being obliged to another person against your will. However, there are two concerns. First, if this is not about costs then the nature of the obligation is unclear. Second, even if immigration creates relationships of obligation, it is not obvious that this is a normatively weighty concern.

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<sup>22</sup> In this, critics like Michael Blake are correct. Practice-independent rights to opportunities, distributions, or membership are difficult to justify.

<sup>23</sup> As I will discuss in chapter 2, Kieran Oberman argues that using immigration as a tool for poverty relief conflicts with the right to remain.

Blake gives three examples of the obligations generated for current citizens. They must pay for the police, serve on juries, and create and sustain rights-protecting institutions.<sup>24</sup> However, paying for police is *at most* a cost. It involves no relationship, either directly or in the abstract, with those who benefit from police protection. It is also at most an abstract cost—it involves no special relationship with, or any thought given to, the immigrant who benefits from protection.

More importantly, none of these three examples are *even* clearly costs. Rights-protecting institutions stack, and insofar as each new member is also a contributor to the system the costs do not increase for any given person. My odds of serving on a jury, for example, are the same in a society with 1,000 adult members, each of whom are equally likely to serve, as they are in a society with 200 million similarly situated adult members. After all, while each new citizen *could* be a criminal or defendant in a jury trial, thereby increasing the number of jury trials, they are also eligible to become members of juries, thereby diminishing the odds that I will have to serve on any given jury.

Blake might respond by noting that non-citizens are ineligible to serve on juries. Therefore, their presence increases the odds that I must serve on the jury in the trial of someone who will not serve as a member of the jury in my trial. However, this is an artificially constructed problem that does not result from immigration but from the policies of receiving states. It could be solved by either a) including legal residents on juries *or* b) being less stingy with citizenship. The asymmetry is constructed rather than natural and cannot be used to justify the immigration policies of the state. If the immigration policies of the state create arbitrary and artificial costs for residents the appropriate response is to modify immigration policies rather than using this as evidence that immigration constitutes an undue burden for citizens.

Moreover, assuming police protection is a necessary good, each new member requires police protection. But each new member is also a taxpayer contributing to the revenue of the state. Once

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<sup>24</sup> Blake 2020, 72.

again, it is unclear how this creates any additional obligations, *let alone costs*, for citizens. Low-income immigrants *might* contribute less, but they are also receiving less by way of benefits from policing—a practice that disproportionately benefits the already privileged.

Finally, the duty to create and sustain the institutions necessary to protect rights is not affected by immigration. The existence of this right will, for liberal philosophers, exist in a world with closed, open, and semi-open borders. And the costs of acting on the right are not obviously increased in a world with higher rates of immigration *if*, that is, immigrants are included into society in such a way that they are enabled and required to contribute as well.<sup>25</sup>

If successful, Blake's argument would actually pose greater problems for forms of mobility other than international immigration. The French tourist visiting Boston, for example, can be the victim of a crime, thereby using police resources and generating a criminal trial. But they do not, and ostensibly will never, contribute to this scheme of rights-protection. The Tennessean who visits Seattle can similarly be the victim of a crime that uses local taxpayer resources and creates additional burdens on the local criminal legal system without ever paying into this system.

Even if there is some way of explaining the obligations that arise from immigration, these concerns are relatively thin. At the very least, they do not appear to be strong enough to override rights domestically. My interest in being free from unwanted obligations does not count for anything in evaluating domestic policies. It does not affect the moral calculus when deciding whether people can move within the US. Nor does it hold any significance when evaluating procreative ethics or whether people with heart conditions can walk back and forth in front of my property.

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<sup>25</sup> Even if they are not contributors, the effect of any given immigrant on any given citizen are vanishingly small if not non-existent. While Blake tries to strengthen the intuition by using Judith Jarvis Thomson's violinist example, (75) this mainly serves to illustrate how immigration is *not* like other cases of individual obligations. Immigrants do not become visibly burdensome on identifiable agents. They are not attaching themselves as leaches onto a previously unrelated citizen. They become embedded in the social system that, as a matter of background justice and general institutional support, protects the rights and maintains the opportunities of all members.

The right to be free from unwanted obligations might matter in some contexts—it might mean, for example, that the state cannot compel me to perform supererogatory acts in assistance of another, and it might mean that people cannot force me to enter private, special relationships. But it does not seem to do any work in evaluating largescale domestic policies about where people can live, where they can travel, or whether they can have children.<sup>26</sup> If this is true, then more needs to be said to explain why this right not only exists in the case of immigration, but why it is strong enough to outweigh the robust claims of many would-be immigrants.

If people have a *pro tanto* claim to freedom of movement—either generally or in particular circumstances—it is unclear how the alleged right to avoid unwanted obligations is strong enough to justify discretionary immigration control. Even if we bracket asylum seekers and climate refugees, for example, freedom of movement is often invaluable for pursuing one’s vital human interests. From pursuing religious or cultural opportunities, to fleeing a life of poverty and sweatshop labor, to escaping cartel violence, would-be immigrants are often uprooting their lives and the lives of their family based on weighty considerations. It is unclear why the right to avoid unwanted obligations—a relatively bourgeois, individualistic claim—is meant to be strong enough to outweigh these concerns.

Universalist liberal accounts are often forced to build their arguments about immigration justice around relatively weak interests or claims.<sup>27</sup> In seeking to justify universalist rights for all relevant parties, at all times, and in all contexts, they have to find something shared by all such parties, at all times, and in all contexts. They need to identify claims shared by the poor Somali meatpacker and the rich British physician, by the United States and Cuba. In the process of doing so, something

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<sup>26</sup> It is not, I suggest, a matter of it counting but being outweighed. Instead, the right to avoid unwanted obligations seems entirely irrelevant to these questions. The person who approaches a pregnant woman and demands that she have an abortion so that he can avoid having unwanted obligations does not warrant a careful, measured argument in return. Their concern does not rise to the level of offering her a reason to consider an abortion.

<sup>27</sup> As above, any claim that exists for all states, and all individuals, across all practices is likely to be relatively thin. The most significant concerns that arise in the context of borders and mobility are contextual.

distinct about the real-world claims of the least advantaged is lost. The claims advanced are, by virtue of their universality, weakened to fit the most privileged.

For another example of how universalist liberal accounts fail to identify robust enough rights, consider a recent argument for freedom of movement by Kieran Oberman. According to Oberman, we need mobility rights because in order “to make informed and effective contributions to the political process in one’s own country, one must have the freedom to talk to, learn from, and cooperate with people living elsewhere.”<sup>28</sup> However, if states truly have a claim to control their borders, then such a thin value will be insufficient to outweigh this right of sovereignty. The interest we have in learning about other ways of life and political cultures is quite weak, at least relative to other human rights claims.

But more importantly, there is something unsatisfying about arguing for a human right to freedom of movement based on “political tourism.” We live in a world where thousands of people each year die trying to cross state borders. These are people fleeing poverty, violence, instability, and the ravages of climate change. Such people are not traveling to learn about other ways of life but are seeking to have and protect a life of their own. And even those seeking to immigrate in pursuit of “less dire” values—a more stable climate, more reliable work, or the ability to send their kids to college—are trying to achieve fundamental human values, ones connected to well-being and flourishing. In seeking to identify a universal interest, Oberman’s argument is based on claims that are primarily of value only to the privileged.<sup>29</sup>

The approaches of theorists in the CD are insufficiently attentive to historical and situated injustice and are relatively silent regarding existing power dynamics that both generate deprivation and

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<sup>28</sup> Fine and Ypi, 36.

<sup>29</sup> It is also worth noting that, as Oberman recognizes, the phone and internet permit us to talk with people outside of our home country. But Oberman praises the virtue of spontaneity, arguing that we will meet different people and say different things. While true, this further diminishes the significance of an already trivial interest.

leave the least-advantaged prone. They also ignore *why* people immigrate and what how immigration is used to improve people's lives.<sup>30</sup> If we want to identify the interests supported by immigration, and whether they rise to the level of rights, then we must be more attentive to the empirical literature on the causes (and effects) of international immigration.

The right to freedom of movement is not compelling in a vacuum, nor is it best understood as a universal right. In a world inhabited by autarkic and fully just states, a basic right to immigrate is difficult to motivate. And in a world shaped by colonial and capitalist exploitation, keeping people dependent, trapped within their dominated and exploited country, is unacceptable. Moreover, there are important reasons why low-income countries—particularly those who have suffered from colonial and imperialist intervention, and who already have an autonomy deficit due to the control of foreign capital—have an interest in control over their borders.

The needs of individuals and countries depend upon their location within the nesting global and domestic practices, including the ways in which power is predictably exercised over them. This is why abstract and universal analyses struggle to adequately address the problem of migration. Rather than beginning with the assumption that it fits within our traditional state-based analyses, or that the right is intelligible in a vacuum, I argue that we should analyze migration justice by considering what is needed to eliminate predictable power imbalances, promote autonomy for the least advantaged individuals and states, and undermine status hierarchies.

## *2.2. Expanding on the New Debate*

In this project I develop a structurally-oriented, practice-based analysis within the ND.<sup>31</sup> While we should focus on particularity—including colonial and imperialistic histories, as well as racial and

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<sup>30</sup> As noted by Alex Sager, much of the liberal literature on migration “has taken place at a level of abstraction divorced from the concrete experience of immigrants and the actual practice of immigration policy and enforcement” (2020, 3).

<sup>31</sup> For an example of this project, see generally Ronzoni 2009.

gendered injustice—it is important to do so with an eye towards the rules, bargaining advantages, and incentive structures that permit and promote these injustices. Patterns of migration, and the harms that both generate and follow from them, have not been shaped merely by chance, nor by the moral failings of a few bad actors. Rather, they are the predictable result of power imbalances and perverse incentives within the practice of a racialized global economy and a history of colonial control. By analyzing these causal antecedents, we can make progress towards ending, rectifying, *and preventing* these injustices.

There are, at present, relationships of power and domination that are rooted in control over movement and that reliably benefit the privileged and are detrimental to the globally least advantaged. The domination and exploitation—or, as I will describe it in chapter 2, the domination-for-exploitation—of low-income countries and their citizens depends in large part upon the control that high-income countries wield over the international movement of labor. The problem of the brain drain—assuming that it does undermine health care and infrastructural development in low-income countries—results from the self-interested behavior of high-income countries who have the wealth and quality of living to reliably poach skilled professionals. And as I argue in chapter 3, the climate crisis is, in part, perpetuated because high-income countries can stave off one of the most significant and immediate “costs” of climate change—largescale immigration.

Ultimately this project can be distinguished based on two normative commitments and one empirical claim. First, I identify non-domination and status equality as the fundamental normative values underlying issues of migration and global economic justice. Second, I argue that we should evaluate migration proposals primarily based on their contribution to equalizing power both domestically and internationally and ensuring status equality domestically. Third, I suggest that we currently lack the political will or institutional mechanisms for addressing economic domination and

exploitation directly. This means that strategies focusing on migration, or on showing high-income countries how their current policies violate justice claims of citizens, will be most efficacious.

### *3. Chapter Summaries*

#### *3.1. Summary of Chapter 2*

In chapter 2 I return to Carens' feudal privilege analogy, using it as a jumping-off point for an analysis of immigration justice.<sup>32</sup> According to Carens, restrictions on immigration coercively trap people into arbitrary positions of inequality and hence constitute a modern form of feudal privilege.<sup>33</sup> The rich hoard their unearned and unchosen benefits, using guards, guns, and walls to keep the poor from improving their lives.

I begin by explaining what he gets right about the injustice of the current regime of border control—specifically, that it coercively maintains luck-based inequalities. Then I identify and develop what is missing in his account. By treating resource distributions and opportunities as *given* and unaffected by patterns of mobility, Carens misidentifies the injustice of feudal caste systems as well as why such systems are maintained. Coercive control over movement does not just maintain arbitrary inequalities. Instead, it helps perpetuate exploitative relationships and constructs undesirable opportunity sets for a segregated and prone population. What is missing from Carens' analysis, then, is the economic relationship(s) underlying feudal systems and their restrictions on mobility.

Control over movement—both across social positions and geographical space—was vital for maintaining feudal caste systems. However, I argue that it is also vital for maintaining the most unjust features of the current global economy. It helps justify the segregation of costs and benefits, leading

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<sup>32</sup> As I note in chapter 2, I do not focus on this analogy because it is central to Carens' work or because it is particularly developed. Instead, I do so because it *almost* captures what is unjust about the current regime of border control. However, despite this it leaves out the most important reason why feudal caste systems were unjust and, relatedly, why border control is unjust. In this sense, it serves as a useful jumping-off point for developing an analysis of migration justice that foregrounds political economy.

<sup>33</sup> Carens 2013, 226.

to the worst externalities being dumped on trapped, prone populations. It not only allocates access to, but constructs undesirable opportunity sets for the globally least advantaged.

After using an analysis of feudal caste systems and the current global economy to explain what Carens' analogy is missing, I spend the bulk of the chapter developing the implications of this view. Once we recognize how borders contribute to economic exploitation—and help construct undesirable opportunity sets—we can explain, on both liberal and republican accounts, why the current regime of border control is unjust. That both liberal and republican accounts reach the same conclusion provides stronger support for an open border politic.<sup>34</sup>

First, I argue for an extension of liberal equality of opportunity. The traditional focus, deriving from John Rawls, is on preventing the group-based clustering of already existing undesirable opportunities. On this approach, there are naturally occurring inequalities in the desirability of work and social positions. Undesirable and desirable opportunities are given, and the goal is to ensure that people can act so as to determine which opportunity sets they will be able to access. Group-based labor market segregation ensures that people (largely) inherit the opportunities of their parents, never having a fair chance at enjoying the most desirable positions and offices. However, I argue that it also plays a second role. When jobs and offices are *not* open to all, under conditions of EO, there is an incentive to put downward pressure on wages, workplace protections, environmental standards, and benefits. The segregation of opportunity sets, where the least advantaged reliably occupy the least desirable positions, leads not only to the clustering, but also to the *construction* of less desirable opportunities.

Given this role, I argue for an extension of the principle of EO. In addition to principles of non-discrimination and an equal chance to develop one's talents, I also argue for freedom of

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<sup>34</sup> This is similar to Carens' strategy in "Aliens and Citizens: The Case for Open Borders," where he argued that liberal, utilitarian, and libertarian accounts all reach the same conclusion on open borders.

movement and sufficient resources to act on this right. Freedom of movement prevents space-based labor market segregation. Just as group-based labor market segregation *within space* justifies the clustering of negative externalities and the construction of undesirable opportunity sets, so too does the segregation of opportunity sets across space. Segregated communities of politically, socially, and economically marginalized people become dumping grounds for the costs of a system of production.

Not all four elements of EO are applicable in every practice. Whether group-based labor market segregation, and the inheritance of opportunity sets that this creates, is a problem of justice will depend on the nature of the economic practice and the social meaning of opportunities. In this chapter I only argue for the extension of freedom of movement. Moreover, I only argue for freedom of movement *from low- to high-income countries*.<sup>35</sup>

Finally, I argue that the current regime of border control not only constitutes an independent relationship of domination—one where high-income countries exercise arbitrary and unchecked power over would-be immigrants—but it facilitates the domination-for-exploitation of low-income countries and their residents by transnational corporations. The ability of transnational corporations to leverage their mobility and bargaining power as a way of pressuring down wages, tax policies, environmental protections, and workplace standards depends in part on a trapped, powerless population.

Building on work by J. Matthew Hoye<sup>36</sup> and Phillip Pettit,<sup>37</sup> I argue that freedom of movement *from low- to high-income countries* can provide an invaluable anti-power to the global labor force. Empowering institutional anti-powers work to provide dominated persons or groups with rights or privileges that can change incentive structures and power dynamics, thereby preventing relationships

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<sup>35</sup> If freedom of movement is justified as a way of preventing the spatial segregation and construction of undesirable opportunity sets, then it is not clear that residents of high-income countries need access to low-income countries and their opportunities.

<sup>36</sup> Hoye, 182.

<sup>37</sup> Pettit, 588-591.

of domination from arising and persisting. A right to emigrate has, according to Hoye, been shown to push back against domination by one's government.

I argue that the right to immigrate can similarly work to push back against domination by transnational corporations and high-income countries. This is for three related reasons. First, high-income countries perceive largescale immigration to be a threat to social, political, and economic values. Second, transnational corporations would find the largescale exodus of a cheap workforce incompatible with their productive goals. And low-income countries would risk losing taxpayers and workers. Each actor with the power to regulate the behavior of capital has an incentive to avoid these perceived costs. Accordingly, the threat of exit offered by freedom of movement can help push back against the unjust behavior of transnational corporations, changing power dynamics and incentive structures within the global economy.

### *3.2. Summary of Chapter 3*

There is a growing movement advocating for using closed border policies as a tool for solving the climate crisis. This view—which I call the *green border argument*—has philosophical proponents on the progressive left as well as the support of far-right political parties. In this chapter I explain why this is a mistake as well as why those on the political left should embrace a pro climate *and* pro migrant politic. In so doing, I raise three general objections to the green border argument.

First, I argue that the green border argument significantly overstates the impact of immigrant on greenhouse gas (GHG) emissions and climate change. For example, it ignores the emissions generated by border enforcement. By using mean instead of median emissions, it radically exaggerates the emissions of the average US resident. And it ignores emissions that are not responsive to changes in the population—for example, overseas military operations, space exploration, and bitcoin mining.

Second, egalitarian-minded green border theorists often endorse a duty to *either* admit would-be immigrants fleeing poverty *or* to use aid and trade agreements to eliminate this push factor.<sup>38</sup> However, as the green border theorist notes, GHG emissions are tightly bound to income—increases in income lead to corresponding increases in emissions. Therefore, aid and immigration stand or fall together as tools for fighting poverty. This leaves the progressive green border theorist with three untenable options: abandon the green border theory and accept immigration; reject aid and immigration; or maintain the empirically inconsistent green border argument.

Third, building on the arguments in chapter 2, I explain that opening borders into high-income countries is the best way to use immigration policies to fight climate change. High-income countries, including those in the security and defense industries, have made it clear that climate-change induced immigration is seen as more of a threat than climate change itself, at least in the short- and medium term. Using climate change to offer progressive support for immigration control strengthen the ability of high-income countries to continue avoiding this perceived threat.

I argue that without the power to regulate migration, high-income countries would instead be forced to focus on the causes of climate migration. At present, the wealth and geography of high-income countries incentivizes two responses to climate change: ignoring the problem or engaging in local adaptation strategies. However, insofar as global adaptation and mitigation strategies can prevent the causes of immigration, an open border politic can incentivize more immediate and global action.

### *3.3. Summary of Chapter 4*

In chapter 4 I narrow my focus from global to the domestic, explaining how discretionary admissions policies can have unexpected and often deleterious effects on domestic justice. I argue that skill-selective immigration policies, in addition to communicating denigrating attitudes regarding race and

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<sup>38</sup> See Cafaro and Winthrop Staples III, 2009 and David Miller, 2005.

gender, exacerbate status harms for low-socioeconomic status (SES) residents and contributes to failures of EO in high-income receiving countries. Because of this, generalized skill-selective policies are *pro tanto* unjust.<sup>39</sup>

First, I argue that the traits selected for in many generalized skill-selective policies—higher education, “skilled” work, and financial security—track the traits of low-SES that constitute their SES. Moreover, as Michael Blake has explained, what we say to would-be immigrants is also heard by those within the borders of the state.<sup>40</sup> This means that race-based selection is not only harmful to those excluded, but by citizens and residents in that racial group. It not only says that members of their racial group are less desirable as immigrants, but that they too are less desirable as residents. Given this, skill-selection communicates that skilled immigrants are more desirable *as members of the community*.

Second, skill-selection perpetuates failures of EO. On the one hand, by reinforcing SES-based stereotypes and biases, it makes social programs designed to promote EO less likely. On the other hand, by more cheaply satisfying domestic labor market needs, it undermines the need for EO, rendering such policies irrational. After all, immigrants enter with their training and education already paid for by their home country. By securing labor market needs through immigration policies, high-income countries can reduce the cost of producing skilled workers.

In this chapter I focus on domestic effects not because I am unconvinced by the claims of would-be immigrants, nor because I think that issues of domestic justice are more important. Instead, I do so for two reasons. First, the effects of skill-selection on low-SES residents have been undertheorized.<sup>41</sup> Second, the moral claims of non-citizens have rarely motivated high-income countries to act against their own interests. However, states have occasionally been motivated by the

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<sup>39</sup> While I do not make a specific proposal, my arguments are compatible with open borders or a lottery for admission, for example. Both of which permit the entry, but not the disproportionate selection, of the skilled.

<sup>40</sup> Blake 2020, 127.

<sup>41</sup> In fact, class and socioeconomic status have been undertheorized in liberal political philosophy in general.

justice claims of citizens. Therefore, arguments focused on domestic justice are more likely to effect change.

#### *4. Conclusion: Why the Left Should Embrace an Open Border Politic*

In chapter 5 I discuss the implications of this approach for other justice and liberation movements. While my primary focus is to provide a philosophically substantive account of immigration justice, one that is grounded in a careful analysis of the empirical literature, I also have a second practical goal. I aim to illustrate how the interests of the domestic and globally least advantaged dovetail and how the left can advocate for the rights of would-be immigrants without sacrificing other commitments.

This project pushes back on a dominant narrative among the liberal and progressive left which sees an open border politic as a right-wing, pro-capitalist politic. For example, Bernie Sanders has claimed that advocating for open borders is a “Koch Brothers proposal” and that “[i]f you open the borders, my God, there’s a lot of poverty in this world, and you’re going to have people from all over the world. And I don’t think that’s something we can do at this point.”<sup>42</sup> I argue that this approach is a mistake. It creates an artificial conflict between different members of the global working class, not only preventing cross-border solidarity but also scapegoating other victims rather than identifying and fighting against common sources of oppression.

Chapter 2 explains how the fight for immigrant rights furthers the fight against hyper-exploitation by transnational corporations. Open borders (from low- to high-income countries) help promote global economic justice and push against the bargaining advantage held by capital. Chapter 3 shows how the fight for climate justice is not only compatible with, but benefits from, an open border politic. And chapter 4 develops the idea that selecting for skill—which also functions to select against low-income would-be immigrants—harms low-SES residents.

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<sup>42</sup> See Morin, Politico.

This is important for two reasons. First, it means that we need not pit the interests of the least-advantaged against one another. Justice in migration is not a tragic dilemma where we must choose between poor would-be immigrants and climate justice, the interests of poor residents in receiving country, or the fight for global economic justice. Second, a coalition of the least advantaged makes substantive political change more feasible. By showing that their interests are actually compatible, and how the fight for one becomes a fight for all, we can make solidarity and coalitions between all affected parties possible.

## Ch. 2. Migration, Mobility, & Spatial Segregation: Freedom of Movement as Equal Opportunity<sup>43</sup>

### 1. Introduction<sup>44</sup>

Joseph Carens famously described the current system of divided and highly unequal citizenships as a modern form of feudal privilege.<sup>45</sup> This system, he claimed, traps people into arbitrary positions of inequality, with the wealthy protecting their unearned privileges through borders lined with gun-wielding guards. The analogy with feudal caste systems is compelling and does more than most liberal accounts to explain what is so troubling about immigration control. However, I argue that it fails to identify the conditions under which restrictions on mobility are unjust.

In this chapter I will use Carens' analogy as a jumping-off point for an analysis of immigration justice.<sup>46</sup> I begin by explaining what he gets right about the injustice of the current regime of border control—specifically, that it coercively maintains luck-based inequalities. Then I identify and develop the missing piece of his account. By treating resource distributions and opportunities as *given* and unaffected by patterns of mobility, Carens misidentifies the injustice of feudal caste systems as well as why such systems are maintained. Coercive control over movement does not just maintain arbitrary inequalities. Instead, it helps perpetuate exploitative relationships and constructs undesirable

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<sup>43</sup> Material from this chapter has been published in *Essays in Philosophy* as “Migration, Mobility, and Spatial Segregation: Freedom of Movement as Equal Opportunity” (Ball-Blakely, 2021: 66-84) and in the *APA Public Philosophy Blog* as “Transnational Capitalism and Feudal Privilege: Open Borders as a Tool for Non-Domination” (2021).

<sup>44</sup> I would like to thank Michael Blake, Christine Ball-Blakely, José Jorge Mendoza, Alex Sager, Julio Covarrubias, Paul Tubig, the wonderful audiences at the 2021 Pacific APA and the 71<sup>st</sup> Annual Northwest Philosophy Conference, and an anonymous reviewer for incredibly helpful feedback.

<sup>45</sup> Carens 2013, 226.

<sup>46</sup> This is not because this analogy is central to Carens' work, nor is it because it is particularly developed. Instead, I focus on Carens' feudal privilege argument because it is emblematic of liberal approaches to immigration. It is a powerful intuitive argument, one that builds from our moral equality and the luck-based inequality and poverty that afflicts many living in low-income countries. However, despite this, it fails to fully account for the injustice of border control and is, ultimately, difficult to square with the liberalism that it relies upon.

opportunity sets for a segregated and prone population. What is missing from Carens' analysis, then, is the economic relationship(s) underlying feudal systems and their attendant restrictions on mobility.

After using an analysis of feudal caste systems to explain what Carens' analogy is missing, I spend the bulk of the chapter developing the implications of this view. Once we recognize how borders contribute to economic exploitation—and help construct undesirable opportunity sets—we can explain, on both liberal and republican accounts, why the current regime of border control is unjust. That both liberal and republican accounts reach the same conclusion provides stronger support for an open border politic.<sup>47</sup>

In §4 I develop an extension of liberal equal opportunity (EO), arguing that open borders from low- to high-income countries are required under conditions of a global economy. First, I argue that EO serves not only to ensure fair access to desirable opportunities, but that it also helps prevent the development and perpetuation of undesirable opportunities. Second, I explain how—and when—freedom of movement can be vital for securing this second goal of EO.

In §5 I explain how republican accounts will reach a similar conclusion, arguing that the current regime of border control not only constitutes a form of domination, but that it also plays a vital role in the domination-for-exploitation of low-income countries and their residents. Selectively closed borders for labor combined with open borders for capital leads to the domination—roughly, the arbitrary control or interference by powerful external actors—of the global labor force.<sup>48</sup> Citizens of low- and middle-income countries are treated as a reserve army of labor, held in abeyance, and intermittently pursued *over there*, incentivized to come *here*, or left unused depending on the needs of capital and affluent capitalist states. This relationship is one whereby they are dominated *so that* they

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<sup>47</sup> This is similar to Carens' strategy in "Aliens and Citizens: The Case for Open Borders," where he argued that liberal, utilitarian, and libertarian accounts all reach the same conclusion on open borders.

<sup>48</sup> To say that borders are open to capital is not to say, of course, that no countries are able to exert control over the movement of capital. Rather, it is to say that restricting capital mobility is beyond the capability of many low- and middle-income countries—and that exercising control over the movement of capital involves considerable costs.

can be exploited. Asymmetrically open borders—from low- to high-income countries—can function as a vital institutional anti-power,<sup>49</sup> changing incentive structures and providing the dominated with the power necessary to assert themselves into the deliberations of global capital.

## 2. *Feudal Privilege & Control Over Labor*

In this section I explain, critique, and offer a revised version of Joseph Carens’ feudal privilege argument. I break down his analogy, showing how it is built on two components: the *luck* and *control conditions*. I then argue that feudal caste systems also involve a third element: the *exploitation condition*. In brief, while feudal systems did involve luck-based inequalities that were coercively enforced, this was not done arbitrarily, nor out of a wanton desire for cruelty. Instead, coercive control over social and geographical mobility was used to construct a prone population that could be exploited.

### 2.1. *Closed Borders & Feudal Privilege*

Joseph Carens claimed that closed borders between highly unequal states are “the modern equivalent of feudal privilege.”<sup>50</sup> In so doing, he drew attention to a tension within liberalism. We hold that all people possess equal dignity and rights. We also recognize that membership in a high-income country is both a considerable advantage and a matter of luck.<sup>51</sup> Finally, we defend our arbitrary fortune with borders lined with gun-wielding guards. We protect these unchosen inequalities by threatening—with violence, detention, and deportation—those who seek to leave behind their bad luck and pursue better lives.<sup>52</sup> This might not be a contradiction, but it is trying to fit a squarish peg in a roundish hole.

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<sup>49</sup> This tracks Hoye’s argument that that open borders offer an anti-power against domestic domination (182).

<sup>50</sup> Carens 2013, 252.

<sup>51</sup> Of course, the fortune of being born in a wealthy democracy does not have universal benefits. As Cody Dout has noted in many conversations, Black Americans will reject the claim that this is a stroke of luck.

<sup>52</sup> This is, of course, a dramatic simplification. They are not merely the victims of bad luck, but a history of colonial and imperialistic intervention and plunder.

There is much to be said for Carens' analogy. Where we are born *is* a matter of luck. It also has radical impacts on our life prospects. For example, according to Branko Milanovic, roughly half of our income is shaped by the country in which we live.<sup>53</sup> And since immigrants make up less than 4% of the global population, for most of us this means our country of birth. Whether we end up becoming Swiss bankers, to use Darrell Moellendorf's example,<sup>54</sup> or work for starvation wages in the Ethiopian garment industry is largely determined by where we live and have citizenship. Therefore, our country of birth—an arbitrary fact—significantly shapes our lives and opportunities.

When people seek to escape these luck-based inequalities, they are met with coercive and deadly borders. In 2020, while many of us were safely riding out the COVID-19 pandemic inside our homes, 3,174 people died worldwide seeking to immigrate.<sup>55</sup> Many died fleeing poverty, violence, and political instability in their country of birth, factors clearly beyond their control. Borders cement these arbitrary inequalities, forcing people to choose between poverty and human rights violations at home, or risking their lives in costly and often fruitless attempts at gaining access to high-income countries.

Just as feudalism once involved coercively segregated opportunities domestically, so too does the current regime of border control coercively segregate opportunities globally. To condemn the former while sanctioning the latter is, according to Carens, inconsistent. After all, the ideal of EO “is intimately linked to the view that all human beings are of equal moral worth.”<sup>56</sup> However, despite this moral equality, “contemporary social arrangements not only grant great advantages on the basis of birth but also entrench these advantages by legally restricting mobility.”<sup>57</sup> The theoretical commitment to moral equality rings hollow in the face of this reality.

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<sup>53</sup> See McElwee, Demos Blog.

<sup>54</sup> Moellendorf, 73.

<sup>55</sup> See Black, IOM Report.

<sup>56</sup> Carens 2013, 228.

<sup>57</sup> *Ibid.*, 226.

Carens' solution is to guarantee that everybody has the right to immigrate in pursuit of better opportunities. This prevents people from being trapped in undesirable opportunity sets, ending what Carens identifies as a citizenship-based caste system. While this is not *sufficient* to ensure that robust EO is met,<sup>58</sup> mobility rights are *necessary* for equalizing opportunities in a world where citizenship determines life prospects. It gives people the right, if not ability, to pursue desirable opportunities.

## 2.2. Feudal Caste Systems & Control Over Mobility

Carens' discussion suggests two conditions for a feudal caste system. First, they exist when there are luck-based inequalities in opportunity and life prospects between groups. Call this the *luck condition*. Second, they require that coercive force be used to prevent people from accessing the more desirable opportunities enjoyed by the privileged. Call this the *control condition*. In this section I argue that while these are both necessary for feudal caste systems, they are not sufficient. Feudal privilege does not exist whenever there is an unequal distribution of resources, where your share in these unequal resources is determined by birth, and where the privileged protect their privileges—and hence maintain these inequalities—with force. This might be selfish, and might show a lack of fellow feeling, but these vices are not only possessed by feudal lords, nor are they clearly unjust within a liberal framework.

Even if coercively excluding those seeking to escape bad luck is unjust, it is not an appropriate analogy with feudalism. Instead, feudal systems also involve a reason for which control is exercised. The privileged restrict movement *out of* the lower caste and *by* the lower caste so they can exploit (or otherwise benefit from) those born into these positions. This is the *exploitation condition*. Feudal privilege involves forcibly maintaining luck-based stratification into different castes or groups *so that* the privileged can more effectively exploit, or otherwise draw reliable benefits from, the less privileged.

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<sup>58</sup> As will be discussed in §4, John Rawls' version, *fair equality of opportunity*, demands much more than this, requiring that people also be given equal opportunities to develop and deploy their talents.

The exploitation condition helps explain what makes feudalism a unique and particularly pernicious practice. It was not merely that feudal lords happened to be born with land and wealth and that serfs happened to be born with neither. It was also not merely their use of force in protecting their holdings. Our moral outrage is largely because they did this *so that* serfs would be forced to labor for them under conditions that they would otherwise never accept. The serfs did not suffer bad luck and a cool disregard. They did not just happen to be born serfs and then find a hardened class of feudal lords who refused to share the results of their good fortune. They were made into and kept as serfs so that the feudal lords could control and exploit them. They suffered intentional injustice.

While feudal societies are more complicated than popular presentations suggest, the basic relationship between lords and serfs involved three elements. First, the authority wielded by the lord over the serf. Second, the right of the serf to work a plot of land to secure their means of subsistence. And third, the requirement that the serf work for the lord several days per week, unremunerated save for the protection and land offered by the lord. I will focus on the first element, illustrating how social and physical mobility were both constrained, and necessarily so, in feudal caste systems.

Within feudal systems, a serf “receives the use of a small plot of land instead of wages and...produces goods for the lord on pain of physical coercion.”<sup>59</sup> If they sought to exit the relationship, fleeing to nearby towns or nascent cities, they were treated as thieves. This was “reflected in the laws which tie serfs to the land and which prevent the flight of serfs to the city...the fleeing serf, like the fleeing slave, has stolen property from the lord.”<sup>60</sup> They were thus chained to their social position, the lord, and the land.

Control over social movement between castes is vital in a feudal system. It permits the hyper-exploitative relationship to continue without the privileged caste having to risk experiencing the

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<sup>59</sup> Buchanan, 39.

<sup>60</sup> Wright, 36 ft. 37.

degradation and immiseration of the oppressed caste. Without hereditary privileges, the risks of serfdom would fall equally on all. These positions had to be segregated based on arbitrary facts about one's birth. An inability to move across social positions also ensured that the lower caste was forced to accept conditions and treatment incompatible with their well-being. Nobody could reasonably consent, after all, to life as a serf.

Feudal systems also required restrictions on movement across space. Without binding serfs to the land and lord, many would simply leave feudal relationships, perhaps moving to seek employment in cities or towns, or would offer themselves to "kindlier" lords. Control over mobility allowed lords to retain their authority and absolute bargaining advantage. The serfs' limited opportunity set<sup>61</sup> was therefore created and maintained through legal and coercive restrictions on mobility, both across space and social positions.

Mobility rights have historically helped maintain divided lives of privilege and penury. According to Reece Jones, "[f]or most poor people living in states, movement was impossible due to their status as slaves or serfs, or fear of being accused of vagrancy. In early legal documents the right to move was typically limited to the elite—lords and nobles—and merchants who traded in the goods they desired."<sup>62</sup> Domestic freedom of movement, at least as a right enjoyed by all, is a relatively recent phenomenon. Movement and immobility have a storied history of being used to maintain and exacerbate relationships of exploitation and plunder.

The *luck* and *control conditions* were vital for feudal relationships. However, they functioned in service of the more fundamental *exploitation condition*. They were required so that the highly exploitative

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<sup>61</sup> I use "opportunity set" to refer to list of opportunities readily available to a given person based on their geographical location, class, and group membership. While they can change, opportunity sets can be more or less inflexible. Some opportunity sets—those suffered by slaves and serfs—are static, barring rupture in the political and economic order.

<sup>62</sup> Jones 2016, 75.

<sup>63</sup> It is also worth noting that anti-vagrancy laws were included in the Black Codes following abolition in the American South. As a way of conditioning and compelling Black labor, maintaining a system of control and exploitation, mandatory labor contracts and harsh restrictions on loitering and vagrancy were enacted.

feudal relationship could reliably function over time. To protect the nobility from the ravages of feudalism, arbitrary facts about birth had to determine one's role and status. And feudalism required control over social and geographical movement to ensure that serfs could not escape exploitative relationships. These restrictions on mobility worked together to construct a trapped, prone population that could reliably be exploited under conditions that they would otherwise never accept.

### *3. Transnational Capitalism, Feudal Privilege, & Control Over Low-Income Workers*

In this section I explain how the current regime of border control, enacted against the structural backdrop of the global economy, fits this expanded account of feudal privilege. Where we are born is purely a matter of luck. It radically shapes our life prospects. For many—especially the nonwhite global poor—there are few exit options, leaving them largely trapped in their countries of birth and other low-income countries. Finally, both transnational corporations (TNCs) and high-income countries benefit from the immobility of the global labor force.<sup>64</sup>

Borders are not univocally enforced and have radically different impacts depending on who—or what—is seeking to cross them.<sup>65</sup> Corporations enjoy porous borders designed to facilitate their mobility. The affluent and “skilled” have a much easier time immigrating to the most desirable high-income countries. However, the global poor find a series of nearly impenetrable borders created to keep them from entering high-income countries.<sup>66</sup>

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<sup>64</sup> There is one important difference between the current regime of border control and feudal caste systems, which I will return to later. High-income countries are the parties exercising control over mobility. However, the primary beneficiaries are TNCs. I will argue that while this is significant, and it might affect the moral culpability of the relevant actors, it does not affect the need for freedom of movement.

<sup>65</sup> As Todd Miller notes, “While global border enforcement enters an unprecedented phase of tracking, arresting, and incarcerating people, the world has never been more wide open to multinational corporations” (2019, 170).

<sup>66</sup> Citing Justin Campbell, Todd Miller describes this phenomenon as ‘border sets.’ Poor (and especially nonwhite) would-be immigrants face “a collection of multiple borders’ that share similar characteristics, relate to one another, and as a more holistic system can help us understand a border enforcement apparatus much more completely.” Put practically, “the U.S.-Mexico, Mexico-Guatemala, and the Guatemala-Honduras divides were part of a border set ‘where all borders face south...and tried to prevent the same things from going north’” (Miller, 35).

This tiered system of borders is a feature of what William Robinson calls the *global economy*. The stage of globalization that was marked by a *world economy* largely involved national production and international trade. Global organizations could exert pressure on countries to liberalize and powerful countries could resort to violence as well as tariffs and subsidies. However, during the world economy, corporations were largely tethered to their home countries. And if corporations had needs for foreign labor, they had to have it brought to them.

The global economy, by contrast, is characterized by “the globalization of the production process itself” and the “decentralization and functional integration around the world of vast chains of production and distribution.”<sup>67</sup> The global economy has seen borders weakened for TNCs but hardened to the movement of most people. In this way, TNCs have become largely “liberated from the nation-state” and have “assumed tremendous new power relative to labor.”<sup>68</sup> Production has been severed from the home countries of TNCs and fragmented into subsidiaries that each perform small, relatively isolated stages of production.

This has several implications. First, it has given capital greater power over countries. Able to move freely, TNCs can demand reduced labor and environmental standards, decreased tax burdens, and lower wages. This mobility has made it:

“difficult to ‘trap’ capital in any one place long enough to regulate its practices or tax its profits, much less bargain collectively with it on an equal footing...In the process of losing dominion over place, ordinary workers, consumers, and citizens seem to lose the leverage they need to exert influence on the key decisions that affect their lives.”<sup>69</sup>

This has shifted a delicate balance of power where workers were already facing a power deficit. Corporations have become detethered from the state, where control over their behavior was at least

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<sup>67</sup> Robinson, 11.

<sup>68</sup> Ibid., 74.

<sup>69</sup> Gonzalez et al, 3.

feasible, and left free to pursue the most profitable jurisdictions to the detriment of national sovereignty and worker protections.<sup>70</sup>

Whether this creates a “race to the bottom,” with countries downwardly competing for TNCs, “tax competition undermines the fiscal self-determination of states, that is, their ability to effectively set the size of the budget and the extent of redistribution.”<sup>71</sup> The result is not just distributive but concerns the balance of power itself. The global search for the most profitable site for production means that “*de facto* control over actual government revenues is considerably weakened.”<sup>72</sup> The eye of the state is focused on global capital rather than the interests of citizens, thus diminishing the efficacy of citizen complaints. The economy comes to be held hostage by TNCs who can just as easily relocate or refuse to come in the first place.

And while we might be tempted to hold low-income countries responsible for this, suggesting that they ought to prioritize the needs of their citizens and residents, this temptation would be misguided. Current global inequalities leave low-income countries desperate for the benefits of a global economy, but without the developed infrastructure and productive capacities that offer its greatest benefits. This often leaves them competing for TNCs that not only have the flexibility guaranteed by mobility rights, but that sometimes have more wealth than entire countries. For example, “Bangladesh has little leverage because the revenue of many of the largest corporations is larger than the GDP of the entire country.”<sup>73</sup> Given this unequal bargaining power, “securing a contract for a factory often means reducing or eliminating taxes, waiving labor and environmental regulations, and guaranteeing wages at a particular rate.”<sup>74</sup>

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<sup>70</sup> Ronzoni, 253.

<sup>71</sup> Dietsch and Rixen, 155.

<sup>72</sup> Dietsch, 2109.

<sup>73</sup> Reece Jones 2016, 135.

<sup>74</sup> Ibid.

Control over low-income countries and their citizens is not only wielded by TNCs.<sup>75</sup> High-income countries also shape international organizations and trade agreements to suit their interests. Low-income countries have “little choice but to join these organizations, yet, as members, have limited influence over them.”<sup>76</sup> These organizations then place stringent demands on economic policies, enforcing a uniform liberalization on low-income countries.

For example, Harsha Walia describes how free trade agreements involve investor-state arbitration rules that allow TNCs to sue if their profitability is impacted by legal and regulatory decisions, including environmental standards.<sup>77</sup> This has led to significant losses, both in terms of resources and sovereign control over domestic policies. According to Walia, “Latin American and Caribbean countries are among the most affected by such arbitrations. Investors have won 70 percent of their cases against these countries, forcing them to cough up twenty billion dollars for corporate coffers.”<sup>78</sup> A particularly poignant example involved METALCLAD, a US landfill management firm, which sued San Luis Potosi because “local authorities would not issue a permit for a hazardous waste dump.”<sup>79</sup> The NAFTA tribunal awarded METALCLAD millions in compensation for lost profits.

Moreover, would-be migrants do not first confront high-income countries when they petition for entry, but “are in a *relationship of dependence* with the countries which exclude them” and “either cannot leave the relationship, or their exit costs are too high for them to do so realistically.”<sup>80</sup> High-income countries and international organizations exercise power over low-income countries, affecting the policy decisions of the latter to suit the interests of the former. Control over migration maintains this relationship and the powerlessness of the least advantaged within it.

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<sup>75</sup> I have focused on TNCs, rather than high-income countries and international organizations, largely because the empirical literature on their effects is much more developed. Moreover, it is the asymmetry between the mobility of capital and the mobility of labor that marks the era of transnational capitalism.

<sup>76</sup> Laborde and Ronzoni, 282.

<sup>77</sup> Walia, 49.

<sup>78</sup> Ibid.

<sup>79</sup> Todd Miller, 171-172.

<sup>80</sup> Honohan, 41.

This analysis fits comfortably within the literature on world systems theory.<sup>81</sup> According to this view, “migration is a natural outgrowth of disruptions and dislocations that inevitably occur in the process of capitalist development.”<sup>82</sup> Patterns of migration are not simply the result of would-be migrants pursuing higher wages, better workplace conditions, and increased political stability. Instead, “[m]igration is caused by the disruption of economies in the periphery that are transformed for the benefit of the developed world (the core).”<sup>83</sup> The behavior of TNCs and high-income countries destabilizes and disrupts economies of low-income countries, while at the same time creating the cultural and economic linkages that motivate movement—or, at least, the desire to immigrate—into these same high-income countries.<sup>84</sup>

In addition to creating cultural and material connections between countries, the extraction of wealth increases inequalities between countries. According to Todd Miller, empires arise through an “extraction of wealth from vulnerable regions...and the transfer of that wealth...to powerful ones such as the United States or Europe. The logical result is that people, including the people of despoiled countries, gravitate towards the imperial metropolises where wealth has become concentrated.”<sup>85</sup> Inequality itself generates a series of push and pull factors that promote movement into high-income countries. This is particularly significant when, in spite of claims about reductions in global poverty, the difference in wealth between the world’s richest and poorest countries has quadrupled between 1960 and 2000.<sup>86</sup>

The effects of this system on the least advantaged would ordinarily precipitate movement *from* low- to high-income countries. However, border control “shields prosperous and peaceful states from

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<sup>81</sup> I would like to thank Alex Sager for suggesting that I make this connection more explicit.

<sup>82</sup> Massey et al., 445.

<sup>83</sup> Sager 2012, 65.

<sup>84</sup> Massey et al., 446.

<sup>85</sup> Todd Miller, 31.

<sup>86</sup> *Ibid.*, 85

the great majority of those who—in a world without borders and exclusive citizenries—would seek to flee war, civil strife, famine, joblessness, or environmental degradation.”<sup>87</sup> If high-income countries experienced the spillover effects of production—or their foreign policy decisions—they might work to prevent these costs from accruing. Borders, however, trap these costs in place, preventing them from affecting the globally advantaged. Immigration control involves high-income countries like the US “fortifying its borders against the very people impacted by its own policies.”<sup>88</sup> This justifies both the perpetuation and exacerbation of these costs.

That largescale immigration is a likely result of their policies is something high-income countries both understand and seek to avoid. For example, in 1992 Immigration and Naturalization Service commissioner Doris Meissner “testified at a congressional hearing that there would be a significant increase of migration from Mexico because of the newly signed NAFTA agreement—a prescient observation, since after 1994 migration from Mexico doubled. Meissner argued that the United States needed to implement a stronger enforcement apparatus.”<sup>89</sup> As I will discuss in chapter 3, high-income countries have also made it clear that they have foreseen largescale migration resulting from the climate crisis and have been preparing for this eventuality.<sup>90</sup>

Second, and relatedly, the current regime of border control has contributed to the flexibilization of labor. Flexible production undermines the relationship between employers and employee, and the power gained over states diminishes the labor protections that provided a semblance of stability and equality between parties in the first place. Workers, on this view, “are increasingly treated as a subcontracted component rather than a fixture internal to employer organizations.”<sup>91</sup>

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<sup>87</sup> Brubaker, 64.

<sup>88</sup> Walia, 3.

<sup>89</sup> Todd Miller 2019, 178.

<sup>90</sup> They have prepared by fortifying borders rather than seeking to eliminate the causes of migration.

<sup>91</sup> Robinson, 19.

Flexible production also diminishes the bargaining power of labor. With capital free from the state and able to search for temporary high-yield relationships, it “began to jettison earlier reciprocal obligations to labor” and came to treat labor as “increasingly only a naked commodity, no longer embedded in relations of reciprocity rooted in social and political communities.”<sup>92</sup> Workers became even more precarious, temporary, and replaceable. This diminishes their ability to collectively bargain for better workplace conditions or higher wages.

Were corporations trapped in place, they could not leverage the existence of the rest of the global labor force against employees. And without such impenetrable borders TNCs would no longer find a prone, trapped workforce. People would instead be able to immigrate to countries where workplace standards and wages were more palatable. The relationship, therefore, depends on the different ways that borders operate for capital and labor.

Third, the ability to fragment production between states eliminates the need to develop robustly integrated infrastructure and education where production occurs. Producing and assembling an entire commodity in one city or region often requires cultivated skill, experience, and know-how, as well as integrated infrastructure. Transnational production, on the other hand, often involves small component parts produced and shipped from a host of different countries.

In a global economy with fragmented production, the infrastructure accompanying TNCs is often weakly integrated, aimed more at moving goods out of the country than meeting domestic needs. This can be seen in the highways constructed in Mexico in the 1940s, “which followed the blueprint of U.S.-built railroads that were laid out in a north-south pattern. Building the roads in this fashion facilitated the export of goods...and only secondarily were these roads connected with Mexico’s economic heartland.”<sup>93</sup> This is part of a trend where TNCs fail to embed themselves within domestic

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<sup>92</sup> Ibid., 75.

<sup>93</sup> Gonzalez, 3.

supply chains in the ways that make for a vibrant economy. For example, maquila plants were “little more than export platforms disconnected from the rest of Mexico’s economy” and had “little ‘spin-off’ effects; they are islands of U.S. production in Mexico’s soil.”<sup>94</sup> This not only increases the exit power of TNCs, but it means that low-income countries do not enjoy most of the benefits of globalization.

The lucrative flexibility of capital and the privileges of affluent citizens in high-income countries depend upon a system of divided citizenships. This provides capital with a reserve army of labor, to be brought *here*, pursued *there*, or ignored depending on need. It ensures that those who suffer negative externalities are prone outsiders who do not count (or who count for less) in political deliberations. And it means that aggressive behavior *by* high-income countries—e.g., regime change or war for natural resources—does not necessarily lead to mass migration *into* these high-income countries. This reduces the costs for the affluent by keeping the effects localized to segregated communities of the globally marginalized.

The *luck* and *control conditions* apply to the global poor. Those born into low-income countries suffer from bad luck, at least when measured by economic factors. The global poor—especially low-income, nonwhite people in the Global South—face significant restrictions on movement. While they are not, like feudal serfs, legally trapped into a particular social position, the current regime of border control severely constrains their exit options, leaving them largely trapped in space. And TNCs and high-income countries also benefit from their immobility. High-income countries would, without discretionary control over immigration, experience high rates of immigration because of their foreign policy. And TNCs would lose access to a prone, precarious workforce if the global labor force had the power to move in response to better opportunities elsewhere.

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<sup>94</sup> Ibid., 9.

This suggests that the *exploitation condition* also applies. Whether or not high-income countries maintain the current regime of border control *so that they can benefit*, this system plays a vital role in constructing the proneness of poor workers in low-income countries. With freedom of movement, workers in highly exploitative relationships would have the power to immigrate to high-income countries, pursuing better workplace conditions, higher pay, and a more robust social welfare system. The threat of leaving would provide them with the power to bargain for better conditions and can change the balance of power in relationships with TNCs.

#### *4. Equality of Opportunity & Migration*

This analysis of feudal privilege and understanding of the global economy provides the tools to explain why EO involves freedom of movement. In §4.1 I consider Carens' claim that restrictions on mobility violate EO. In §4.2 I develop the liberal principle of EO, explaining how Carens' account fails to justify an extension of EO from the domestic to the global contexts. This is for two reasons. First, liberal EO is often focused on group-based labor market segregation within space. Accounting for space-based labor market segregation requires that we modify liberal EO. Second, liberal EO is a relational egalitarian principle and only applies to members of a shared practice. Insofar as Carens' analysis of feudal privilege is compatible with a world of autarkic states, he has failed to explain why EO can be applied globally. I will argue that his analysis of feudal privilege fails to justify an extension of EO from the domestic to the global sphere.

In §4.3 I address the first failure by explaining why EO requires freedom of movement. To do so, I will provide an expanded four-part conception of EO that can address unequal opportunities that result from spatial segregation and restrictions on mobility. In §3.4 I address the second failure by explaining how some relational egalitarian principles are relevant within in global economy. I argue

that markets are sufficiently integrated, and that the effects on people's lives are significant enough, to demand the global extension of *some* elements of EO.

#### *4.1. Carens' Argument from Equality of Opportunity to Freedom of Movement*

According to Carens, the current regime of border control, like all systems of feudal privilege, violates the liberal principle of EO.<sup>95</sup> It not only involves accepting a world within which arbitrary facts about birth shape opportunities, but also includes high-income countries maintaining a system of divided opportunity sets with coercive (and often deadly) borders. However, this has been ignored by liberals, many of whom argue that the value of EO is to be enjoyed only by citizens of liberal democracies.

Liberal philosophers reject hierarchies based on race, sex, religion, and class. Most accept the Rawlsian demand that all citizens have equal access to desirable opportunities. Yet these values often have rigid borders. We have “a commitment to equality of opportunity for people *within* democratic states..., but no pretense, or even aspiration...across states.”<sup>96</sup> Arbitrary facts about one's birth are coercively enforced, restricting people's mobility, and trapping them in the opportunity sets into which they were born. This is, on Carens' view, clearly unjust. After all, the ideal of EO “is intimately linked to the view that all human beings are of equal moral worth.”<sup>97</sup> However, despite this moral equality, “contemporary social arrangements not only grant great advantages based on birth but also entrench these advantages by legally restricting mobility.”<sup>98</sup>

This is, on Carens' view, normatively incoherent. Liberalism cannot maintain the moral equality of all persons, the deep importance of EO, and a commitment to a sovereign right to control borders. If we are all moral equals, then EO should be of significance globally. And if unequal

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<sup>95</sup> Carens 2013, 227-28.

<sup>96</sup> *Ibid.*, 228.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*, 226.

opportunities lead to greater harms globally, then global EO should be *even more significant*.<sup>99</sup> However, not only do we fail to provide people with the resources and educational opportunities to develop their talents and move in pursuit of desirable opportunities, but we also use coercive borders to prevent them from even trying to improve their lives.

Carens' solution is to guarantee that everybody has the right to immigrate in pursuit of better opportunities. This prevents people from being trapped in undesirable opportunity sets, ending what he identifies as a citizenship-based global caste system. While this is not, as we will see in §4.2, *sufficient* to ensure that Rawls's fair equality of opportunity (FEO) is met, freedom of movement is *necessary* for equalizing opportunities in a world where citizenship determines life prospects. It gives people the formal right, if not substantive ability, to pursue desirable opportunities. And at the very least it eliminates the hypocrisy of fighting for EO domestically while cementing horribly unequal opportunities globally.

#### *4.2. Liberal Equality of Opportunity*

The liberal conception of EO is most prominently developed by John Rawls. On Rawls's view, socioeconomic inequalities are only justifiable if they are: a) attached to positions available to all under conditions of FEO, and b) to the greatest advantage of the least advantaged group (the difference principle).<sup>100</sup> Rawls's FEO identifies two ways that opportunities might be unequal: 1) discrimination preventing people from getting positions for which they are qualified and 2) unequal education and training leaving people without the ability to develop their talents. When opportunities are unequal in these ways, socioeconomic positions become inherited.

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<sup>99</sup> John Rawls' least advantaged representative group in the US—say, manual laborers—are in a considerably better position than the globally least advantaged and have less to gain from social mobility than working class people in low-income countries have to gain from immigration.

<sup>100</sup> Rawls 1971, 42-43.

This has two key implications. First, unequal opportunities unjustly preclude people—based on group membership—from enjoying the benefits of a system of cooperation. Second, when people in the worst positions are largely segregated based on group membership, there is little incentive to improve their pay, workplace conditions, or benefits. For example, Roosevelt’s New Deal was tailored to exclude southern Black workers by not covering jobs in sectors where they were predominant—farmworkers and domestic workers.<sup>101</sup> Today, the workplace conditions for such workers are partially a product of the precarity of the migrants filling these positions. The privileged and their children, protected as they are from these positions, need not worry about dangerous working conditions or low wages. Instead, they can reap the rewards of cheap production with the costs safely borne by marginalized populations.

Preventing this not only requires non-discrimination in hiring and admissions, but also involves restricting inequality and equalizing educational resources and opportunities. It is not enough for people to have formal access to opportunities if they have inherited the poverty of their parents. Moreover, policies aimed at promoting FEO extend well beyond the schoolhouse, applying to all aspects of society that reliably affect development.<sup>102</sup> Environmental toxins, prenatal nutrition, access to childcare, and healthcare are also among the social determinants of opportunity. Left unregulated, they distribute benefits and burdens based on group membership—e.g., race, gender, and class. They ensure that the least desirable opportunity sets are clustered around the least advantaged and most marginalized populations.

Rawls’s conception of FEO fits poorly with Carens’ proposal. First, contrary to Carens’ immigration-centered account, it is primarily focused on group-based labor market segregation *within space*. It applies within the context of a single country, ensuring that desirable positions are both

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<sup>101</sup> See Coates.

<sup>102</sup> Barry, 47-52.

formally and substantively available to all persons with equal natural talents or abilities. And insofar as it is a liberal principle of domestic justice, there is a presumption that all people already have freedom of movement. Therefore, more needs to be said to explain how EO applies to opportunities that are segregated by space—as well as national borders—and that require mobility rights to access. I will return to this in §4.3.

Second, Rawlsian FEO applies only to members of a single country or society in part because it is a relational egalitarian principle. On a relational egalitarian account, mere inequalities do not necessarily rise to the level of injustice. Instead, whether an inequality is unjust depends upon how it arises and what effects it has on social equality between members of a practice or community. As Elizabeth Anderson notes, “a group inequality is unjust if it (a) is caused by unjust intergroup relation; (b) causes unjust intergroup relations; or (c) embodies such relations.”<sup>103</sup> Amy Reed-Sandoval similarly suggests that “just states are required to maintain a ‘society of equals,’ and...this involves taking steps to undermine unequal and oppressive social relations.”<sup>104</sup> Relational egalitarian concerns arise, in short, within the context of social relations and condemn inequalities that stem from, promote, or indicate the existence of unjust relationships between groups.

On this picture, concerns about material inequalities arise in a shared practice within which goods are both produced and distributed between members. One reason unequal opportunities matter in this context is the way the self-respect and social status of those not granted EO is wounded. They lack educational opportunities, positions of power, and often the wealth and prestige that comes with preferred positions. This deprivation particularly grates when, as members of the economic practice, they help produce the wealth and influence that makes possible the very opportunities from which they are excluded.

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<sup>103</sup> Anderson, 67.

<sup>104</sup> Reed-Sandoval, 14.

This depends upon being bound together in a shared practice, as well as playing a role in creating the wealth of the privileged. One need not feel disrespected by the mere fact that some unidentified other *over there* has better life prospects or opportunities. And one need not feel any injustice in people enjoying the fruits of a joint practice of which they are not a member. However, those who are used by a system to create the wealth and opportunities of the privileged have a claim to fair access to both and rightly rebel at their exclusion.

There is a second reason why EO is vital in cooperative practices: by spreading the costs and benefits of less desirable opportunities, it provides an incentive to prevent them from becoming absolutely, rather than merely relatively, undesirable. Those who are trapped, either *de jure* or *de facto*, from developing their capacities and accessing positions of power and privilege are, by virtue of this segregation, prone and susceptible to degrading conditions and hyper-exploitation. When positions are not open, and when we can predict that those occupying the lowest strata in production and wealth will be *them* and not *us*, we have little incentive to ensure that the least advantaged are sufficiently protected. And when the externalities of production are *there* rather than *here*, we have no reason to limit their severity. In fact, we have a vested interest in permitting and increasing these costs. Lower wages, weaker workplace protections, longer hours, fewer benefits, and a segregated environmental dumping ground all offer benefits to the affluent members of the community.

This concern fits Rawls's discussion of FEO.<sup>105</sup> He notes that FEO can help ensure that "the more advantaged cannot unite as a group and then exploit their market power to force increases in their income."<sup>106</sup> Moreover, without the ability to control where the global labor force resides, they cannot as easily exercise wanton power over them and their lives. With positions sufficiently open, and with all having the ability to successfully pursue preferred opportunities, the segregation of the

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<sup>105</sup> While I will not be using Rawls's significantly stronger conception of FEO in the arguments of this chapter, the overlap between these two views shows the way in which liberal political philosophy is compatible with these republican concerns.

<sup>106</sup> Rawls, 67.

privileged and the exploited—where the latter is forced to endure workplace conditions and pay that the privileged refuse—is less likely to occur. EO helps ensure that all groups must be as likely to experience each kind of life within a practice.<sup>107</sup> This prevents the hyper-exploitation and immiseration likely to develop within segregated practices.

Therefore, we can see that EO plays two roles that are vital on relational egalitarian accounts. First, it prevents people from suffering the status harms and injury to their self-respect that comes from inherited social positions. Second, by working to ensure that all social groups are equally likely to experience each sector of the labor market, it provides the privileged with greater reason to concern themselves with the lives of the least advantaged.

On Carens' view, all people have a claim to EO based on their moral equality. However, as described above, liberal EO applies within the borders of liberal democracies. It is focused on group-based labor market segregation *withing space*, seeking to ensure that people do not inherit the socioeconomic status and opportunities of their parents or their social group. And it is partially justified within a shared practice as a way of preventing status harms and ensuring that the kinds of segregated opportunities found in feudal systems do not arise.

This relational egalitarian conception of liberal EO, however, does not apply whenever moral equals face unequal access to desirable goods. While borders might be arbitrary and do cement (un)lucky facts about one's birth, this "is an embarrassment only for those who thought of liberalism as requiring the elimination of random chance."<sup>108</sup> The goal is not to eliminate inequalities wherever they are found and however they arose, but to ensure "that people are not subordinated or marginalized within relationships or institutional contexts of which they are a part."<sup>109</sup>

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<sup>107</sup> If affluent parents know that their children are just as likely to clean houses as they are to become doctors then this provides them with a reason to care about the lives, conditions, and pay of house cleaners and to support policies that ensure that people occupying these positions live decent, meaningful lives.

<sup>108</sup> Blake 2020, 35.

<sup>109</sup> Song, 80.

These considerations do not clearly apply under conditions of autarky. Consider Michael Blake's discussion of two fictional autarkic nations, Borduria and Syldavia.<sup>110</sup> Focusing on inequalities in wealth and income, Blake argues that the less wealthy—but still comfortable—Syldavians have no claim to an international *difference principle* that maximizes the position of the least advantaged regardless of where they live or have citizenship. They are not part of the shared practice within which Bordurian wealth was created. They are not coerced by the Bordurian government. And the Bordurians did not build their wealth on the backs of, or through expropriation of resources from, Syldavians.

On Blake's view, this does not change if the two countries had recently relaxed the borders separating their countries.<sup>111</sup> The mere fact that they have engaged in mutually beneficial trade for ten years does not give the Syldavians any greater claim to Bordurian's wealth. This is true even if more of the (mutual) benefits were enjoyed by the already more affluent Bordurians. Mere inequality, even in trading relationships, is not sufficient to demand the application of liberal principles of economic justice. They are not in the right kind of relationship to demand the difference principle, nor are they in the right kind of relationship to be wounded by existing inequalities.

Much the same holds for EO. Under conditions of autarky, the mere fact that one country has more desirable opportunities is not obviously a concern of justice. Unlike the least advantaged domestically, the Syldavians did not help produce the Bordurian wealth that they are not being excluded from enjoying. They are not being trapped in highly exploitative positions *so that* the Bordurians can benefit from their relative deprivation and need. And they are not segregated into undesirable opportunities that can be safely immiserated and degraded by the privileged Bordurians.

Carens might, of course, reply by noting that the real world is quite different than the world inhabited by Borduria and Syldavia. Not every country is able to meet citizens' basic needs. Many

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<sup>110</sup> Blake 2001, 290.

<sup>111</sup> *Ibid.*, 291.

people are chronically malnourished and dying from poverty-related causes. Therefore, affluent countries are not merely maintaining inequality when they close their borders to would-be immigrants. They are, instead, refusing to allow them to leave absolute poverty and early death.

Liberals will respond by pointing out that this is not an argument for *equal* opportunity. It is, instead, only an argument for removing people from absolute poverty. Not only can this be done without opening borders, but it does not require EO.<sup>112</sup> It only requires that high-income countries take steps—through aid, institution building, trade agreements, etc.—to ensure that low-income countries can meet the basic needs of their residents.

To avoid this problem, we need to identify the conditions under which EO applies globally. It is difficult to justify EO under conditions of autarky. It is also unclear whether the proper response to poverty is EO and whether it necessitates Carens' strategy of open borders. In §4.3 I will develop an expanded conception of EO that includes a right to freedom of movement. And in §4.4 I will combine this with an analysis of the current global economy to explain why freedom of movement is required as a tool for equalizing opportunities.

#### *4.3. An Expanded Account of Equal Opportunity*

In §4.2 I suggested that EO is significant for two reasons. First, unequal opportunities unjustly preclude people from enjoying the benefits of a system of cooperation. This is of concern when those excluded have helped create the wealth and desirable opportunities enjoyed by the privileged. Second, when people in the worst positions are largely segregated based on group membership, there is little incentive to improve their pay, workplace conditions, or benefits. And, more importantly, there is an incentive to push down pay, workplace conditions, and benefits. Unequal opportunities *within an*

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<sup>112</sup> Kieran Oberman presents an argument, one I will return to in §6, that using immigration policies to fight global poverty raises serious moral problems.

*economic practice* allow the privileged to lower (or at least refrain from improving) the standards and compensation for the positions occupied by the least advantaged.

Focusing on the second problem with unequal opportunities, spatial segregation—both *de jure* and *de facto*—functions the same way as group-based segregation within space.<sup>113</sup> It contributes to an unequal distribution of opportunities and incentivizes the clustering of costs and risks in marginalized communities. According to Elizabeth Anderson, “[w]hen important goods are asymmetrically distributed across space and groups are sorted into separate spaces containing more or less of these goods, group inequality results.”<sup>114</sup> Building on Rawls’s conception, and incorporating the lessons from feudal systems, I suggest an expansion of liberal EO. In addition to non-discrimination and an equal chance to develop one’s talents, EO also requires freedom of movement and, in some contexts, the resources needed to take advantage of mobility rights.

These elements contribute, in different ways, to preventing the space- and group-based clustering of negative costs and benefits in an economic practice. Non-discrimination and an equal chance to develop one’s talents preclude the group-based segregation of opportunities *within space* by ensuring that people are not prevented—by the socioeconomic position of their birth—from accessing desirable opportunities. Freedom of movement and resources to enjoy substantive mobility rights prevent the spatial segregation of costs and benefits. To illustrate this, I will briefly consider the effects of domestic racial segregation and how it shares important elements with feudal caste systems.

While we should be cautious of making analogies across time periods and distinct societies, many of the problematic features of feudalism—assignment to fixed, hierarchical, and exploitative social positions as well as spatial segregation—characterize many contemporary social and economic

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<sup>113</sup> I will argue that spatial segregation—particularly when it is enforced through borders—is of greater concern in this regard. The effect that it has on constructing undesirable opportunity sets and clustering negative externalities is even more pronounced.

<sup>114</sup> Anderson, 27.

arrangements. Spatial segregation continues to divide people, tie them to land, and shape their life prospects. It also allows for the costs of production and inequality to be safely segregated from the privileged.

The history of the US, for example, involves a cruel coalescence of *de jure* and *de facto* segregation. Ta-Nehisi Coates detailed how redlining intentionally worked towards the segregation of neighborhoods, forcing Black home buyers into a contract system that had deleterious and lasting effects on Black wealth. Specifically, the US government “insured private mortgages” but “adopted a system of maps that rated neighborhoods according to their perceived stability.”<sup>115</sup> Mixed-race and Black neighborhoods were labeled unstable, redlined, and became ineligible for Federal Housing Administration-backed loans.

*De jure* segregation in the U.S. did not end with redlining. Instead, “real estate commissions licensed members of local and national real estate boards whose published codes of ethics mandates discrimination.”<sup>116</sup> Lending agents that were underwritten—and monitored—by the state offered discriminatory loans.<sup>117</sup> Moreover, “[i]t wasn’t only the large-scale federal programs of public housing and mortgage finance that created *de jure* segregation. Hundreds, if not thousands, of smaller acts of government contributed,” including “denial of access to public utilities,” “routing interstate highways to create racial boundaries,” and unequal public spending in nonwhite neighborhoods.<sup>118</sup> The result is that, according to a 2000 US census report, half of all Black people in the US lived in “hypersegregated” communities.<sup>119</sup>

Segregation has several implications for socioeconomic justice. First, segregated communities are more susceptible to group-based social control—the “war on drugs” in the US being a clear

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<sup>115</sup> See Coates.

<sup>116</sup> Rothstein, 102.

<sup>117</sup> See Coates and Rothstein.

<sup>118</sup> Rothstein, 122.

<sup>119</sup> Anderson, 26.

example. Targeted control is facilitated by segregation, permitting increased enforcement in Black and other minoritized communities.<sup>120</sup> If affluent white citizens suffered the consequences of the war on drugs, the political blowback would render such policies untenable. This system requires that negative effects be localized in racial communities and spatial segregation facilitates this segregation of effects.

Second, segregation permits the worst externalities of production to be clustered in marginalized communities. Manufacturing zones are largely situated in poor, often nonwhite neighborhoods because doing so is less costly—both economically and politically.<sup>121</sup> And factory farms are disproportionately located in poor communities of color for the same reason.<sup>122</sup> They generate eyesores and noise, but also lead to air and water pollution. This has devastating effects on home values, quality of living, and health for those living in the shadows of their effluence.

Third, communities segregated by race and socioeconomic class are more often both job and consumer-goods deserts.<sup>123</sup> This is supported by the “the spatial mismatch hypothesis, which claims that urban [B]lacks suffer higher unemployment and lower wages than whites due to their difficulties in obtaining distant suburban jobs.”<sup>124</sup> With white flight, disinvestment, and increased rates of poverty, segregated communities of marginalized people become undesirable to, and operate at a deficit of, consumer-driven businesses.<sup>125</sup> The loss of wealth due to white flight means that middle class consumers make up a smaller percentage of the community.

With disinvestment, these communities also lack the economic policies that attract businesses—community development, infrastructure, and favorable tax breaks for corporations. The result is a dearth of jobs and material goods as businesses increasingly locate closer to the suburbs and

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<sup>120</sup> See Alexander; Cole.

<sup>121</sup> See Barry.

<sup>122</sup> See Christine Ball-Blakely.

<sup>123</sup> See Hammer; Quillian; and Stoll and Covington.

<sup>124</sup> Anderson, 27.

<sup>125</sup> Until they become hotspots for gentrification, at which point the previously ignored groups are pushed out of the newly desirable community.

other middle-class, white communities.<sup>126</sup> This has widespread effects, leaving these communities with “fewer supermarkets, banks, retail outlets, restaurants (other than fast food), movie theaters, and other consumer services...even after controlling for income.”<sup>127</sup>

Finally, a large population of poor and more often unemployed citizens is ripe for exploitation. Those with few employment options and desperate for income are more likely to accept lower salaries and worse workplace conditions. Spatial segregation, therefore, can decrease bargaining power and leave people prone in their relationships with employers.

Feudal systems and segregated societies illustrate several general reasons why space and mobility matter. First, restrictions on mobility leave people trapped in place, prone, and with little (or no) bargaining power. This can affect their status with both the state and businesses, making social control marginalization and hyper-exploitation more likely. Second, a segregated and marginalized community is likely to experience the worst externalities of production, with segregation also exacerbating these externalities. If, for example, the costs of cheap transnational production—environmental degradation, weakly integrated TNCs with plentiful exit options, unlivable wages, and poor workplaces conditions, for example—are isolated *over there* and *with them*, there is little incentive to work on regulating and restricting them. And third, segregated and immobile communities are liable to suffer from the relative mobility of capital, as they are at greater risk of becoming job and consumer-good deserts.<sup>128</sup>

This explains why EO requires domestic freedom of movement. I argue that it also explains why it is required in an integrated global economy. In both cases, a segregated and/or immobile

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<sup>126</sup> Stoll and Covington (2517) describe how housing segregation is a driving force behind the spatial gap in access to jobs and opportunities along racial lines.

<sup>127</sup> Anderson, 29.

<sup>128</sup> While there are some costs to spatial segregation and restrictions on mobility that only exist, or are more significant, within a country—status harms, effects on political representation, access to state resources, and unequal policing, for example—these three concerns are global in scope. They depend only on the greater power and flexibility of TNCs.

population suffers from reduced bargaining power. They are likely to not only experience the least desirable *existing* opportunity sets but are also likely to have the quality of their opportunities and life prospects diminish, or at least stagnate when others are improving.

#### 4.4. *A Relational Account of the Global Economy*

EO is primarily a relational egalitarian concern. It arises in the context of a shared practice within which goods are both produced and distributed between the members. One reason it matters in this context is the way the self-respect of those not granted equal opportunity is wounded. They lack educational opportunities, positions of power, and perhaps the wealth and prestige that comes with preferred positions. This deprivation particularly grates when they help produce the wealth and influence that makes possible the very opportunities from which they are excluded.

This depends upon being bound together in a shared practice, as well as playing a role in creating the success of the privileged. One need not feel disrespected by the mere fact that some unidentified other *over there* has better life prospects or opportunities. And one need not feel any injustice in people enjoying the fruits of a joint practice of which you are not a member. However, the value of EO becomes clear primarily within the more robust understanding of feudalism described in this chapter. Those who are used by a system to create the wealth and opportunities of the privileged have a claim to fair access to both, and rightly rebel at their exclusion.

There is a second—and, for this chapter, more important—reason why EO is vital in cooperative practices: it prevents both spatial and group-based labor market segregation, thereby preventing the privileged from clustering undesirable opportunities in other (often marginalized) communities.<sup>129</sup> Those who are trapped, either *de jure* or *de facto*, from developing their capacities and

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<sup>129</sup> Alex Sager develops a related criticism of immigration restrictions: by preventing people from moving between labor markets, they “not only prevent people from escaping poverty and ameliorating inequalities, but they also play a key role in causing them.” (Sager, 34). This is because immigration tends to promote an equilibrium in wages between sending and receiving societies, thereby decreasing global inequalities between countries and individuals within them.

accessing positions of power and privilege are, by virtue of this segregation, prone and susceptible to marginalization and hyper-exploitation. When positions are not open, and when we can predict that those occupying the lowest strata in production and wealth will be *them* and not *us*, we have little incentive to ensure that the least advantaged are sufficiently protected. And when the externalities of production are *there* rather than *here*, we have no reason to limit their severity.

This concern does not arise under conditions of autarky—in a world where there are no cross-border economic interactions, geographical segregation cannot play a role in generating and sustaining exploitative economic relationships.<sup>130</sup> It also does not arise, following Blake’s discussion of Borduria and Syldavia, when autarky gives way to intermittent trade between countries. Instead, it requires a robust global economy within which TNCs can move freely in pursuit of more profitable sites for production. It requires, in other words, the globalization of production.

I suggest that the requirements of EO—freedom of movement, resources to move, non-discrimination, and an equal chance to develop one’s talents—depend upon the nature of the practice and the needs of the parties within it. Domestically, the inescapable and determinative nature of the economic system, combined with states’ duties to citizens, suggests that all four requirements are necessary.<sup>131</sup> Freedom of movement and adequate resources help prevent *de jure* and *de facto* segregation as well as any resulting inequalities.<sup>132</sup> Non-discrimination and substantively equal educational opportunities ensure that people do not inherit their social position. These also promote social equality in domestic societies where our status and self-respect are more clearly implicated by relative differences in opportunities and resources.

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<sup>130</sup> This is not to say, of course, that closure cannot generate or sustain other relationships of exploitation or domination. I will return to this in §5.

<sup>131</sup> These greater demands are partly generated by the more determinative nature of the practice. But they are also in part justified by the duties that the state has in virtue of its special relationship to citizens and residents.

<sup>132</sup> This fits Elizabeth Anderson’s claim that “[t]he relational theory of inequality identifies segregation as the linchpin of group inequality” (67). However, in this project I stop short of her full account of integration. This is partly because robust integration is more controversial, but primarily because integration is not needed—nor is it clearly desirable—globally.

At present, low-income countries and their citizens suffer a considerable power disadvantage in their relationships with TNCs, high-income countries, and international organizations. Restrictions on their mobility not only leave the global labor force trapped in undesirable opportunity sets, but they also help create, maintain, and exacerbate these undesirable opportunities. Closure segregates the costs in low-income countries, allowing TNCs and high-income countries to avoid the negative externalities generated by their actions, and prevents the migration of those who experience the worst effects of the transnational practice.

Freedom of movement *as* EO is required as a tool for eliminating the spatial segregation of negative externalities and opportunities in the global economy. This is not to say that increased mobility is the only possible solution. Placing restrictions on the behavior of TNCs and high-income countries while enacting policies aimed at eliminating global inequalities would also help mitigate the spatial segregation of undesirable opportunities and externalities. However, this option remains a distant possibility, foreclosed for now by the lack of institutions and political will.<sup>133</sup> Moreover, we have seen in the US that even with all the protections of a liberal democracy, spatial segregation leaves the rights of some groups insecure and unstable. Accordingly, maintaining a system of border control while working to extend other protections is a precarious and likely only partial solution even if enacted.

Finally, while fully achieving global EO involves other elements—specifically, non-discrimination in admissions policies and adequate resources to migrate—I am only arguing for the necessity of freedom of movement. One reason is the deep controversy surrounding the full global extension of EO. I aim to present an argument for freedom of movement *as part of* EO that is more easily embraced by political liberals for whom the full range of socioeconomic rights are dependent

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<sup>133</sup> Reece Jones has voiced similar concerns, noting that “[t]oday, the political tools are not in place to solve the problem. It is not necessarily a problem of political will; it is a systemic problem with how power is organized in the world” (138).

upon coercion or robust sociopolitical relationships. Moreover, freedom of movement would if instituted, have dramatic effects. Insofar as increased mobility can change the incentive structure of high-income countries and TNCs, as well as motivate a reduction of negative externalities and undermine relationships of domination, then progress towards global equality should result.

### *5. Domination, Anti-Powers, & Freedom of Movement*

In this section I will argue that the current regime of border control—operating as it does against the backdrop of a global economy—is also unjust on a republican analysis. The power to control borders for labor—the ability to keep labor *over there* or to bring it *here*, depending on need—plays a key role in the domination of the least advantaged by transnational capital. It permits states to work with corporations to determine whether the most profitable use of the global labor force involves documented immigration, undocumented migration, or taking sites of production to labor. And it removes the power of people in low- and middle-income countries to push back against hyper-exploitation by emigrating away from the low wages as well as weak environmental and workplace protections that TNCs have negotiated.

#### *5.1. Republican Domination*

While domination is a contested concept, popular accounts share several common elements. According to Iseult Honohan, domination occurs when one “is subject to the arbitrary power of another in an unequal status relationship, and to the threat of coercion, whether or not there is actual interference at any point in time.”<sup>134</sup> Miriam Ronzoni and Cecile Laborde see all prominent definitions as sharing three common elements.<sup>135</sup> First, an imbalance of power between two persons or groups. Second, a dependency on the relationship, where those dominated either cannot leave or face

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<sup>134</sup> Honohan, 31.

<sup>135</sup> Laborde and Ronzoni, 280.

unacceptable costs for leaving. And third, an arbitrary exercise of power that lacks effective or appropriate constraints. For the purposes of this chapter, I will focus on Ronzoni and Laborde's three core features. With this I will show that the current system of border control permits the domination-for-exploitation of low-income countries and their residents.

Honohan has been one of the most perspicacious thinkers regarding the relationship between restrictions on movement and domination. First, Honohan notes that unchecked migration control itself is dominating, as it involves arbitrary power wielded by states over those petitioning for entry.<sup>136</sup> This can involve Carens' guards with guns as well as bigoted reasons for exclusion, and at present can be enacted with near impunity.

Second, closed borders also can "reinforce the capacity of other states to dominate their own citizens to the extent that they have no real option of leaving the country."<sup>137</sup> Without feasible exit options, citizens might have little ability to respond to state neglect or oppression. As Anna Stilz notes, the right to emigrate "may have useful effects in incentivizing the protection of rights domestically. If governments know that dissidents can leave the territory and organize political opposition abroad, they have greater incentive to engage in political compromise rather than repression."<sup>138</sup>

This has also been recognized by traditional liberal philosophers. For example, citing Albert Hirschman, Michael Blake claims that "emigration from East Germany was one of the most powerful goods that forced some degree of reform onto the East German leadership."<sup>139</sup> And while the right of exit helps promote this value, it is imperfectly protected without a corresponding right to entry. If poor nonwhite immigrants only have access to other low-income, politically unstable countries, then they might find little benefit in moving, thereby limiting their exit power.

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<sup>136</sup> Honohan, 2014, at p. 38.

<sup>137</sup> *Ibid.*, 41.

<sup>138</sup> Fine & Ypi, 63.

<sup>139</sup> Brock and Blake, 196.

It is Honohan's third suggestion, though, that is most illuminating. Migration control does not exist in a vacuum. Rather, it occurs within the context of "a relationship of dependence...in which those exercising arbitrary power benefit, and those dominated either cannot leave the relationship, or the exit costs are too high for them to do so realistically."<sup>140</sup> The excluding states benefit from a system in which TNCs exploit the cheap labor, low tax rates, and minimal environmental standards in low- and middle-income countries. So, while in previous economic stages it might only be those who petition for entry that are dominated by closed borders, under a global economy "there is a distributed system of domination in which all states contribute in their migration decisions."<sup>141</sup> State exclusion functions alongside transnational capital to maintain a system of feudal privilege.

Developing Honohan's account, I suggest that this relationship of dependence does not just exist between high-income countries and would-be immigrants. The domination by high-income countries also serves to keep many residents of low-income countries in a relationship of dependence with TNCs. This helps permit and maintain what I will call a relationship of domination-for-exploitation, where TNCs exercise arbitrary control over wages, workplace and environmental standards, and tax policies in low-income countries. This is done so that they can maximize productivity in a global economy.

Domination need not have an economic motivation. After all, parents can dominate their children, someone can dominate their spouse, and a teacher can dominate their students without any direct connection to their economic interests, even if these are facilitated by economic dependency. However, domination is often vital for, and explained by, economic oppression. Control over people's lives, choices, and movement can be used to derive more reliable benefits from them and their labor.

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<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

The relationship between lord and serf, for example, fits this model. Lords exercised control over serfs, determining when, where, and how they labored, as well as what they received in return. Restrictions on mobility prevented serfs from exiting the relationship. And lords were largely free to exercise unilateral control over them. This relationship of domination was cultivated and maintained for the purpose of deriving reliable benefits from a prone population.

### *5.2. Domination in the Global Economy*

The current system of divided citizenships, combined with borders that are open to the movement of capital but (largely) closed to the movement of low-wage labor, is a vital precondition for global capitalist development. It creates a reserve army of labor that can be tapped as needed, providing the capitalist core with, among other things, low-cost products.

High-income countries benefit from this asymmetry in mobility.<sup>142</sup> They can exclude would-be migrants when doing so is politically and economically expedient and can selectively admit when the domestic labor market needs an influx of foreign labor. As Honohan notes, this creates a relationship of dependency between high-income countries and potential migrants in low-income countries—one from which individuals cannot easily escape.

The regime of border control—particularly in the current global economy—therefore facilitates the domination of would-be migrants by their home countries and by the high-income countries that benefit from the system of selectively closed borders. However, it also enables a third relationship of domination: the domination by residents of low-income countries by TNCs.

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<sup>142</sup> As I will discuss in chapter three, the current regime of border control benefits high-income countries in other, potentially more pernicious ways. Regulating the flow of people affected by their behavior—for example, wars of regime change or greenhouse gas emissions—serves to regulate the (perceived) costs of their behavior. Insofar as high-income countries see large-scale immigration as contrary to their interests, being forced to reckon with this cost would affect their incentive structures.

In §3 I considered the novel conditions of the global economy, focusing on the power it has provided TNCs over low-income countries and their residents. The mobility of TNCs, the relative deprivation of low-income countries, and the restrictions on mobility faced by the global poor combine to give TNCs considerable bargaining power. This has, according to Dietsch and Rixen, undermined fiscal self-determination. It has led to workers being treated as subcontracted and replaceable components, lacking the ability to bargain for better working conditions. And it has undermined the need to promote embedded infrastructure and training in low-income countries.

Focusing on the perspective of poor workers in low-income countries, the relationship with TNCs is one of domination. First, TNCs wield unilateral bargaining power. With their mobility, they can move production to another country, or can refuse to enter, unless their conditions are met. Poor workers, particularly once their economy has adjusted to the global economy—moving away from subsistence agriculture and family farms to a wage-labor system in densely populated urban areas—are often desperate for work and a salary. And with a system of closed borders, they cannot move in pursuit of more desirable opportunities.<sup>143</sup> They are therefore trapped and prone in this relationship.

Second, the lack of domestic employment options, and the system of closed borders they face globally, means that they are unable to leave the relationship. For many, the only exit option involves leaving their job and risking starvation for themselves and their family. And third, the power exercised by TNCs is arbitrary, lacking effective or appropriate constraints. It is extra-political power, with no space for workers to vote on TNC policies. And their relative control over the political process, rooted in the desperation of low-income countries for the capital offered by TNCs, means that political avenues for control are unlikely to be effective. After all, if the government of one low-income country

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<sup>143</sup> This is a new crisis generated by increasingly closed borders: “when industrialization restructured the economies of agricultural regions in Europe, it left unemployed rural workers free to board boats overseas. Today, by contrast there are no countries open to large-scale migration. Without an outlet for excess labor, the only option for unemployed rural populations is to live in an urban slum” (Reece Jones, 74).

takes a hard line, refusing to acquiesce to the wages, workplace conditions, environmental standards, and tax policies of TNCs then they can simply move production to one that will.

Moreover, the control wielded over low-income countries and their residents should be understood as not only domination, but domination-for-exploitation. It is not aimless, but functions for a clear purpose: to maximize profitability. The goal is to ensure cheap labor, access to primary commodities, loosely integrated early-stage production, weak environmental standards, and low-tax rates so that they can secure higher profits than would be available in other jurisdictions.

The ability of TNCs to engage in domination-for-exploitation is, in part, constructed by the current regime of border control. It prevents low-income workers from exiting the relationship, thereby strengthening the bargaining advantage wielded by TNCs. As I will argue in the next section, selectively controlling movement between countries removes from the table one of the major sources of institutional anti-power held by the least advantaged.

### *5.3. Freedom of Movement as Anti-Power*

Phillip Pettit developed the idea of institutional anti-powers as a tool for protecting the powerless from the arbitrary control of the powerful.<sup>144</sup> In protecting the powerless we want to avoid, Pettit notes, simply inverting the hierarchy of power, thereby allowing them to dominate or control their former oppressors. Republicans seek to eliminate domination, not to merely change the form that it takes. Moreover, the goal is to provide universal powers, protections, or abilities that will “guard people in general against subjugation” rather than to “guard some particular subgroup.”<sup>145</sup> The institutional protections should, therefore, aim at the entire public rather than some currently dominated subset.

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<sup>144</sup> Pettit, 588.

<sup>145</sup> Ibid.

For something to constitute an anti-power it must a) provide the bearer with power to prevent subjugation while b) not giving them the power to dominate in return.<sup>146</sup> This requires that institutions eliminate relationships of domination without generating new forms of domination in their stead. Pettit considers three types of strategies.<sup>147</sup> First, protective institutions safeguard the powerless against the resources of the powerful. For example, the legal system can—in an ideal world, at least—offer defense against the domination of the powerful. Second, regulatory institutions can remove the legal pathways for political and economic domination. Pettit here considers regulations that prevent monopoly power, unfair dismissal, etc. Third, empowering institutions directly give the powerless the ability to push back against, and ideally forestall, the subjugation and domination by the powerful. These include universal education, a universal basic income, or universal healthcare.<sup>148</sup> I will suggest that freedom of movement is the most effective and feasible empowering institutional anti-power in the context of domination in a global economy.

Pettit's protective and regulatory institutions are usually effective solutions to domestic domination. Insofar as the state has the power to determine and enforce legal and regulatory responses to domination, it can unilaterally promote equality between parties. However, countries—especially low-income countries—are increasingly losing the power to regulate their relationship (or their citizens' relationships) with TNCs. As discussed above, the exit power of TNCs allows them to shop around for the most profitable sites for production. And the poverty of low-income countries provides them with an incentive to accept the terms offered. The result of this set of incentive structures and inequality in power is that low-income countries are not in the best position to push back against the domination-for-exploitation of TNCs. After all, they themselves are dominated in this relationship.

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<sup>146</sup> Ibid., 589.

<sup>147</sup> Ibid., 589-591.

<sup>148</sup> These are, it should be clear, all programs intimately connected to equality of opportunity.

However, we also lack the international institutions to regulate the activities, including mobility, of TNCs. Unlike the domestic case, there are no vertically coercive agencies that can enforce international regulations and laws against TNCs. This suggests that the first two solutions will be unsuccessful in this case. We lack the institutional means to feasibly restrict the behavior of hyper-mobile TNCs.

Given the difficulty with regulating TNCs, I suggest focusing on Pettit's empowering institutions.<sup>149</sup> Here we have at least two options. First, we could eliminate poverty and equalize wealth, ensuring that low-income countries and their residents are able to bargain with, or refuse to accept the terms of, TNCs. Second, we could promote freedom of movement—at least for those living in low-income countries. This will provide them with the power to exit relationships of domination, potentially changing the incentive structures of TNCs, high-income receiving countries, and their home countries. In the rest of this section, I will develop this second option.<sup>150</sup>

J. Matthew Hoye claims that the right to emigrate has served as an invaluable anti-power in the fight against domestic domination.<sup>151</sup> The threat of exit can force the state to concern itself with citizens' interests, particularly if enough people are motivated to leave. Importantly, the right itself seems to suffice in many cases—at least when there are viable exit options. According to Hoye, alien expatriation as an anti-power has shown itself “to have been globally effective, even for those who did not migrate but had a viable path to migration.”<sup>152</sup> Just as domination can occur without ever exercising control—requiring only the standing threat to exercise power—so too can tools for non-

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<sup>149</sup> In addition to the previous concerns, it is worth noting that even those institutions that exist have been captured by capital and often do more to facilitate profitability than they do to regulate the behavior of corporations.

<sup>150</sup> While eliminating poverty and promoting equality between countries would be a potentially effective strategy, it requires the concerted efforts of high-income countries, international organizations, and low-income governments. And high-income countries have, to date, shown little interest or ability to pursue these goals. Moreover, so long as TNCs have the power to shop around, taking advantage of differential standards and the poverty of low-income countries, efforts at securing relative equality will be unlikely to succeed.

<sup>151</sup> Hoye, 182.

<sup>152</sup> *Ibid.*, 186.

domination affect behavior without ever having to exercise the right. Merely knowing that continued domination will result in increased rates of migration can serve to motivate a change in behavior for the dominating parties. The bargaining power that it provides, and the threat that it constitutes, can be sufficient to modify global incentive structures.

Open borders—at least open borders into wealthy, developed states—can help serve two roles.<sup>153</sup> First, they can help ensure that all have fair access to the benefits and burdens of the global economy.<sup>154</sup> Second, they can change the power dynamics and incentive structures between the globally privileged and the least advantaged. Detethering the global proletariat's life prospects from the whims of transnational capital can provide them with much needed bargaining power. If capital undermines their rights or status domestically, or subverts the local economy, then they will be disposed to migrate to affluent nations. This helps prevent the existence of a reserve army of labor—a lower caste of flexible and disposable workers.

With freedom of movement, high-income countries would have to accept immigration from low- and middle-income countries. This will provide the global labor force with not only the ability to leave relationships of domination, but also the power to change the incentive structure of wealthy states and TNCs. If TNC hyper-exploitation of foreign labor involves suppressing wages, preventing the rise of labor and environmental protections, and cutting the social safety net, then citizens of these countries will be inclined to emigrate. If their political leaders are ignoring their needs and rights in order to court foreign capital, then they will be motivated to move somewhere with more robust

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<sup>153</sup> The goal is *not* to generate large-scale immigration. Rather, the goal is for the institutional anti-power of free movement from low-income countries to disincentivize hyper-exploitation and degradation and to provide both low- and high-income countries with an incentive to reign in TNC behavior. Most people, absent oppressive relationships or immiseration, do not want to uproot themselves and move into another country. If the threat of large-scale migration is successful in modifying the behavior of economic elites, then it might be—and can be hoped that will be—the case that this right is not used by a substantive proportion of the world.

<sup>154</sup> I say “help” ensure for two reasons. First, merely formal freedom of movement is not sufficient to ensure fair access. The means to act on this right will be important. Second, and relatedly, the least advantaged are not often the ones emigrating. This strategy is, therefore, only an imperfect tool for achieving non-domination.

protections and higher wages. And if wealthy states are experiencing the political or economic backlash from large numbers of actual or potential immigrants, then they will finally have a reason to place constraints on behavior of TNCs—behavior that they were previously benefitting from.

Thus, a more careful analysis of the injustice of feudalism, as well as how control over movement can serve as a vital tool for the domination-for-exploitation of a prone workforce, helps vindicate a modified version of Carens' feudal privilege argument. The current regime of border control functions much like the regulation of mobility within a feudal system. In each case, domination in the domain of mobility is vital for the domination-for-exploitation of a prone labor force. This also helps explain why the current regime of border control and divided citizenships is, like feudalism, morally repugnant. Neither involves the *mere* hoarding of luck-based privileges. Instead, each involves controlling the movement of a labor force to perpetuate and exacerbate their exploitation. Finally, this explains why the appropriate response is open borders. In each case, freedom of movement serves as an anti-power against domination-for-exploitation, permitting a previously prone population to exit oppressive relationships.

#### *5.4. Asymmetrically Open Borders*

Borders are asymmetrically enforced.<sup>155</sup> TNCs, skilled workers, and the wealthy find borders that are largely designed to promote their smooth passage. This inequality in mobility has served to exacerbate existing economic inequalities. It has given the “skilled” easy access to the most desirable labor markets. And it has given global capital access to the most fruitful markets for production, permitting greater bargaining power over low-income countries and the globally least advantaged.

This creates and maintains undesirable opportunity sets for the global poor. It also, relatedly, contributes to their domination-for-exploitation by TNCs. In response I have argued for freedom of

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<sup>155</sup> Cite from immigration seminar.

movement. However, this argument does not imply freedom of movement *full stop*. Instead, it only requires freedom of movement *from* low- *to* high-income countries. This argument is entirely compatible with the right of low-income countries to regulate immigration.

The argument focuses on movement from low- to high-income countries because it is the former that experience the worst effects of a segregated global economy. Low-income countries have, due to poverty and a lack of robust integration into the global economy, the weakest bargaining power over TNCs. And it is their residents—especially poor residents of color—that face the greatest obstacles to mobility and are thereby trapped and powerless in their relationship with TNCs. To prevent domination-for-exploitation, and to ensure that they are not trapped in dumping grounds for the worst externalities of global production, climate change, and foreign policy decisions, they must have freedom to leave *and* freedom to enter high-income countries. It is not enough that they have the right to exit, with the only viable options being other similarly situated low-income countries.<sup>156</sup> This would do little to change incentive structures or to equalize power dynamics.

This does not, at present, apply to residents of high-income countries—let alone to TNCs. They are not segregated into undesirable opportunity sets, nor is movement into low-income countries necessary for them to avoid domination by TNCs or their home countries. Moreover, low-income countries also have reasons, grounded in their relative powerlessness, to protect against the influence of global capital.<sup>157</sup> Because of this, my argument is only for asymmetrically open borders: freedom of movement *from* low- *to* high-income countries.

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<sup>156</sup> Moreover, domestic freedom of movement does not suffice. As described above, the global economy has helped contribute to the proletarianization of the global labor force. There has been a significant decrease in small farmers and in self-sufficient rural communities. The ability to secure a decent life outside of densely populated urban areas is, for many in low-income countries, becoming increasingly difficult.

<sup>157</sup> Though there is not space in this project to address this, two immediate issues are worth noting. First, small nations might need to protect from the homogenizing influence of capital and high-income countries. For example, indigenous tribes and small, nascent socialist countries might have good reasons to refuse entry to wealthy westerners. Second, low-income and developing countries might want to protect against digital nomadism and the globally affluent moving in and buying up cheap property for investment.

This argument tracks one made by Harsha Walia on gentrification. She began her recent book by noting that she had received pushback for a supposed contradiction in her views. On the one hand, she advocates for open borders. On the other hand, she has fought against gentrification. Walia’s response was illuminating: “[a]nti-gentrification struggles push back against the forces of racial capitalism...Confronting gentrification is about opposing those who represent and reproduce structural and spatial injustice, not about preventing the movement of oppressed people seeking safety and dignity.”<sup>158</sup> Not all mobilities are created equal. The movement of poor people seeking a minimally decent life is different in kind—both in the goals pursued and in the effects on the well-being and autonomy of others—than the movement of the rich and powerful. Recognizing this is necessary for any practical conception of spatial justice.

#### *6. Objections & Replies*

In this chapter I have expanded on Carens’ feudal privilege analogy, arguing that freedom of movement is required within a global economy as a way of equalizing opportunities for—and preventing the domination of—low-wage workers in low-income countries. In this section I consider three objections. The first is that using immigration as a tool for poverty amelioration is undesirable and is incompatible with a right to remain. The second is that EO is a constitutively relational egalitarian ideal that is best understood, and perhaps only well understood, within the domestic state. The third is the concern that the argument for open borders as a tool for non-domination cannot adequately explain why low- and middle-income countries are not similarly obliged to open their borders.

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<sup>158</sup> Walia, 1.

### *6.1. Global Poverty & the Right to Remain*

According to Kieran Oberman, “empirical evidence suggests that a fairly open immigration policy, coupled with selective use of immigration restrictions in cases of deleterious brain drain, offers an effective tool to counter global poverty.”<sup>159</sup> However, he cautions against using immigration policies as a primary tool for poverty relief, as doing so “risks violating two human rights: the human right to stay in one’s own country and the human right to immigrate to other countries.”<sup>160</sup> Closing borders to mitigate brain drain violates the right to migrate. And failing to address poverty directly—replacing a focus on the movement of capital with the movement of people—violates the right to stay. Therefore, Oberman argues that while we should recognize the clear benefits of a policy of open borders, we should not rely upon it in working towards a more egalitarian world.

My argument for freedom of movement is not grounded in securing a particular distribution of wealth and income. The goal is not poverty amelioration or material equality but is instead about preventing relationships of domination and hyper-exploitation. When immigration is used to address economic inequalities, its value is primarily for those who immigrate. There are, of course, broader benefits—remittances can benefit those who remain, and there is some evidence that open borders will tend towards an equilibrium in wages.<sup>161</sup> However, the aim of such policies is to give people the ability to improve their own lives by moving into high-income countries. It is a tool for poverty relief that requires people to leave their home. And it is only fully successful for those who do.

Carens’ proposal, while focused on EO rather than wealth redistribution, is vulnerable to this criticism. The goal is to allow people to pursue more desirable opportunities in higher-income countries. The benefits, therefore, are restricted to those who leave and whose pursuit of EO

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<sup>159</sup> Kieran Oberman 2015, 239.

<sup>160</sup> *Ibid.*, 240.

<sup>161</sup> As noted in ft. 85, Alex Sager argues that open borders will tend to equalize wages between low- and high-income countries (Sager 2020, 33-34).

necessitates that they move across international borders. There is, therefore, some tension between the right to remain and the right to EO.

However, I argue that asymmetrically open borders are justified because this prevents the creation and clustering of undesirable opportunities and protects the autonomy of low-income countries and their residents. Freedom of movement as anti-power does not require largescale immigration to have its intended effect. Moreover, the benefits accrue in equal measure to those who stay behind. In fact, and in contrast to Carens' proposal, the intended benefits are *for* those who do not immigrate.

According to Hoye, the strategy of migration as an anti-power has historically been effective—at least when there are adequate exit options to make the threat realistic—in pushing back against domestic domination.<sup>162</sup> Just as domination can occur without ever exercising control—requiring only the standing threat to exercise power—so too can tools for non-domination affect behavior without ever having to exercise the right. Merely knowing that continued domination will result in increased rates of migration can serve to motivate a change in behavior for the dominating parties. The bargaining power that it provides, and the threat that it constitutes, are sufficient to modify incentive structures and prevent domination. My account does not require, therefore, that people leave low-income countries and abandon their home in pursuit of material goods and employment opportunities.

## 6.2. *The Local Value of Equality of Opportunity*

According to the second criticism, a global extension of EO ignores the intrinsically *political* and *relational* nature of EO. Its normative significance, critics argue, depends upon people being members of a shared society within which unequal opportunity creates hierarchies between equal citizens, or where the state must justify its use of coercion to citizens. David Miller has forcefully advanced this

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<sup>162</sup> Hoye, 186.

criticism, arguing that EO is inappropriate as a global value largely because we are unable to measure opportunity sets or enforce equality between them internationally.<sup>163</sup>

First, as I developed in §4.4, my argument is compatible with a relational egalitarian understanding of EO. I suggest that the current global economy has created a new set of relationships and threats to autonomy. TNCs now have considerable power over the economies of low-income countries and their residents.<sup>164</sup> This might not be sufficient to necessitate an egalitarian distribution of wealth and income, but it *is* enough to demand institutional protections against low-income countries and their residents being dominated and exploited based on their relative powerlessness.<sup>165</sup>

Second, my argument is only for a limited application of EO. As I have suggested, EO has two main motivations. The first is to secure equal access to existing opportunity sets for equally talented people. The second is to protect against undesirable opportunities being created and clustered around marginalized populations. In this chapter I am not arguing for a full extension of EO and do not suggest that the first motivation for EO applies globally. Instead, I am only arguing that the second concern is operative and necessitates freedom of movement.

Because I am not advocating for equal access to all desirable opportunities I need not rank or measure opportunities. I do not have to determine whether being a Swiss investment banker is more desirable than being the mayor of a small rural town. On my account, the goal is to eliminate the space-based oppression and control of the globally least advantaged. The only empirical question is whether freedom of movement serves as an anti-power and helps the globally least advantaged avoid being trapped in artificially constructed and undesirable opportunity sets.

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<sup>163</sup> David Miller, 45.

<sup>164</sup> As noted above, high-income countries and international organizations also have power to shape the economic policies of low-income countries.

<sup>165</sup> While I am sympathetic to global egalitarianism, I limit myself here to an argument for freedom of movement as a tool for preventing the spatial segregation and construction of undesirable opportunities. The goals of this project are modest: to explain how liberal EO and republican non-domination both can support freedom of movement in the context of a global economy. Whether other values necessitate a full extension of EO, or justify a global difference principle, is beyond the scope of this chapter.

Miller's concern is also that we cannot *enforce* EO globally insofar as we lack the requisite coercive institutions. To ensure equal access to desirable opportunities we must have institutions with the power to secure these goals. Domestically, for example, this requires governmental control over taxes, public education, health insurance, employment practices, union elections, etc. There are, however, no institutions with the ability to do anything like this globally. And unilateral action in a transnational economy is unlikely to secure the kind of background justice needed for a full global extension of EO—even if we had the political will to pursue it.<sup>166</sup>

However, my proposal does not require the kinds of (pre-)distributive and coercive institutions needed to ensure robust EO. Rather, it only requires freedom of movement into high-income countries. And while there are, at present, serious questions about political will, as well as potential problems for states that unilaterally open their borders, freedom of movement does not *require* coercive institutions. There is not an institutional barrier to any given high-income countries opening their borders, only problems of coordination and political will.

### *6.3. Freedom of Movement & the Rights of Low-Income Countries*

Finally, Sarah Song provides a different argument for restricting EO to the domestic sphere. On Song's view, global EO conflicts with the rights and interests of low-income countries. Specifically, while EO might improve opportunity sets for the least advantaged, "a neoliberal scenario seems more likely: wealthy individuals moving across borders in search of beautiful natural landscapes, attractive

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<sup>166</sup> Consider what one state could do, by itself, to promote Rawls' FEO globally. It would, on this account, have to significantly reduce global inequalities in wealth and income, ensure equal quality schools, guarantee *truly* universal healthcare, eliminate spatially segregated environmental toxins and pollutants, etc. It would also have to enter low- and middle-income countries, ensuring that businesses did not discriminate, that union elections were fair, that teachers did not exhibit race- or gender-based biases. This is not only deeply infeasible, but it would violate principles of sovereignty.

cultural opportunities, and even better economic opportunities.”<sup>167</sup> This would obviously be an undesirable conclusion in a project seeking to use open borders as a tool for non-domination.<sup>168</sup>

This is an important point and should be borne in mind whenever discussing universal rights. Economic inequality and differential power can corrupt the ideal of equality aimed at by facially neutral human and social rights. As the wealthy are most capable of acting on formal rights and freedoms, the practical result is often the exacerbation of antecedent inequalities. This becomes especially concerning when the formal rights being universalized are, as is the right of movement, deeply bound up with economic power and opportunities. The right to freedom of movement that forms a part of EO runs the risk of being a right to pursue tax havens and cheap real estate.

While this is a concern for a view that advances freedom of movement *full stop*, open borders as a tool for non-domination need not have this implication.<sup>169</sup> My account is sensitive to the needs of low-income countries and indigenous nations to regulate admission. History has shown the pernicious effects of the unrestricted immigration of affluent people into less affluent countries.<sup>170</sup> It is largely because of this threat that I only propose *asymmetrically* open borders rather than open borders *full stop*. Accordingly, the right to move into low-income countries might be restricted, at least until such a time as unrestricted immigration no longer threatens their autonomy and sovereignty.

Moreover, the goal is to eliminate the domination of the global labor force by transnational capital. Accordingly, there will be no motivation to argue for open borders for wealthy people taking

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<sup>167</sup> Song, 83.

<sup>168</sup> It is worth noting that this concern is not *obviously* less significant domestically. The movement of the rich contributes to gentrification, where their movement in pursuit of desirable opportunities and valuable real estate forces poor (often people of color) from their homes.

<sup>169</sup> A full response would need to work out a metric for determining which countries are dominating and which are dominated; whether this tracks high- versus low-income countries; and whether any among this list have sufficient countervailing reasons to warrant continuing to exercise control over admissions.

<sup>170</sup> From the annexation of Texas following the settlement of US citizens to the disaster capitalist plague afflicting Puerto Rico and to digital nomads flowing into South and Central America, the threat to low- and middle-income countries is becoming increasingly clear.

advantage of this to move into low-and middle-income countries. Their opportunities do not matter on this picture.

The globally wealthy, in being unable to immigrate to low-and middle-income countries do not feasibly have their self-respect wounded. They are not being excluded from more prestigious and lucrative opportunities that they have helped create. The natural landscapes are not economic opportunities created and given meaning to by the transnational economy. Even if there is some tenuous connection between the transnational economy and the cultural opportunities afforded in low- and middle-income countries—a claim rendered more dubious by the wealthy migrants’ claim that they are only available in these less advantaged countries—these are similarly not opportunities that depend upon the global economy for their existence. They are also not, unlike with the focus of economic conceptions of equality of opportunity, “offices and positions” that can be assigned, and which generate differential benefits and burdens.

Further, the “even better economic opportunities” to which Song alludes seem to be ones of domination, relative inequality, and minimal tax burdens. After all, the example she gives is them seeking to “take control of economic and political life in those areas.”<sup>171</sup> However, the opportunities that are the target of EO must be moralized. They cannot involve equal opportunities to be slave-owners, to use your wealth to take control of a political system, or to pursue any other morally impermissible end. As Pettit notes, the goal of anti-powers is to prevent domination, not to change the agent who is dominating. And high rates of inequality and low tax burdens are not “offices and positions” but are ways of exploiting the benefits of antecedently given offices and positions.

More importantly, the exclusion of the wealthy would-be immigrant does not occur within the contexts of preexisting domination, nor does it occur so that the excluded can be dominated. Instead, it is control exercised to protect people—people to whom the state owes protection—from the further

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<sup>171</sup> Song, 84.

domination and control by global capital. The motivation for asymmetrically open borders is to provide an anti-power for those currently dominated by transnational capitalism—a domination that involves undermining the sovereignty of their home countries as well as trying to suppress wages and environmental protections. The less affluent countries are not using their economic might to dominate rich citizens of wealthy nations. Nor are they using closed borders to maintain a feudal caste system. They are, instead, protecting themselves against the interference of capital within their borders.

### 7. *Conclusion*

In this chapter I have advanced four key arguments regarding freedom of movement. First, Joseph Carens' feudal privilege argument fails to identify why feudal caste systems and the current regime of border control are unjust. In addition to what I call Carens' *luck* and *control conditions*, feudal caste systems involved an *exploitation condition*. That is, they had an economic reason for which control over movement was exercised. Those unlucky enough to be born peasants were refused the right to social or geographical mobility *so that* they could be exploited by feudal lords.

Second, I argued that the current regime of border control, operating against the backdrop of the global economy, functions in much the same way. It serves to create a segregated, immobile community where the worst externalities of production can be clustered. This creates and maintains undesirable opportunity sets for the globally least advantaged.

Third, I developed an expanded conception of EO, using it to argue for a right to freedom of movement for residents of low-income countries. The value of EO, I argued, lies not only in ensuring that people have equal access to equally desirable opportunities. Instead, it also serves to ensure that groups or spatially segregated communities do not experience the least desirable opportunities. I then argued that EO involves, in addition to a principle of non-discrimination and an equal chance to develop one's talents, a right to freedom of movement and the resources needed to act on this right.

Finally, I suggested that *at least* freedom of movement for the residents of low-income countries is required in a global economy.

Fourth, I explained how the current regime of border control constitutes domination *and* facilitates relationships of domination-for-exploitation of low-income countries by TNCs. By removing the exit options for members of low-income countries, immigration control traps them in prone relationships with TNCs. I concluded by explaining how asymmetrically open borders—from low- to high-income countries—can serve as an institutional anti-power, providing poor workers in low-income countries with the power to push back against exploitative relationships, potentially changing incentive structures and mitigating against domination.

Once we recognize the significance of the global economy for immigration, both liberal and republican views coalesce around the same conclusion. Both require, absent other solutions, freedom of movement for residents of low-income countries. This coalescence from two often dissimilar views strengthens the case for ending the system of discretionary border control in high-income countries.

### Ch. 3. Climate Change & Green Borders: Why Closure Won't Save the Planet

#### 1. Introduction<sup>172</sup>

Climate change and migration have, in recent history, jointly occupied relatively settled political positions. Political progressives have traditionally exhibited sympathy for the claims of would-be migrants while recognizing and seeking to mitigate the problem of climate change. The political right, on the other hand, had largely coalesced around climate denialism and anti-migrant attitudes. However, there are signs that these poles are breaking apart.

There is a growing phenomenon of right-wing arguments for protecting the environment and fighting climate change by closing the borders of high-income countries to would-be immigrants.<sup>173</sup> Climate change is being wielded as a weapon against immigrants by those who had, until recently, denied the problem. At the same time, egalitarian-minded philosophers have argued for restricting immigration to protect the environment.<sup>174</sup>

On this view, which I call the *green border argument*, there is a conflict between the claims of immigrants and the rest of the global population. Fighting climate change requires drastic reductions in the global population and/or per capita greenhouse gas (GHG) emissions. However, immigration into high-income countries—particularly from low-income countries—increases per capita emissions while leaving the population untouched. Therefore, the green border theorist argues that we should limit entry into high-income countries.

In this chapter I offer three reasons why the green border argument is misguided and why progressives should embrace a pro-migrant *and* a pro-climate politic. First, it is on shaky empirical grounds. While there will inevitably be a short-term, and potentially long-term, increase in emissions,

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<sup>172</sup> I would like to thank Christine Ball-Blakely, Stephen Gardiner, Paul Tubig, and the excellent audience at the 2022 Central APA ISEE Group Session for their helpful feedback on the material that formed this chapter.

<sup>173</sup> Malm, 2021.

<sup>174</sup> Cafaro and Winthrop Staples, 2009; Hedberg, 2020.

the difference is less severe than it is often presented. Given the scope of the climate crisis, closure is an insufficient tool for mitigating the risks of climate change. The costs to those excluded outweigh the meager benefits of restrictionist policies.

Second, the progressive green border argument is normatively incoherent. Progressive green border advocates argue that high-income countries must *either* admit those fleeing poverty, violence, and climate change *or* work towards eliminating these migration-inducing injustices.<sup>175</sup> However, if in pursuit of GHG reductions we reject the first horn, then we have equally strong reason to reject the second—poverty reduction similarly increases GHG emissions. Thus, a coherent green border argument demands reducing global aid. But this is an untenable conclusion, and one its proponents are loath to accept.

Third, the green border argument is counterproductive. Insofar as our goal is to fight climate change, an open border politic—from low- into high-income countries—is more effective. A key reason is that high-income countries perceive climate-induced immigration as a serious threat and a primary reason to be concerned with climate change. Insofar as (more) open borders force them to deal with this cost, it can provide a powerful incentive to eliminate the relevant push factors.<sup>176</sup> In this case, that means working to reduce GHG emissions and seeking to prevent the worst effects of climate change from being felt in low-income sending countries.

Moreover, the green border strategy undermines cooperative efforts aimed at fighting the climate crisis. It does so by i) deflecting attention away from the true causes of climate change; ii) preventing cross-border solidarity; and iii) making environmentalism less popular by alienating those in, and with sympathies for, migrant communities. When fighting a global crisis like climate change—particularly one that is felt most intensely by the poor and those in the Global South—we must

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<sup>175</sup> Miller 2005, 198; Cafaro & Winthrop Staples III 2009, 24.

<sup>176</sup> The arguments in this section draw heavily on the ideas developed in chapter 2.

embrace strategies that bring those affected together, building connections between people fighting for climate justice. The climate crisis demands bridges connecting those affected, not walls segregating them and the costs and benefits of GHG emissions.<sup>177</sup>

The goal of this chapter is to show that those on the political left need not choose between fighting for the rights of immigrants and fighting to protect the climate. I will not only show that current rates of immigration are compatible with meeting our climate goals, but that an open border politic is more conducive to doing so. Given this goal, I will not be making particular policy proposals regarding who, or how many, should be admitted. Nor will I be developing a particular conception of climate refugees. I will, instead, illustrate why those who care about the climate should reject green borders in favor of green bridges.

## *2. The Green Border Argument(s)*

Philosophers and politicians have often sought to justify borders by pointing to their ability to protect important goods. These justifications include safeguarding the social welfare state, protecting the wages and employment opportunities of low-income citizens, preventing terrorism and crime, and defending a perceived national culture.<sup>178</sup> In each case, permitting would-be immigrants to pursue their interests allegedly threatens the ability of states to promote the interests of citizens. To meet domestic duties, the claims of would-be immigrants must then be rejected.

A pair of related justifications for exclusion have been gaining traction: protecting the local environment and preventing climate change. According to the former, countries have a maximum

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<sup>177</sup> Todd Miller has done much to advance this idea, and aptly notes Angela Davis' poignant claim that "Walls turned sideways are bridges" (2021, p. 45). Our infrastructure, policies, and attitudes can either serve to create cloistered, segregated communities or they can help bring us together, facilitating cooperation. We need to be greasing the wheels of human sociability, ensuring cross-border, cross-class, and cross-race collaboration, not retreating to within the petty fortresses of the nation-state, relying on local band-aids to weather the first waves in the storm.

<sup>178</sup> One goal of this project is to explain how these tensions are often overstated and how a pro-immigrant politic does not conflict with, but positively supports, other values held by the political left.

carrying capacity. Natural limitations on water, soil, and resources provide an upper limit on the size of each state's population, particularly with current per capita usage. This concern is only contingently related to the second. Here, the problem is the atmospheric stock of GHGs and the effect this has on the global climate. Insofar as this is a product of global population and per capita GHG emissions, and as we lack the institutions needed to regulate these on a global scale, each state has a duty to manage its own population and emissions.

In both cases, immigration is perceived as a threat. With the local environment, immigration increases the national population while leaving largely in place per capita consumption and emissions. With climate change, immigration leaves untouched the global population while increasing global per capita GHG emissions. Therefore, out of concern for the environment, wildlife, current residents, and future generations, they argue that immigration must be restricted. While this argument fits easily in nationalist frameworks, it does not require that non-citizens count for less in our policy decisions. This is especially true with the climate change-based version. If immigration prevents the mitigation of climate change, or even exacerbates the problem, then it could have dire consequences for current and future people around the world.

In this section I will focus on climate change-based defenses of closed borders. First, I will briefly look at the growing movement of right-wing politicians who are leveraging concern over climate change to promote immigration control. Second, I will present the philosophical arguments that begin with concern for the climate and end with a defense of immigration restrictions. The goal is to identify the main arguments made in defense of green borders before critically evaluating them in §3 and §4, and then providing a positive defense of more open borders in §5.

## 2.1. *From Borders to the Climate*

Right-wing politicians and parties have recently made an about-face on climate change. Despite historically engaging in climate denial, they are publicly acknowledging the dangers of climate change while tethering them to the traditional boogeyman of the right: immigration. Finding outright denial increasingly untenable, the potential to weaponize climate change offered a strategy that could leverage a growing acceptance of climate science to their political advantage.

European Parliament member and spokesperson for France's National Rally (RN) Jordan Bardella recently claimed that "It is by returning to the borders that we will save the planet" and that "The best ally of ecology is the border."<sup>179</sup> Marine Le Pen has voiced similar sentiments, describing the "nomad" as a threat to France and the environment, concluding that "[h]e who is rooted is an ecologist."<sup>180</sup> Rather than being local to RN, this trend is spreading throughout European right-wing parties. According to a recent analysis of twenty-two such parties, nine explicitly engaged in strong green border messaging, with six others deploying lighter forms of this rhetoric.<sup>181</sup>

Such views are also finding a home in the US. Arizona Attorney General Mark Brnovich recently filed suit against the Biden administration for immigration policies that are allegedly destroying the environment in Arizona and increasing GHG emissions.<sup>182</sup> And "[i]n March 2013, Admiral Samuel J. Lochlear III, the commander of the United States Pacific Command, said that global warming was the greatest threat the United States faces. Mass destabilization, he said, 'is probably the most likely thing that is going to happen [t]o cripple the security environment.'<sup>183</sup>

The right-wing green border argument begins with preexisting hostility towards (particularly nonwhite and poor) migrants. The image of the migrant is a ready-made vessel for a host of domestic

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<sup>179</sup> Malm, 136-7.

<sup>180</sup> *Ibid.*, 136.

<sup>181</sup> Turner and Bailey, 116-118.

<sup>182</sup> Arvin, *Vox*.

<sup>183</sup> Todd Miller, *Build Bridges not Walls*, 14.

concerns. The terrorist. The criminal. The welfare abuser. And now the GHG emitter. As with the other cases, the assumption seems to be that emissions are the birthright of (largely white) citizens of high-income countries. The climate crisis is not due to the exorbitant emissions of wealthy westerners, but “a problem of ‘the other’ seeking to enjoy the same carbon-intensive lifestyles of those in the Global North.”<sup>184</sup> These domestic emissions are never critically assessed.<sup>185</sup>

## 2.2. *From Climate to the Border*

Unlike their right-wing counterparts, progressive green border advocates *do* critique the behavior of the affluent, arguing that high-income countries must drastically reduce GHG emissions.<sup>186</sup> However, immigration threatens to undermine efforts toward this goal by increasing the domestic population while leaving domestic per capita emissions relatively untouched. Using the increase in income as a basis for estimating how immigration affects emissions, Leon Kolankiewicz and Steven Camarota have calculated that, as of 2005, the 37 million immigrants in the US produce “637 metric tons of CO<sub>2</sub>,” which is “482 million tons more than they would have produced had they remained in their home countries.”<sup>187</sup> To put this number in context, by moving into the US these 37 million immigrants, on average, increased their emissions four-fold. Finally, to show the significance of this increase, they note that this “represents about 5 percent of the increase in annual world-wide CO<sub>2</sub> emissions since 1980.”<sup>188</sup>

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<sup>184</sup> Turner and Bailey, 120.

<sup>185</sup> According to Malm and the Zetkin Collective, “In the 2010s, the parties espousing [green nationalism] made no efforts to cut any actual emissions, the stance of the Finns being typical: *we* will continue burning our fossil fuels; it is the others who should not come here” (174).

<sup>186</sup> In this project, I focus on Phillip Cafaro’s paper with Winthrop Staples III. While Cafaro has much more substantively developed the green border argument in his book, *How Many is Too Many? A Progressive Argument for Reducing Immigration into the United States*, the main arguments for the *global* green border argument are the same in the two works. And while a more extensive analysis of Cafaro’s work—let alone his *domestic* argument regarding local environmental degradation—would require a careful analysis of this work, it is beyond the scope of this chapter. Here I only intend to give a general response to the global green border argument.

<sup>187</sup> Kolankiewicz and Camarota, 8.

<sup>188</sup> *Ibid*, 8.

Focusing more on domestic emissions targets and how these are affected by changes in population, Phillip Cafaro and Winthrop Staples III claim that meeting the Kyoto protocol requires that the US “cut per capita emissions by 20.4%. If we double our population, it’ll have to be 58.5%.”<sup>189</sup> Immigration, therefore, makes it more difficult to meet domestic environmental goals. Accordingly, they argue that the US should reduce annual legal immigration from one million to two hundred thousand while sanctioning employers who hire the undocumented.<sup>190</sup>

One immediate response to this argument is to note that immigration does not increase the global population but merely moves the existing population around. This suggests that focusing on immigration is missing the point. Rather than focusing on the mobility of the existing population, we should instead work to reduce the global population directly. They deride this criticism, noting that “[n]o one argues that ‘deforestation is a global problem; therefore, we shouldn’t worry about deforestation in our own country.’”<sup>191</sup> Instead, global solutions are simply the result of domestic strategies.<sup>192</sup> According to David Miller, “[w]hile immigration doesn’t change the global population, the only way to promote global population reduction is national policies. We can’t do this with open borders.”<sup>193</sup> Unfettered immigration prevents the only actors with the power and authority to regulate population from being able to effectively do so.

In addition to undermining the ability of high-income countries to regulate their populations, they claim that immigration increases global per capita GHG emissions. Immigrants in high-income countries enjoy higher incomes. Moreover, income and emissions are strongly correlated; increases in

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<sup>189</sup> Cafaro & Staples III, 11.

<sup>190</sup> *Ibid.*, 16.

<sup>191</sup> *Ibid.*, 24.

<sup>192</sup> *Ibid.*, 24.

<sup>193</sup> David Miller 2016, 65.

the former lead to corresponding increases in the latter.<sup>194</sup> Therefore, immigration into high-income countries increases global per capita emissions.

The progressive green border argument does not require prioritizing citizens over non-citizens and is at least *prima facie* compatible with global egalitarianism. According to Cafaro and Staples III, one reason for being concerned with environmental degradation in the US is that these costs are not contained by borders.<sup>195</sup> The unsustainable consumption and emissions of US residents has unjust global effects on both current and future people and must be curtailed. This requires *both* population management *and* a change in lifestyles. Thus, reducing immigration is necessary for the US to reduce its own global environmental impacts. Moreover, in addition to exacerbating the harms of environmental destruction and climate change, immigration also, they argue, perpetuates suffering and injustice in sending societies by making “it easier for common citizens and wealthy elites in other countries to ignore” the push factors causing emigration.<sup>196</sup> For example, immigration lets low-income countries delay addressing problems of overpopulation.<sup>197</sup> Therefore, restricting immigration can promote justice in sending countries.

This universalist ethic is expressed by Trevor Hedberg, who advocates for the green border argument based on the moral equality of all current *and future* humans. According to Hedberg’s *Intergenerational Moral Cosmopolitanism*, the value of a human life is not affected by their distance from us in space or time.<sup>198</sup> And while permitting the movement of spatially distant people can improve their lives, the just state must look beyond these immediate effects and consider the effects on

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<sup>194</sup> Kolankiewicz and Camarota, 3.

<sup>195</sup> *Ibid.*, 1.

<sup>196</sup> *Ibid.*, 10.

<sup>197</sup> Hultgren, 111.

<sup>198</sup> Hedberg, 144.

temporally distant people.<sup>199</sup> Insofar as immigration increases emissions, it harms future people—people who will already be harmed the most by climate change.<sup>200</sup>

Finally, the progressive green border theorist does not advocate for closing our doors to the globally least advantaged while doing nothing to mitigate their suffering. Instead, they often argue for a conditional duty: *if* we prevent immigration from low-income countries, *then* we must work to address the conditions that cause their suffering and that lead to migration pressure. Despite arguing that the US should restrict immigration as a tool for population management, David Miller also maintains that we must either use targeted aid to promote human rights in low-income sending countries or not only allow them entry, but actively help them move.<sup>201</sup> Similarly, Cafaro and Staples III argue that while we can exclude, we must use trade agreements and aid to help people live decent lives in their home countries.<sup>202</sup>

### 3. *De-Greening Borders*

Any moral force the green border argument has depends upon immigration significantly worsening climate change.<sup>203</sup> In this section I argue that the green border theorist overstates the environmental benefits of restricting immigration. While I do not *here* deny that high rates of immigration into high-income countries can increase emissions, I suggest that the significance of this is overstated.<sup>204</sup> Even granting their assumptions, immigration to the US has significantly less robust effects on global GHG emissions than the green border argument suggests.

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<sup>199</sup> Immigration also does nothing to mitigate the harms suffered by those who either could not or would not move.

<sup>200</sup> Hedberg, 147.

<sup>201</sup> David Miller 2005, 198.

<sup>202</sup> Cafaro & Staples III, 12.

<sup>203</sup> It will be hard to justify coercive restrictions on the movement of people in low-income countries unless this leads to considerable harms for others, especially the globally least advantaged.

<sup>204</sup> In subsequent sections I provide reasons to doubt that the net effect of immigration on global GHG emissions is neutral or negative.

This is for two related reasons. First, even assuming that the only environmental effect of immigration is an increase in income and a corresponding increase in emissions, the green border argument exaggerates the counterfactual increase in emissions relative to a world with lower rates of immigration. Second, not only are there reasons to doubt that immigrant communities have emissions that are as high as their incomes suggest, but, as has been noted, immigration into high-income countries is not a population-neutral phenomenon. Instead, immigration leads to a lower global population than a world with more rigid borders.

### *3.1. The Counterfactual Increase in Emissions*

The green border argument begins with a simple empirical point: since immigration from low- to high-income countries substantially increases the income of immigrants, so too does it increase their emissions. In this section I focus on Kolankiewicz and Camarota's claim that immigration to the US constituted 5 percent of the increase in global GHG emissions from 1980 to 2005. I will present several empirical criticisms, illustrating that they have significantly overstated the effects of immigration on GHG emissions.<sup>205</sup>

It is worth noting, before considering objections, that Kolankiewicz and Camarota are not claiming that immigrants to the US are responsible for 5 percent of global emissions, but 5 percent of the emissions increase from 1980 to 2005. In fact, according to their data, these 37 million people immigrating only made up 1.7% of global emissions in 2005. While this is non-negligible, and should be taken seriously, ending immigration to the US would only be a drop in the bucket when it comes to meeting global climate goals.<sup>206</sup> Moreover, each of the seven empirical criticisms that I raise in this

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<sup>205</sup> Each of these criticisms is meant to weaken the claim that immigration contributes substantially to global climate change. They each suggest that the effects of immigration on GHG emissions are overstated.

<sup>206</sup> And if, as I will argue later, curtailing immigration to the US negatively impacts the fight against climate change, then this benefit will be further reduced if not eliminated.

section suggest that their claim of a 1.7% increase is itself a radical overestimation of the impact of immigration.

First, the green border argument does not advocate cutting this 1.7%, but only reducing it commensurate with the proposed reduction in immigration. Even Cafaro and Staples III do not advocate for *ending* immigration, let alone deporting all existing immigrants. Rather, their proposal is to reduce documented immigration to the US from one million to two hundred thousand per year and to eliminate undocumented migration by sanctioning employers.<sup>207</sup> The green border strategy, therefore, does not even intend to cut 1.7% of global emissions.

Second, the green border argument relies upon GHG intensive immigration enforcement. While Cafaro and Staples III emphasize employer sanctions as a tool for reducing undocumented immigration, efforts in the US involve—and likely entail—traditional border enforcement.<sup>208</sup> The US has, after all, attempted a failed employer sanction program. When it was enacted in 1986, the US “had an estimated four million undocumented persons present” and within 20 years this population had grown to twelve million.<sup>209</sup> And though it is possible that the employer sanction system *slowed the growth* of undocumented immigration, it was woefully inadequate for ending this growth, let alone securing the end of undocumented immigration in the US.

Rather than seriously stunting the flow—or the stay—of undocumented workers, employer sanction programs primarily serve to weaken workplace protections and to strengthen the ability of businesses to exploit undocumented workers.<sup>210</sup> While employer sanctions facially involve coercing businesses into excluding the undocumented, a key practical effect has been to give businesses

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<sup>207</sup> Cafaro & Staples III, 16.

<sup>208</sup> This is particularly true if voters: i) perceive immigration to be a problem and ii) perceive strong immigration policies to involve border policing.

<sup>209</sup> Wishnie, 206.

<sup>210</sup> Wishnie, 207; Brownell, 86.

additional leverage—and incentive—to threaten and control an already prone and precarious population.

These policies have also led to discrimination against those that Amy Reed-Sandoval calls “the socially undocumented.”<sup>211</sup> These are residents who due to their appearance, including race, accent, socioeconomic class, etc., have their status and treatment negatively impacted by policies aimed at the legally undocumented. According to Michael Wishnie, a 1990 “Government Accountability Office (“GAO”) study concluded that employer sanctions had prompted significant discrimination in employment...in a national survey of 4.6 million employers, GAO determined that a startling *19 percent* had engaged in discriminatory behavior.”<sup>212</sup> This included making hiring decisions based on name, accent, or appearance to avoid hiring the undocumented. Such discriminatory practices have led to weakened support for such programs, including among the labor unions that initially supported them.<sup>213</sup> Therefore, not only are they largely ineffective at securing a reduction in undocumented immigration, but they are also unlikely to generate the kinds of popular support needed to make them politically feasible.

This suggests that more traditional forms of border control will be necessary.<sup>214</sup> However, physical border enforcement is an energy intensive phenomenon. According to the American Immigration Council the US federal government spent \$333 billion on immigration enforcement between 2003 and January 2021.<sup>215</sup> This involves fencing, using aircraft and vehicles to patrol the border, and maintaining and monitoring surveillance technology. This has also increasingly involved an extension of the US border throughout Central and South America and across the globe.<sup>216</sup> If the

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<sup>211</sup> Reed-Sandoval,

<sup>212</sup> Wishnie, 207.

<sup>213</sup> Ibid, 208.

<sup>214</sup> It is also worth noting that traditional forms of border enforcement have themselves proven to be largely ineffective at slowing, let alone eliminating, undocumented immigration into the US.

<sup>215</sup> American Immigration Council 2021b.

<sup>216</sup> See generally Todd Miller 2019.

purpose of immigration control is to reduce GHG emissions, then these reductions will have to be weighed against emissions from enforcement.<sup>217</sup>

Third, the assumption that we can dramatically cut immigration glosses over the need for immigrant workers. To the extent that the US *can* reduce its undocumented population, and radically cut legal immigration, the result will not likely be the end of immigration but a shift from permanent to temporary immigration. Dependence on the labor of immigrant workers, the reality that US citizens avoid ‘brown collar’ work at the bottom of the job queue,<sup>218</sup> and the overall economic benefits of immigration suggest that the likely result of ending pathways to permanent residency and citizenship will be, instead, an increased reliance on temporary labor migration.<sup>219</sup> If so, then the labor migration—and the increased travel emissions that temporary immigration involves—will have to be weighed against any purported reductions.

Fourth, the green border argument assumes that immigrants would have emitted at the mean level in their sending countries. This is somewhat troubled by the fact that immigrants—especially those admitted through skill-selection or work-related visas—are often relatively educated and affluent. Accordingly, they are likely to have greater than average emissions. To address this Kolankiewicz and Camarota suggest that a more accurate accounting would have immigrants emitting 3.7 rather than 4.1 times more in the US. While this is still considerable, it further diminishes the impact of immigration. This alone decreases the contribution of immigration to the US from 1.7% to 1.48% of global emissions in 2005.

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<sup>217</sup> Moreover, convincing the US to forego all labor migration based on marginal impacts on the climate is unlikely to succeed, and any policy that promotes restrictions on permanent immigration will have to reckon with the corresponding increase in temporary labor admissions.

<sup>218</sup> Milkman, 20-31.

<sup>219</sup> While we should not tether ourselves unduly to practical political constraints, any plausible work in non-ideal theory must take seriously the likely outcome of policy changes. Existing incentive structures, power dynamics, and biases cannot be ignored. And in this case, this will almost inevitably lead to an increase in temporary labor migration—an emission intensive process that also further weakens the rights of immigrant workers.

Fifth, calculating the emissions of immigrants depends upon dubious assumptions about the emissions of the average US resident. Kolankiewicz and Camarota determine the emissions of immigrants in the US by identifying the average annual US income of immigrants from each sending country and stipulating that if, for example, the income of immigrants from Mexico is 53.4% of the US average, then their emissions will similarly be 53.4% of the US average. However, by using mean rather than median income, their data overstates the significance of the average resident's emissions.

In the US, the top 10% in income produce 50 tons of emissions per capita.<sup>220</sup> By contrast, the bottom 50% generates only 8.57 tons per capita. In terms of total emissions, the entire bottom 50% is only responsible for 86% of the emissions from the top 10%. Put differently, “if the wealthiest 10 percent of people worldwide consumed at the level of the average European, global emissions would drop by roughly a third.”<sup>221</sup> The “average” immigrant will, therefore, be emitting at a level considerably lower than the mean in high-income receiving countries. Accounting for this will further decrease the carbon footprint of immigration.<sup>222</sup>

Sixth, the claim that immigration to the US constitutes 5% of the increase and 1.7% of total emissions in 2005 assumes that global emissions were 28,193 million metric tons. However, the World Resources Institute puts 2005 global emissions at 44,153 million metric tons.<sup>223</sup> Using this number, even the baseline argument presented by Kolankiewicz and Camarota leaves immigration to the US as contributing 1.09% of global emissions in 2005.

Seventh, the argument overstates the extent to which emissions are responsive to changes in population size. Some emissions, like those resulting from military activities, are largely independent of individual consumer actions or population-sensitive state planning. According to CJ Cuomo,

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<sup>220</sup> Gore 2015, 10.

<sup>221</sup> The Salvage Collective, 25.

<sup>222</sup> A more appropriate method might be to take the median income—or, perhaps, determining emissions by income quintile and identifying the likely incomes of immigrants—as a way of bracketing the exorbitant emissions of the affluent.

<sup>223</sup> Herzog 2009.

although “[n]ations are not required to disclose the environmental impacts of their military operations” the cost is considerable, with the war in Iraq involving an estimated “141 million metric tons of carbon dioxide equivalent, an amount similar to the effects of putting 25 million additional cars on the road in one year.”<sup>224</sup> Similarly, Phyllis Bennis, while remarking on the astronomical emissions *reported* by the US Department of Defense, noted that “the military’s *overseas* emissions are exempted for the US government’s carbon accounting—despite representing a majority of the DoD’s emissions.”<sup>225</sup> The green border argument therefore overstates the significance of immigrant contributions to global emissions.

Importantly, overseas military emissions are not obviously responsive to marginal changes in the domestic population. A slightly larger immigrant population will neither necessitate more military conflicts nor demand a larger military force. Therefore, even after we include military emissions in a more accurate carbon accounting, we will have to ensure that these emissions are kept separate from those that more directly increase or decrease with population changes.

This is part of a broader problem with allocating responsibility for emissions that are not sensitive to changes in the size of the population. The emissions generated by space exploration, for example, are not clearly responsive to changes in the size of the population. Moreover, consider recent news from Texas, where cryptocurrency miners are expected to use as much energy as 1.2 million homes over the next year and a half. Not only is Texas doing nothing to stop this, but “Texas has been aggressively courting crypto miners, who are drawn to the state’s cheap power and laissez-faire regulation.”<sup>226</sup> If the emissions generated by the military, cryptocurrency mining, and space exploration are included in national carbon emissions, and we evaluate the impact of immigration by dividing total

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<sup>224</sup> Cuomo, 705.

<sup>225</sup> Bennis, *Jacobin Magazine* 2019.

<sup>226</sup> Malik, *Bloomberg*.

emissions by the population, then we will be overstating the responsibility of the average person. We will be holding them responsible for emissions that would exist even if they did not.

In this section I have presented seven empirical criticisms of the claim that immigration to the US made up 5% of the increase in, and 1.7% of total, global emissions in 2005. First, any counterfactual analysis must look not at a world with zero immigration, but at a world with *the proposed level of immigration*.<sup>227</sup> Insofar as it does not advocate for ending immigration, the green border strategy does not even seek to cut the entire 1.7%. Second, it must also include the considerable emissions generated by immigration control. Even if they can secure their immigration targets, doing so will require emissions-intensive border control strategies. Third, given political realities and labor market needs, any shift away from permanent residency and pathways to citizenship will likely lead to an increase in temporary labor migration. Fourth, it must consider whether immigrants would have—due to education, cultural values, and higher paying careers—emitted at higher-than-average levels in their home countries. Since they often would have, this further reduces the increase in emissions generated by immigration. Fifth, by using mean rather than median emissions, it overstates the emissions of the average person. Sixth, there are other sources that list 2005 global GHG emissions as being significantly higher than Kolankiewicz and Camarota, further diminishing the percentage added by immigration to the US. Finally, this calculation ignores overseas military operations, which are excluded from GHG accounting. These emissions, which are not the responsibility of low- or middle-income immigrants, further decrease their contribution. All of this suggests that the effect of immigration to the US is much less robust than their argument claims.

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<sup>227</sup> Or, I would argue, we should evaluate a world that is the closest that feasibly political and economic constraints can get us to meeting their proposal.

### *3.2. Lifestyles of Recent & Would-Be Immigrants*

In §3.1 I assumed, following Kolankiewicz and Camarota, that an increase in immigrant income is the only effect that immigration has on GHG emissions. This presupposes that: i) immigrants would emit at the same level as others in their income bracket, and ii) immigration leaves the global population untouched. In this section, I provide three reasons to be skeptical of these assumptions. First, recent immigrants emit at a lower level than their incomes suggest. Second, when cultures of migration predominate, would-be immigrants who remain in sending countries likely emit at higher levels than their incomes indicate. And third, rather than leaving the global population unaffected, immigration to high-income countries reduces the global population.

Immigrant populations do not enter as blank slates, ready to immediately take on the cultural values and economic practices of the receiving community. Nor do they occupy the same socioeconomic positions as non-immigrants. Instead, elements of their background culture and lifestyle persist. And their unique situation in receiving societies can similarly affect their behavior. Accordingly, analyses that assume that the relationship between their income and GHG emissions track the current population risk painting with too broad of a brush.

While the environmental behavior of immigrants and native populations are not significantly dissimilar, “immigrants are often more likely than natives to engage in conservation behavior, like saving water.”<sup>228</sup> Moreover, immigrants “also drive less, live in more densely populated households, and eat fewer processed foods.”<sup>229</sup> Insofar as these differences lead to a lower emissions-to-income ratio, immigrants generate a less significant climate burden than their incomes suggest.

And while it is unclear whether these differences directly incentivize such behavior from non-immigrant populations, they can help reduce costs, thereby indirectly promoting similar behavior.<sup>230</sup>

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<sup>228</sup> Bohon and Conley, p. 77.

<sup>229</sup> Ibid.

<sup>230</sup> Aufrecht, 66.

For example, increased demand for public transportation and non-processed foods can decrease costs by increasing the scale on which they operate and are produced. And an additional need for multi-family housing can lead to an increase in construction and remodeling that build with such living conditions in mind.

The green border argument also presupposes that would-be immigrants would have had the same emissions-to-income ratio as others in their home countries. This is similarly predicated upon immigrant populations being perfect substitutes for the surrounding community. It again paints with too broad of a brush, ignoring the causes of immigration. Migration does not occur within a vacuum. The very conditions and desires that lead people to move across national borders are also likely to change behavior if pathways are closed.

According to the Cumulative Causation Theory of Migration, “migration affects individual motivations and social structures in ways that encourage additional migration...[it] tends to be a self-reinforcing process that acquires an internal momentum all its own.”<sup>231</sup> One reason for this is found in the increased social capital wielded by people in immigration-heavy communities.<sup>232</sup> Knowing people who have immigrated provides information that makes it easier to navigate the difficult process of moving to another country.<sup>233</sup> However, this knowledge and experience also changes values and desires. It “induces changes in tastes and motivations” leading people to “alter their consumption patterns” and to turn away from traditional lifestyles and economic pursuits.<sup>234</sup> This can lead to increased consumption as they see and emulate the lifestyles of those who emigrated from (and not infrequently return to) the community.<sup>235</sup>

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<sup>231</sup> Massey et al. 1994, 1496.

<sup>232</sup> Fussell & Massey note that this effect, and the cumulative causation of migration in general, is strongest in rural areas with tighter, smaller, and more economically homogenous communities (169).

<sup>233</sup> *Ibid.*, 1495.

<sup>234</sup> *Ibid.*, 1498.

<sup>235</sup> *Ibid.*, 1500.

The broader social context changes in part in response to the changes in consumer-based preferences among current residents. However, it also changes the economy in more tangible ways. For example, “farming and other traditional activities [can] lose importance” and “[m]igrants spend money collectively on infrastructure and other community projects aimed at transforming the landscape into a place of leisure, a place where migrants and their families can display their status.”<sup>236</sup> This can even lead to “an increase in the relative sense of deprivation” as would-be immigrants compare themselves to those who have successfully completed the journey.<sup>237</sup>

These changes impact people who have not yet immigrated and therefore maintain effects even if border control prevents immigration. This means that when engaging in a counterfactual comparison of GHG emissions with current levels and with decreased rates of immigration, we must be attentive to the ways in which would-be migrants and their communities have developed habits and values that blend those of sending and receiving societies. Turning immigration into mere migration pressure through the increased use of border control is likely to leave many would-be immigrants in communities where emissions exceed the level expected by their income.

Finally, in §3.1 I assumed that immigration increases per capita income (and, hence, emissions) while leaving the global population untouched. This assumption does not hold. Immigration serves to reduce the global population *relative to a world in which they did not immigrate*. Bohon and Conley find that “immigrants have fewer children in their country of origin than if they had stayed in their country of origin” and so “immigration may actually reduce global economic pressures resulting from overpopulation.”<sup>238</sup> Thus, while the immediate effect of immigration is the movement of existing people from low- to higher-income countries, the overall effect is a decrease in the future global population.

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<sup>236</sup> Ibid., 1501.

<sup>237</sup> Fussell and Massey, 153.

<sup>238</sup> Bohon and Conley, p. 75.

### 3.3. *Endogenous & Exogenous Population Growth*

Before ending this section, I want to return to the claim that global population management depends on state control over immigration. This argument proceeds as follows.

- (1) In order to combat climate change, we need to *both* reduce per capita emissions *and* reduce the global population.
- (2) The only way to meaningfully address the global population is through domestic population management.
- (3) States cannot manage their domestic population without border control—otherwise all domestic progress can be undermined by population flows.
- (4) Therefore, to combat climate change, states must have (and use) the right to control their borders.

The problem with this argument is that it conflates *exogenous* and *endogenous* sources of population growth.<sup>239</sup> If states have a duty to reduce their populations, the duty must primarily involve limiting the domestic birth rate rather than reducing the domestic population full stop.<sup>240</sup>

To see this conflation, consider again Cafaro and Staples III's claim that doubling the US population will require that we cut total emissions by 58.5% to reach 1990 levels.<sup>241</sup> This is predicated upon the US having the same emissions target regardless of the size of its population, and regardless of how the US came to have its current population. If the US doubled in population due to an increase in the domestic birth rate, then it is plausible to argue that they must make a corresponding decrease

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<sup>239</sup> I am not using these terms in the technical sense, as endogenous and exogenous variables. Rather, I am using them in a more colloquial way, referring only to whether the source of population growth is from within the country (decreased mortality or an increased birthrate) or from outside of the country (immigration).

<sup>240</sup> I am not committed to the idea that states should concern themselves with the birth rate, at least not directly. I also suspect that most strategies for promoting reductions in the birth rate will violate other demands of justice—they will exacerbate racist stereotypes, will run counter to principles of reproductive justice, and will orient our focus in the wrong direction. I am only assuming that this duty exists for the sake of the argument.

<sup>241</sup> Cafaro & Staples III, 11.

in emissions. However, this is less clear if the US doubled in population due solely to immigration. This would, after all, lead to a similar reduction in emissions for the sending country. Emissions targets must be sensitive to exogenous changes in population.

Consider, for example, a hypothetical future where two groups of humans live on the moon. Each group is comprised of one thousand people and both groups come to an agreement: to survive with the resources at their disposal, each must cut their populations to eight hundred within the next two generations. Both take the necessary internal steps to change the per capita growth rate, and both are on pace to hit eight hundred within two generations. However, two hundred people decide to move from community A to community B. The result is that B is on pace for one thousand and A is on pace for six hundred residents at the end of the two-generation timeline.

Despite B being on pace to exceed their limit, it should be clear that both communities met their obligations—they took the appropriate steps and reached the target reductions in their per capita growth rate. That migration—an exogenous source of population growth—led community B to have two hundred more, and community A two hundred fewer, residents is not relevant. Their duty is *not* to meet a specific population, independent from changes in other communities. Their duty is, instead, to meet a population target that is sensitive to available resources and the global population. If their population increases due to decreases elsewhere (immigration), global resources increase (or come to be used more efficiently), or if the global population decreases, then their targets might change.

Now there might be a wrinkle here. Revisiting the analogy, perhaps community B is more profligate in its use of resources. Because of this, moving two hundred people from A to B leads to an unsustainable population. While this makes the problem more complicated—and shows that state-level GHG emission targets must be responsive to population changes that result from immigration—it does not mean that states cannot meet their obligations to reduce per capita population growth or to reduce their overall GHG emissions without controlling immigration. At most it means that high-

emitting states that see their populations rise because of immigration have a duty to *either* further decrease per capita emissions *or* to make further reductions to per capita population growth. Whether this is required, and the extent to which they need to make changes, would depend upon the overall relative increase in emissions generated by immigration.<sup>242</sup>

Returning to our world, we can imagine a hypothetical future in which the US has used domestic policy measures to decrease its per capita endogenous growth rate—as well as its level of consumption and emissions—to an “acceptable” level. It then receives a large influx of immigrants, many of whom come from countries with a higher birth rate. Accordingly, the birth rate in the US increases slightly. However, the population of the sending society decreases, *and* the global per capita growth rate will drop as well (given that the birth rate of immigrant populations drops in high-income countries).

This hypothetical US has, on any plausible metric, made considerable progress in meeting (if it has not in fact met) any population goals that the green border theorist could demand. Given the increase in global GHG emissions, the US might still have duties to reduce per capita GHG emissions, but this is not the same claim as the one made by green border theorists—that the US cannot address domestic population growth without the ability to control and significantly curtail immigration. And their duty to do so will depend upon a more complicated calculation whereby population and emission targets are reallocated in response to exogenous population changes.

The goal, after all, is to reduce global GHG emissions. National emissions are only relevant insofar as they contribute to this and insofar as they can be more feasibly addressed through policy decisions. If the entire global population immigrated to the US, the government would not have a duty to reduce its population down to, say, 200 or 300 million. Nor would it have the same emissions targets that it had when its population was 4% of the global total. We would have to recalculate to

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<sup>242</sup> As I argued above, that increase is less considerable than the green border theorists suggest.

determine how large of a population can be maintained at current US emission levels—or, of course, determine what level of emissions is compatible with this population. It makes a significant difference, from the perspective of climate change, *how* the population increased. Endogenous and exogenous sources are importantly distinct, and the duty to modify the former is not undermined by an inability to control the latter.

In this section I have raised three general problems for the green border argument. First, even if the incomes and the emissions-to-income ratio of immigrant populations are as significant as is assumed, immigration leads to a smaller *increase* in global GHG emissions than is suggested. Second, there is evidence that immigrants in high-income countries have lower than expected emissions-to-income ratios, that would-be immigrants in sending societies have higher emissions-to-income ratios, and that immigration leads to a decrease in the global population. Finally, the claim that states cannot meet their population reduction requirements without resorting to immigration control conflates exogenous and endogenous sources of population growth. In the remainder of the chapter, I will explain why the green border argument is both normatively incoherent and that it would, if acted on, undermine the fight against climate change.

#### *4. Green Borders, Poverty, & the Progressive's Dilemma*

Insofar as the green border position requires restricting immigration—and since many would-be immigrants are fleeing violence, poverty, or climate change—we might think it fails to show sufficient concern for the suffering of current humans, focusing unduly on the interests of future generations. To address this, the progressive green border theorist argues that we have a duty to those suffering from these harms but that it can be discharged *either* by admission *or* by working to mitigate the injustices that they suffer. They suggest tightening immigration control while increasing efforts to

address global poverty.<sup>243</sup> In this section, I draw attention to the dilemma that this poses for the green border theorist. If they endorse using other measures to end global poverty, then they undermine the green border argument. If they maintain a coherent green border argument, then they must argue that we should at least ignore global poverty and that we might even have a duty to ensure that it persists.

The green border argument begins with the claim that climate change results from the global population multiplied by per capita GHG emissions. And since income has a strong positive correlation with emissions, we can see climate change as resulting from the global population multiplied by per capita income. The obvious problem is that poverty reduction increases incomes and, hence, increases per capita emissions. The strong positive correlation between income and emissions does not depend upon *how* emissions increases come about, whether through immigration, aid, or other development strategies.<sup>244</sup> Accordingly, immigration and other poverty reduction strategies will stand or fall together. If a concern over climate change and future generations demands that we end the former, then they will similarly undermine the justification for the latter.

The green border theorist assumes that we have a duty to mitigate global poverty and suffering. In this they are correct. The hypocrisy of refusing to work towards ending—let alone taking steps to maintain—global poverty and suffering would be unbearable. High-income countries are largely responsible for climate change. Low-income countries experience the worst effects of climate change. And high-income countries are at least partially responsible for—and have benefitted from—the poverty and instability of low-income countries.<sup>245</sup> To then cite climate change as a justification for

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<sup>243</sup> For examples of this, see Cafaro and Staples III, p. 22 as well as David Miller 2005, p. 198.

<sup>244</sup> Peter Higgins raised a similar objection against Robert Chapman, noting that “[w]hat Chapman’s concern requires he oppose is improving the standard of living of the poor, regardless of the location of their residence” (96).

<sup>245</sup> As Turner and Bailey note, “the ‘winners’ and ‘losers’ of the global economy are structural legacies of European colonialism and industrialization, made possible by resource extraction, dispossession, slavery, exploitation, and dispossession of colonised people” (124).

perpetuating their poverty while maintaining our immense affluence and emissions is a clear rejection of their moral equality and ignores our responsibility for past, present, and future injustices.

However, the hypocrisy of the US closing its borders based on a “concern for the environment” is no more bearable. As argued by Eileen Crist, “affluent countries cannot export environmental destruction...and, at the same time, refuse entry to foreigners on the ground of protecting their own environments.”<sup>246</sup> And their claim to do so is no more plausible when focused on the environments of other countries. The hypocrisy is even more pronounced than Crist suggests. High-income countries are not merely exporting destruction and refusing to allow those affected to leave. They are also preventing poor people from increasing their income (and emissions) *so that* they can maintain high-income, high-emissions lifestyles. According to Alex Sager, this “is morally obtuse. It amounts to privileged people using force to preserve their privilege by excluding others so that they can continue their unsustainable lifestyle.”<sup>247</sup> In a world where emissions are at a premium, the privileges of high-income countries increasingly depend upon the poverty of others.

Moreover, if our focus is on how human movement constructs the problem of climate change, then we would be better suited looking towards the mobility of the affluent.<sup>248</sup> For example, global tourism constitutes an estimated 8% of global GHG emissions and has a growth rate of 4% per year.<sup>249</sup> Global tourism, therefore, contributes 4.7 times more to the global carbon total than does immigration to the US—even using the inflated number provided by Kolankiewicz and Camarota. And unlike immigration to the US, these are *mere* luxury emissions, unnecessary for human flourishing or even a life decently lived.

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<sup>246</sup> Crist, 209.

<sup>247</sup> Sager, 72.

<sup>248</sup> This is, as Adrian Favell notes (see Brettell and Hollifield, 262-271), a problem that results from methodological nationalism. We fetishize the nation-state, defining immigration by virtue of whether (and for how long) you crossed a national border. This focuses on attention on “immigrants” who move a hundred miles from Northern Mexico into Texas, rather than the jetsetter who travels from Seattle to Europe multiple times per month, or the Floridian who moves to Alaska for a slightly better paying job.

<sup>249</sup> Lenzen et al, 522.

Moreover, as Monica Aufrecht notes, the average US resident of the lower forty-eight states emits a per capita average of two tons of CO<sub>2</sub> per year. At the same time, those who live in Alaska emit 6.9 tons per capita.<sup>250</sup> Moving from the average US state to Alaska more than triples an already high rate of emissions. Therefore, if high-income countries are concerned about the emissions generated by mobility, it would make more sense to regulate the voluntary movement of US residents to Alaska and the unnecessary global tourism of the affluent.

The green border theorist has three choices. First, they could reject aid *and* immigration. However, this is not a morally viable path, particularly when high-income countries are emitting at their current levels. High-income countries bear responsibility for climate change and global poverty; they are perpetuating poverty, precarity, and early death in the short- and medium-term; and they would be doing so *while maintaining their own privilege*.

Second, they could seek to justify poverty reduction strategies while tightening border control. This is empirically untenable. The effects of poverty reduction on global per capita emissions undermine any ostensible gains made by immigration restrictions. Moreover, there is reason to think that immigration is more compatible with fighting climate change than other forms of poverty mitigation. High-income countries can seek to break the current emissions-to-income ratio through the use of green technology.

For example, while green energy sources (e.g., solar, wind, and hydropower) do not necessarily decrease per capita income levels, they can decrease the GHG emissions associated with energy production and use. High-income receiving countries can exert greater control over energy production and other forms of green tech domestically than in other countries. Accordingly, they have greater power to diminish the environmental effects of poverty reduction if it occurs through immigration than if it results from aid or trade.

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<sup>250</sup> Aufrecht, 60.

Third, they could acknowledge that neither immigration control nor a refusal to engage in poverty reduction are morally justifiable strategies for addressing climate change, especially when high-income countries are consuming and emitting at anything near current levels. This is, I suggest, the appropriate position. It both respects the claims of would-be immigrants and better fits with the empirical realities surrounding climate change and mobility. However, as should be clear, accepting it requires that we abandon the green border argument.

### *5. On the Logic of Bridges & Walls*

In previous sections I explained why the green border argument is mistaken about the empirical benefits of immigration control as well as why global poverty poses a significant challenge to the coherence of the green border strategy. In this section I explain how the green border strategy suffers from deep practical problems. It helps construct undesirable and misguided attitudes about climate change, the responsibility of would-be immigrants, and the nature of solutions. A closed-border politic helps create bordered thinking—and segregated costs and benefits—that are at odds with global, solidaristic solutions needed to meet the climate crisis.

Borders are not a fine-grained instrument with narrowly tailored effects. Instead, they are blunt tools that can have cascading consequences. Most obviously, they undermine the autonomy of would-be immigrants, ensuring that they remain trapped in undesirable circumstances. They also turn circular patterns of migration into long-term undocumented residency.<sup>251</sup> When physical, they can damage the natural environment and undermine the migratory patterns of animals. However, they also help change attitudes, relationships, power dynamics, and incentive structures.

Drawing on this last point, I conclude the section by arguing that closed borders help high-income countries avoid one of the (ostensible) costs of climate change, thereby changing their

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<sup>251</sup> Massey et al. 2014, 1030-1031.

incentive structures. While borders do nothing to stop the flow of GHGs, and little to stop the movement of high-emitting corporations and global tourists, they *do* regulate the movement of those fleeing these effects. And insofar as high-income countries believe high rates of immigration to be a threat to many domestic values, the ability to regulate climate migration serves as a tool for mitigating the costs of the climate crisis.

In this chapter I offer support for a recent claim made by Todd Miller. According to Miller, “Angela Y. Davis said that ‘the refugee movement is *the* movement of the 21<sup>st</sup> century. It’s the movement that is challenging the effects of global capitalism, and it’s the movement that is calling for civil rights for all human beings.’ And it is, dare I add, the movement that will challenge fossil fuel consumption.”<sup>252</sup> I explain how borders perpetuate the climate crisis as well as how fighting for an open border politic can push high-income countries to confront the climate crisis more directly, pursuing the kinds of mitigation and global adaptation strategies that we desperately need.

### *5.1. Mobilizing Anti-Migrant Attitudes*

According to Wendy Brown, border performances, including building walls, emphasizing the threat of immigration, and publicly patrolling the border, “do not simply respond to existing nationalism or racism. Rather, they activate them and mobilize them.”<sup>253</sup> These practices focus on an alleged external threat, allowing the *immigrant other* to replace domestic sources as the cause of injustice, need, and anxiety. Closed border and anti-migrant politics can, over time, construct borders and immigration as central concerns in the public consciousness.<sup>254</sup>

The decision of parties, candidates, and news organizations to center an issue can affect the perception of its importance. For example, in the early 1990s, “public opinion on government-

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<sup>252</sup> Miller, *Storming the Wall*, 122-123.

<sup>253</sup> Brown, 105.

<sup>254</sup> According to Alex Sager, “anti-immigrant attitudes may come explicitly from government policies that frame immigration as a threat, rather [than] from pre-existing public opposition” (87).

supplied health insurance changed dramatically over a relatively short period of time...in accordance with the prominence of arguments advanced by political elites.”<sup>255</sup> And according to a recent study, “[a]nti-immigration rhetoric increases negative emotional reactions related to immigrants,” including “outgroup-related health risk; intergroup anxiety; outgroup threat; and aggressive physiological reactions.”<sup>256</sup>

Border politics are particularly effective at changing attitudes. The *other* is clearly delineated, the “needed” protection is immediately present, and the alleged threat is almost infinitely malleable—including welfare, COVID-19, creating unemployment, and destroying the environment. And using walls and guards to protect against immigration crystallizes the difference between would-be immigrants and the (artificially constructed) population of homogenous citizens.<sup>257</sup>

This, as with any security threat, is fertile and potentially deadly soil for politicians to till. For example, New Zealand’s Christchurch shooter justified mass murder by saying that immigration, the birth rate, and climate change are one single problem. He claimed that while “the environment is being destroyed by over population, we Europeans are one of the groups that are not over populating the world. The invaders are the ones over populating the world.”<sup>258</sup> He proceeded to claim that saving the world requires killing “the invaders.”

Within eighteen months of the Christchurch shooting, “a man entered a supermarket in El Paso, Texas, gunned down twenty-two people and left behind a manifesto explaining that he had to kill Latino people to save the environment.”<sup>259</sup> The motivation behind the El Paso massacre was much the same as the Christchurch shooting—immigration is allegedly contributing to environmental destruction. Given this, the risk of exacerbating anti-migrant (and often anti-Muslim and racist)

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<sup>255</sup> Koch, 209.

<sup>256</sup> Conzo et al, 6.

<sup>257</sup> Walia, 80.

<sup>258</sup> Malm, 151.

<sup>259</sup> Ibid., 155.

violence is one clear reason to be wary of leveraging immigration control as a method of fighting climate change.

In addition to reinforcing a growing tendency to retreat within the fortresses of bordered states—seeing the *immigrant other* as a threat to our most deeply held values—closed-border politics also aim our attention in the wrong direction. Rather than focusing on transnational corporations, the fossil fuel industry, animal agriculture, global tourism, or the exorbitant emissions of the affluent, this strategy focuses political energy on the relatively minor contribution made by those who are much worse off and who have contributed far less to the problem. This is especially likely if the progressive and far-right green border positions coalesce, gaining a bipartisan consensus.<sup>260</sup>

### *5.2. Borders as Barriers to Solidarity*

The green border strategy can also undermine solidarity and cooperation with immigrant populations domestically. Environmentalism has often been a white, middle-class movement. According to Andreas Malm, “[i]n American environmentalism, pristine nature has long been held up as a crucifix against the advancing and seething nonwhite masses, whose proclivity to pollute brings doom upon the planet.”<sup>261</sup> The green border strategy reinforces this tendency, further alienating a growing population and reinforcing the extent to which environmentalism is becoming a fringe movement. According to recent polling, only 41% of US adults identified as environmentalists in March 2021, down from a high of 78% in 1991.<sup>262</sup> In a country that is increasingly nonwhite, and that has a significant low-income population, white bourgeois movements will not suffice to achieve the mass support needed to fight the climate crisis.

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<sup>260</sup> As the far-right position plays a role in shaping the narrative surrounding the green border strategy, the idea that closing the doors to would-be immigrants solves the problem is likely to take root.

<sup>261</sup> *Ibid.*, 142.

<sup>262</sup> See Jones, Gallup Politics.

The green border strategy also increases the precarity and proneness of the undocumented and their communities. According to Philip Radford, even “[t]he United States’ current immigration policy forces vulnerable communities to keep silent about corporate pollution for fear of having their lives and families torn apart.”<sup>263</sup> The fear of deportation keeps people from alerting authorities about environmental degradation. Increasing their precarity makes it even less likely that those workers and residents most often exposed to corporate pollution will speak out.<sup>264</sup>

This is of particular concern when the green border strategy does not *merely* advocate for restricting legal pathways to entry and citizenship, but when it also involves efforts at eliminating undocumented residency. Despite draconian enforcement measures and massive levels of deportation, the US has maintained a considerable population of undocumented immigrants. To satisfy the green border demand that the US end undocumented immigration will require much more aggressive policies, both at and within the border.

As noted above, internal enforcement harms the socially undocumented as well as the legally undocumented. Recent polling shows that 58% of Hispanic citizens, 65% of lawful permanent residents, and 78% of non-lawful permanent residents are afraid that they or someone they care about will be deported.<sup>265</sup> 287(g) programs—wherein local law enforcement officers are deputized to enforce federal immigration laws and to work with Immigration and Customs Enforcement—have led to rampant racial profiling, arrests for petty offenses, and have undermined support for and trust in law enforcement within immigrant communities.<sup>266</sup> And the very employer sanction program that Cafaro and Winthrop Staples III advocate for—in addition to being ineffective at deterring undocumented immigration—weakens workplace protections, pushes down wages, and increases employment

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<sup>263</sup> See Radford.

<sup>264</sup> Ibid.

<sup>265</sup> See Lopez et al.

<sup>266</sup> See American Immigration Council, 2021a.

discrimination against both documented and undocumented immigrants.<sup>267</sup> Such policies will not help rebuild broad support for environmental movements.

This troubling schism also extends beyond state borders. Closed-border politics affect the relationship between states that enact immigration restrictions and their neighbors. In a recent survey, “the presence of border infrastructure lowered evaluations of the countries [who enacted such policies] and eroded perceptions of the quality of their international relationships.”<sup>268</sup> One effect was to signal “unfriendliness and a motive to create distance.”<sup>269</sup> This furthers a division between the relatively privileged residents of high-income countries and the globally least advantaged—many of whom are first experiencing the most severe consequences of the climate crisis.

Climate change, however, is a uniquely difficult problem that demands robust global cooperation. The spatially and geographically diffuse effects, compounded with a lack of institutional mechanisms for solving the crisis and an incentive to continue emitting, make most strategies ineffective.<sup>270</sup> We cannot fight against the wanton emissions of TNCs—especially the fossil fuel industry—from within the divided fortresses of bordered nation-states. This struggle requires a coalition of all affected. Rather than divisions and bordered thinking, we need to emphasize strategies that facilitate global sympathy and cooperation.

### *5.3. Canaries in the Climate Coal Mine*

Borders, however, do not *just* change relationships and attitudes. Instead, they help states segregate costs and benefits, ensuring that the effects of their policies are not felt (or not felt as strongly) domestically.<sup>271</sup> They promote the free movement of capital, permit selective and controlled

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<sup>267</sup> Wishnie, 207.

<sup>268</sup> Mutz and Simmons, 4-5.

<sup>269</sup> *Ibid.*, 5.

<sup>270</sup> See Stephen Gardiner, *A Perfect Moral Storm*.

<sup>271</sup> This argument draws heavily on the material in chapter 2.

movement of labor, and do little to constrain the influence of high-income countries. They contain distinct legal and regulatory systems, letting transnational corporations “shop around” for more lucrative locations.

But borders also help contain the costs of war, production, trade, and climate change. Political destabilization, lowered tax revenue, and unemployment primarily have domestic effects, even if these sometimes filter across state borders. And while climate change is not contained by borders, its effects are disproportionately felt based on geographical location. Borders also help contain the movement of people, ensuring that those who would otherwise flee these effects are (largely) trapped in place.

As Henry Shue notes, “[i]f the basis for the price of a product does not incorporate the costs of cleaning up the mess made in the process of producing the product, the costs are being externalized.”<sup>272</sup> By contrast, the “internalization of externalities” describes situations where those who create or benefit from a problem must also confront the costs that it generates. When this holds, cost-benefit analyses prod actors to regulate their behavior, ensuring that the costs do not exceed the benefits. And while the emphasis is on the production and enjoyment of products, the lesson generalizes. Any time a benefit-creating behavior also creates costs—and where these benefits and costs can be segregated and experienced by different groups—we can ask whether costs are being internalized or externalized. Externalized costs incentivize cost-creation.

Borders help externalize costs and internalize benefits. For example, consider a country engaging in a war of regime change to secure reliable access to strategic oil reserves. With open borders, one effect would be the largescale exodus of people from the affected region, including many seeking refuge in the responsible country. However, borders help turn increased rates of immigration into mere immigration pressure; they let them contain this perceived cost, ensuring that the profit of their military operation is not drowned out by the perceived costs of immigration.

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<sup>272</sup> Shue, 533.

While climate change is a global phenomenon, its effects are disproportionately felt in low-income countries in the Global South. Not only does the geographic location of many high-income countries affect the severity of climate change, but their wealth allows them to better weather these costs. The geographical segregation of costs and benefits is one reason for the delay in responding to climate change: “if the gains were coterminous with the losses, they would not justify keeping the fires alive. Only because the multitudes first sentenced to die are nonwhite and out of the way can combustion be allowed to continue.”<sup>273</sup> Segregation, with borders dividing those who matter from those who do not, and with costs being borne most heavily by those beneath the notice of high-income countries, does much to justify the climatological status quo.

Borders and spatial segregation also help construct the climate crisis more directly. While they serve as barriers to the movement of people—largely poor people of color—they do little to constrain the movement of capital, corporation, and GHGs. Instead, according to Reece Jones, they create “pools of exploitable resources, with rules on extraction and access that differ across territories.”<sup>274</sup> Borders play a key role in the construction of sacrifice zones within which hyper-exploitation, high rates of pollution, and the extraction of fossil fuels can occur outside of the regulatory space—and away from the protected citizen—of high-income countries.<sup>275</sup> This allows high-income countries to formally embrace more sustainable environmental standards while still benefitting from their flouting.

As discussed in chapter 2, borders and free trade agreements also help incentivize high-polluting activities by transnational corporations. As low-income countries compete for TNCs with resources that exceed their national GDP, they often are compelled to lower, or at least refrain from raising, environmental standards. And the mobility of TNCs combines with free trade agreements to

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<sup>273</sup> Malm, 319-20.

<sup>274</sup> Jones, 143.

<sup>275</sup> Naomi Klein describes how “[e]xtractivism is...directly connected to the notion of sacrifice zones—places that, to their extractors, somehow don’t count and therefore can be poisoned, drained, or otherwise destroyed, for the supposed greater good of economic progress” (169).

empower corporate pollution in low-income countries. This is seen in the example of METALCLAD suing for lost profits because authorities in San Luis Potosi would not issue a permit for a hazardous waste dump.<sup>276</sup> A NAFTA tribunal awarded them millions for their lost profits.

The geographical segregation of costs and benefits is also why immigration is one effect of climate change. As countries in the Global South first experience the most life-altering effects of climate change—and lack the material resources to adapt to them—the response is often to move towards more inhabitable climates.<sup>277</sup> This response would be less rational if the effects were felt everywhere equally. And although much climate migration is internal, “three regions (Latin America, sub-Saharan Africa, and Southeast Asia) will generate 143 million more climate migrants by 2050.”<sup>278</sup> And according to a UN report, “there may be as many as 200 million climate-displaced people worldwide by 2050.”<sup>279</sup> Climate change will increase the serious weather events, food insecurity, political instability, and poverty that lead to international migration.

Government officials and security experts in high-income countries have long identified immigration as one of the major threats posed by climate change. In 2012 a report from academics and experts in Israel suggested that increased border protection will be necessary as the effects of climate change heighten immigration pressure.<sup>280</sup> A 2003 Pentagon report on climate migration held that “[b]orders will be strengthened around the country to hold back unwanted starving immigrants from the Caribbean islands..., Mexico, and South America.”<sup>281</sup> And in 2015 at a Defense, National Security, and Climate Change Symposium, Brigadier General Stephen Cheney discussed at length the security threats posed by climate change. A main way it does so is by “driving internal and cross-

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<sup>276</sup> Todd Miller 2019, 171-172.

<sup>277</sup> According to “Camila Minerva Rodriguez of Oxfam...[t]he poorest and most marginalized are five times more likely to be displaced and to remain so for longer...and [this number] is increasing with climate change” (Todd Miller 2019, 229).

<sup>278</sup> See Podesta.

<sup>279</sup> See Watson.

<sup>280</sup> Todd Miller 2017, 144.

<sup>281</sup> Walia, 208.

border migration.”<sup>282</sup> A consistent theme in the political and security industry responses to climate change has been hand wringing over the inevitable increase in migration pressure.

This anxiety occurs, however, in a world riven with physical and technological borders. In this world, the US government can begin security checks several countries before would-be immigrants ever meet the US border.<sup>283</sup> Though these are far from infallible tools, they offer some ability to control migration flows. They let them stave off what they perceive to be one of the more imminent risks associated with climate change.

The green border strategy helps high-income countries continue avoiding the “costs” of climate change, offering progressive support for brutal regimes of border control. As discussed above, this strategy breaks two political poles that had long existed in western democracies. Progressive opposition has helped maintain pressure on politicians to at least nominally fight for protections for immigrants and would-be immigrants. Giving closed-border politics a progressive veneer changes the electoral calculations of politicians and significantly strengthens the right-wing anti-immigrant agenda.

While this matters for the protection of immigrant rights—including promoting refugee protection, support for the undocumented, less violent forms of border enforcement, and higher levels of documented immigration—I am focused here on how it affects climate policy. I suggest that a closed-border politic makes high-income countries like the US *less likely* to pursue the needed mitigation and global adaptation strategies. It does so by removing the (or one of the) clearest short- and medium-term perceived threats—a threat, moreover, that must, from their perspective, be mitigated and regarding which adaptation is not possible.

Officials in high-income countries display at best an ambivalent attitude towards the climate crisis. Progressive politicians promote unbridled military spending, subsidies for animal agriculture,

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<sup>282</sup> Todd Miller 2017, p. 48.

<sup>283</sup> See generally, Todd Miller 2019.

offshore drilling, and domestic fracking while formally agreeing to measures that are woefully inadequate to solve the problem. Right-wing politicians, on the other hand, have oscillated between denial and exuberance. For an example of the latter, Trump’s Secretary of State Mike Pompeo called “the melting sea ice a source of ‘opportunity and abundance.’”<sup>284</sup> The widely known reality of the climate crisis has done little to motivate the radical changes needed—let alone verbal support for such policies.

However, high-income countries have shown marked concern about the alleged threat posed by immigration and a stunning ability to enact substantive changes to immigration policy. This suggests something important about climate migration; namely, that it appears to weigh more heavily than the direct effects of climate change in the deliberations of political and military elites.<sup>285</sup> Unlike the invisible movement of GHGs, the intermittent increase in storms, the creeping rise of sea levels, and the heat that can be shut out by insulated walls and soothed by air conditioning, immigration is seen as a direct and immediate threat to security and national interests. And there are only two clear strategies for preventing immigration: 1) the use of coercive borders or 2) working to remove the conditions that predictably lead to large rates of immigration.

The green border argument empowers states to deploy, and increase the strength and scope of, the first strategy. By removing progressive opposition to a closed-border politic, it risks giving high-income countries almost unchecked power to regulate migration flows. And while this creates its own problems of justice—the effects on would-be immigrant communities, the undocumented in the US, and the socially undocumented—it also undermines the need for states to pursue mitigation and global adaptation strategies. Border walls might not stop the flow of GHGs, heat, or severe weather events, but they can stop the flow of humans, preventing high-income countries from experiencing

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<sup>284</sup> The Salvage Collective, 53.

<sup>285</sup> Or, at least, it is a relatively costless policy measure that mobilizes residents and is broadly politically popular.

what they see as one of the most significant costs of climate change. At least in the short- and medium-term, border control removes one of the major incentives for high-income countries in the Global North to directly and aggressively confront the climate crisis.

It is worth contrasting this with an argument made by Cafaro and Staples III. They argue that an open border politic is bad for people in sending communities in part because emigration “makes it easier for common citizens and wealthy elites in other countries to ignore the conditions that are driving so many people to emigrate in the first place.”<sup>286</sup> The safety valve of emigration is, on this picture, let’s those dissatisfied leave rather than forcing them to remain and fight for change.

This is predicated on two implausible assumptions. First, it assumes that local elites have no interest in preventing the largescale emigration of middle-class workers and taxpayers. Second, it is built on the idea that the “push factors” leading to emigration are caused by intentional and/or easily avoidable failures by local elites. However, in this project I have explained how many of these are caused by TNCs and the policy decisions of high-income countries. If immigration forces high-income countries to reckon with the costs of their policies, then this will be a more effective way to promote justice in low-income sending countries.

If progressives fought instead for the rights of immigrants, undermining the ability of politicians to pursue more tightly regulated borders, high-income countries would have a clearer incentive to pursue the second strategy for preventing climate migration. Rather than trying to regulate the flow of people desperately trying to flee the immediate effects of climate change, they would be pushed to respond to the causes of migration. Here, this means working towards climate change mitigation and global adaptation.

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<sup>286</sup> Cafaro and Staples III, 10.

#### 5.4. On Generational Lag & the Timescale of Immigration

There is, of course, generational lag in the effects of climate change. Even if we achieved net-zero emissions tomorrow, the effects would continue compounding.<sup>287</sup> This is a key reason why high-income countries have failed to take action to confront the climate crisis. However, it also means that climate migration will, no matter what we do, continue for the near future. Therefore, we might think that attempting to prevent climate migration by addressing its environmental antecedents will be no more successful in motivating a response from short-term political actors than is the climate crisis itself.<sup>288</sup> While this is true, there are still reasons why concerns over migration would lead to more rapid and significant responses to the climate crisis in high-income countries.

First, the Global South experiences the worst effects of climate change. However, another way of looking at this is to note that the Global South experiences the worst effects of climate change *first*. As temperatures continue increasing, severe weather continues worsening, and sea levels continue rising, the Global South will continue experiencing more deadly costs of climate change. However, the Global North will also suffer increasingly severe costs. Their geographical location and wealth just mean that a greater temperature increase is required to reach comparably harmful effects. Climate migration will impact high-income countries sooner than will the other serious effects of climate change, incentivizing mitigation strategies on a shorter timescale.<sup>289</sup>

Second, a focus on preventing the causes of climate migration incentivizes global rather than local adaptation strategies. There has been a tendency to focus on local adaptation, or “adaptation *in situ*” where the goal is “assisting communities to continue...to live their lives and earn their livelihoods without having to move.”<sup>290</sup> The growing recognition that many communities will have to be relocated

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<sup>287</sup> Gardiner, 402.

<sup>288</sup> I would like to thank Stephen Gardiner for prodding me to think more carefully about this problem.

<sup>289</sup> In this sense, climate migrants are the canaries in the climate coal mine.

<sup>290</sup> Huq, World Resources Institute.

has forced scholars to reckon with the global, and interconnected, nature of viable adaptation strategies. However, increasing the power of high-income countries to exercise discretionary control over immigration allows them to ignore this change in perspective. The inevitable need for relocation need not shape the incentive structures of high-income states far removed from these local tragedies *if* they can shut their doors and refuse their petitions.

The siloed perspective of high-income countries in the Global North has long shaped climate policy. In *Climate Leviathan*, Wainwright and Mann lament the refusal of global elites to take seriously mitigation strategies when they might have been most successful.<sup>291</sup> Not only was mitigation perceived to be too costly to pursue, but many of those also benefitting the most fell outside of the political calculations of high-income countries. With this incentive structure in mind, “[i]n 2010, Mike Davis imagined a ‘not improbable scenario’ in which mitigation ‘would be tacitly abandoned...in favour of accelerated investment in selective adaptation for the Earth’s first-class passengers.’<sup>292</sup> This “not improbable scenario” fits the current trajectory of the US and other high-income countries. Given its wealth and geographic location, the US can focus first on domestic adaptation, and second, on ensuring that prominent trading partners and allies are able to maintain a modicum of stability.

An open border politic, however, pushes back against this tendency. If high-income countries like the US cannot achieve the political support needed to coercively prevent climate migration—let alone achieve the reductions advocated for by Cafaro and Staples III—then mitigation and global adaptation strategies will become more rational. They will have little choice but to address the causes of migration—causes which will ultimately have similar effect on us all if the warning of the climate canaries is left unheeded.

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<sup>291</sup> Wainwright and Mann, 28.

<sup>292</sup> *Ibid.*

## *6. Green Bridges: Climate Justice & Justice for Migrants*

In this chapter I have largely bracketed the justice claims of migrant communities and have sought to explain why the green border argument is, from a purely empirical and practical perspective, counterproductive. This is not because I am unconvinced of the moral claims of immigrants; far from it. Instead, my motivation is two-fold. First, I intend to engage with the green border argument on its own terms, showing that even if we begin from the perspective that immigration control is a neutral tool to be used to further policy ends, these ends are undermined by their strategy. Second, I want to show progressives and others on the left why they should not reject the green border argument, but how their fight for climate justice can coincide with their desire to fight for the rights of immigrant immigrants and would-be immigrants.

The primary goal is to change how we think about immigration and the climate. Rather than seeing immigration and environmental justice as discrete questions or seeing them as interwoven but where a concern for the environment requires that we tighten border control, I aim to show that those on the political left can and should fight for immigration justice and environmental justice at the same time. To illustrate this, I have tried to engage carefully with what a world looks like where we deploy the green border strategy. The counterfactual comparison, one involving all the messy details of immigration enforcement and questions of poverty amelioration, shows that the green border approach cannot succeed. Closing our borders will *not* help save the environment. In fact, doing so will undermine our ability to do so in the long term.

We desperately need green bridges, not green borders. With a crisis as deeply global, interconnected, and intergenerational as climate change we cannot retreat to the petty fortresses of the nation-state. Doing so undermines efforts at building cross-border coalitions, grassroots movements, and international solidarity. It focuses our attention on external causes and internal effects. It increases the precarity and proneness of the undocumented inside the US. And, importantly,

it reinforces the tendency to treat other countries as sites for extraction and exploitation—tendencies that exacerbate the problem of climate change. Bordered thinking has helped cause the climate crisis. It will not solve it.

## Ch. 4. Skill-Selection & Socioeconomic Status: An Analysis of Migration & Domestic Justice

### 1. Introduction<sup>293</sup>

In this chapter I narrow my focus from questions of open borders to an analysis of discretionary admissions policies, focusing specifically on skill-selection. Questions of discretionary admissions lie between the ideal types of fully open and closed borders. Focusing on immigration into high-income countries, the discussion usually accepts the following claims. First, there will be a larger number of would-be migrants than countries are willing to admit. Second, they need not accept all applicants and can exercise some discretion in admissions. And third, their power to choose between would-be immigrants is constrained by demands of justice.

Most philosophers have found race, gender, and religion to be impermissible criteria for exclusion. While any given non-refugee from among these groups might be permissibly excluded, *policies* that exclude on these bases are unjust. Such policies exacerbate status harms, reinforcing beliefs that the excluded—and similarly situated citizens and residents of the state (hereafter, “residents”)—are less desirable *because of* these traits or identities.<sup>294</sup> In such cases it is not the mobility rights of those excluded that determines the impermissibility of discretionary policies. It is the manner and form such policies take—a statement that such people are not suitable, or are less well-suited, for admission.

Unlike race, gender, and religion, the dominant view is that skill-selection is an acceptable form of discrimination. It is justified insofar as it is enacted in pursuit of legitimate state interests. And it does not communicate to the “unskilled”—or those with low-socioeconomic status (SES)—that they are less valuable.<sup>295</sup> However, I argue that this is a mistake.

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<sup>293</sup> I would like to thank Michael Blake, Christine Ball-Blakely, Désirée Lim, José Jorge Mendoza, Paul Tubig, Amelia Wirts, and the audience at the 2021 Eastern APA for their incredibly helpful feedback.

<sup>294</sup> To avoid erasing the harms accrued by resident non-citizens I will use the language of “residents” rather than citizens.

<sup>295</sup> I use the language of “skilled” and “unskilled” not due to sympathy for the distinction but because it tracks the dominant usage in the literature.

I present two reasons why generalized skill-selection is *pro tanto* unjust, at least in the US and, potentially, other high-income countries.<sup>296</sup> First, such policies feed into existing biases, exacerbating status harms for low-SES residents. The claim that we prefer the skilled to the unskilled, the educated to the uneducated, and the financially secure to the insecure is also heard by residents. And there is considerable overlap between this message and the stereotypes and biases that set the social status of low-SES residents. Skill-selection can reinforce these biases, offering state support for the claim that those with high-SES are more desirable *as members of the society*.

Second, the need for skilled immigrants ordinarily depends upon and reinforces failures of fair equality of opportunity (FEO). According to the *dependency thesis*, the need for skilled migrants stems from a failure to ensure domestic FEO. Many low-SES residents would desire to work, for example, as doctors or nurses. However, unequal education, as well as poverty and debt, have made such opportunities largely inaccessible. According to the *reinforcement thesis*, skill-selection disincentivizes the pursuit of FEO. A state that can meet domestic labor needs through less costly immigration policies will be disinclined to pursue programs designed to equalize opportunities for low-SES residents. This is particularly true if the status harms generated by skill-selection provide an additional barrier to pursuing FEO.

Generalized skill-selective policies by high-income countries like the US are, therefore, *pro tanto* unjust. However, this is not an argument for *excluding* the skilled. States need not de-prioritize skilled applicants but need only cease prioritizing them. On the one hand, skilled immigrants can be admitted through other policies—open borders, family-reunification, or an admissions lottery—without the state either signaling that the skilled are more desirable or perpetuating failures of FEO. On the other

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<sup>296</sup> The argument against skill-selection is deeply context-sensitive. It depends upon evidence about socioeconomic status and FEO, as well as the relationship between the two. The evidence regarding these varies based on economic, cultural, and political differences between countries. Given that I focus on studies in the US, the argument is on the strongest footing with the US. However, it is likely to have relevance in other high-income countries. Showing the extent to which this is true is beyond the scope of this chapter.

hand, states can, in response to local emergencies, temporarily select for particular professions without contributing to these injustices. These concerns only arise when the state enacts an explicit policy according to which skill is generally and indefinitely prioritized and are strongest when skill-selection is used for permanent residency.<sup>297</sup> As Ayelet Shachar points out, there is something unique—both historically and normatively—about turning “merit and extraordinary talent into a core criterion for admission and settlement.”<sup>298</sup>

This is also not an argument that privileges domestic over global justice.<sup>299</sup> Instead, the goal is to illustrate a novel problem with skill-selection, showing how it contributes to domestic injustice. First, it is only a *pro tanto* argument against skill-selection. Strong enough reasons, grounded in the interests of non-residents, could override the interests of residents. Second, skill-selective policies disproportionately select those who have been fortunate enough to receive advanced education and training. They therefore select the more advantaged within sending countries, excluding those for whom immigration offers a means of escaping poverty.<sup>300</sup>

## 2. *Discretionary Admissions & Group Identity*

Philosophers working on discretionary admissions often engage in a counterfactual analysis. *If* states have the right to control their borders, *then* which reasons for excluding or including are permissible? With this lens, even open border advocates can investigate the legitimacy of discretionary admissions policies.<sup>301</sup> The discussion then focuses on whether there are legitimate grounds for different policies,

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<sup>297</sup> Skill-selection is often used to allocate in permanent membership. This is significant because what the state values in permanent residents—as opposed to temporary labor migrants—likely expresses more about its attitudes towards, and the value of, similarly situated residents.

<sup>298</sup> Fine and Ypi, 196.

<sup>299</sup> In fact, one goal of this dissertation, including this chapter, is to show that the interests of low-income residents of high- and low-income countries are not in conflict. I will return to this in §5.3.

<sup>300</sup> According to Higgins (2013, 214), skill-selection harms poor residents of sending countries by contributing to the brain drain.

<sup>301</sup> Though I reject the right of high-income countries to exercise discretionary control, I deploy this lens to reach states closer to where they are.

and whether they are sufficiently respectful of the equal moral personhood of those excluded—or of residents who share the same traits that led to their exclusion.

In setting discretionary admissions policies, states engage with would-be immigrants as bearers of multiple traits and identities. Petitioners present as members of a particular race, nationality, religion, gender, sexual identity, class, and potential profession. Some present as having family within the country and seek reunification. Others present as asylum-seekers. It is on these bases that states adjudicate between competing claims. It is also on these bases that such powers are constrained.

The limits of this discretionary power are sometimes firm, and states find that there are some immigrants that international law, justice, and decency do not permit them to exclude. The injustice of refusing the asylum-seeker at your door is independent of the tone used or the justification given. The act of refusal itself is wrong.

In other cases, it is not about the rights of petitioners, but the criteria used for exclusion and how they treat marginalized groups. Immigration policies can be unjust by virtue of invidiously discriminating between petitioners. According to José Jorge Mendoza, this can take the form of *direct* or *indirect* discrimination.<sup>302</sup>

Direct discrimination occurs when policies explicitly exclude based on membership in protected classes or when an immigration policy “favors or rewards members of historically advantaged groups” over marginalized applicants.<sup>303</sup> For example, assuming that they are not refugees or asylum seekers, and that states have some right to select between would-be immigrants, no particular Muslim has a right to admission.<sup>304</sup> However, Muslim bans are directly discriminatory and, hence, unjust. They target all members of a historically marginalized group for exclusion.

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<sup>302</sup> Mendoza, 2018.

<sup>303</sup> *Ibid.*, 255.

<sup>304</sup> Blake 2008, 966.

Indirect discrimination is more subtle. While maintaining facial neutrality, such policies “covertly...target members of a protected class or unfairly benefit members of historically advantaged groups.”<sup>305</sup> For example, desiring to restrict the immigration of Muslims, states might use alleged concerns over terrorism to ban immigration from several predominantly Muslim countries. This can express disrespect and undermine equal status if the targeted groups see through the veneer of facial neutrality.

Discretionary policies have these effects because they evaluate applicants based on generalizable traits and identities. Prioritizing white petitioners does not just say that this person, who happens to be white, is more desirable than another who happens to be Black. Instead, it says that the former is more desirable and the latter less desirable *because* of their race. This message affects the status of all similarly situated would-be immigrants.

Moreover, these group-based discretionary decisions do not simply say that white applicants are more valuable than Black applicants *as immigrants*. To de-prioritize or exclude Black applicants says that they are less valuable *as members of the society*. Black and white residents cannot help but also hear, and be affected by, this message.

### 2.1. *Justice & Discretionary Admissions*

Most philosophers of migration have agreed that race, gender, and religion are impermissible grounds for discriminating between would-be immigrants. Overwhelmingly, however, philosophers have held that skill-selection is legitimate. On their view, it does not violate any independent rights to migration, does not denigrate the excluded, and is in pursuit of recognized state interests.

In his chapter on discretionary admissions—where he sets aside his support for open borders and analyzes how states might discriminate between applicants—Joseph Carens considers which

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<sup>305</sup> Mendoza, 258.

principles for exclusion and selection are compatible with democratic values. In evaluating different criteria, he uses two considerations: legitimate state interests and respect for the claims of equal persons.<sup>306</sup> Carens suggests that race, ethnicity, and religion are impermissible grounds for exclusion. Not only are they incompatible with respecting the moral claims of nonresidents, but they are not in pursuit of legitimate state interests. Financial need and family ties, however, are acceptable. And though he does not consider skill-selection directly, economic potential is used in many skill-selective policies. According to Carens, the state has a legitimate interest in economic potential, and those without it are not denigrated by their exclusion. Therefore, their exclusion is permissible even if it is ungenerous.<sup>307</sup>

Michael Blake begins by analyzing the relationship between would-be immigrants and the state. By petitioning for entry, they place themselves at the administrative and coercive mercy of a state with whom they previously had no relationship.<sup>308</sup> And while legal and coercive ties between them are considerably weaker than between state and resident, they exist and demand justification. The moral equality of persons means that coercion must be based on reasons that those excluded cannot reasonably reject. We must avoid cases where accepting their exclusion requires that people endorse their own unequal moral status.<sup>309</sup> On this view, race-based criteria are impermissible. Nonwhite migrants excluded based on race must either reject the state's decision *or* reject their own equal personhood.

Furthermore, migration policies do not *only* have implications for non-residents. Criteria for exclusion can also be impermissible if they communicate disrespect towards already marginalized

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<sup>306</sup> Carens, 178.

<sup>307</sup> *Ibid.*, 185.

<sup>308</sup> Blake 2020, 120.

<sup>309</sup> *Ibid.*, 121.

residents.<sup>310</sup> Race-based exclusion is, therefore, also wrong for a second reason: it says that residents of that race are less desirable than their compatriots.

Skill-selection, however, does not require that those excluded—or similarly situated residents—endorse their own inferiority. Instead, Blake argues that it is “of neutral concern,” and does not “rest upon anything approaching animus or moral incapacity.”<sup>311</sup> Those excluded on this basis—and residents relevantly like them—can accept the state’s decision without endorsing their moral inferiority.

Some philosophers have argued not only that skill-selective policies can be accepted by residents but that they are in fact in their interest. According to Douglas MacKay, skill-selection is not just neutral but is positively justified insofar as it promotes economic success, which is vital for pursuing the well-being of disadvantaged residents.<sup>312</sup> Moreover, MacKay argues that such policies do not generate status harms for low-SES citizens. Specifically, skill-selection does not say that the unskilled are “unfit” for membership, but “that skill is valuable and a legitimate reason for favoring one prospective immigrant over another.”<sup>313</sup> Therefore, skill-selection is, on balance, beneficial to low-SES residents.

Sarah Song notes that low-skill immigration might depress wages for low-skill residents.<sup>314</sup> The increased number of low-wage workers provides a larger pool from which employers can select, further diminishing the bargaining power of domestic workers. Therefore, we might think that closing our borders to all except the skilled would be the best way to secure domestic justice.<sup>315</sup>

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<sup>310</sup> *Ibid.*, 127.

<sup>311</sup> *Ibid.*, 135.

<sup>312</sup> MacKay, 133-4.

<sup>313</sup> *Ibid.*, 135.

<sup>314</sup> Song, 166.

<sup>315</sup> As I will discuss in §5.2, Song ultimately rejects the protectionist strategy that this suggests, arguing instead for redistributive policies to more fairly spread the benefits of immigration.

These approaches to skill-selection are emblematic of the dominant trend in the literature. Insofar as skill and economic contribution are beneficial, receiving countries have a clear interest in selectively admitting on these bases. And prioritizing skill does not violate the rights either of residents or those excluded.<sup>316</sup> Accordingly, if states have rights to discretionary control over their borders, these are legitimate bases on which to discriminate between would-be immigrants.

Désirée Lim is one of the few exceptions, having advanced two explanations as to why skill-selection is unjust. First, it exacerbates disrespectful and demeaning attitudes about women. Globally, women are less likely to have an advanced degree, with this discrepancy being greater from middle- and low-income countries.<sup>317</sup> Moreover, they are less likely to have the work experience necessary to meet the thresholds for expected economic contribution. This is especially true since, according to Shelley Wilcox, “in the context of a sexist society that devalues work traditionally performed by women,” skill-selective policies are themselves rooted in gendered biases.<sup>318</sup> Finally, since they will more often be excluded on “merit” and included as companions to their “skilled” husbands or fathers, such policies reinforce “existing beliefs about the inferiority of female workers’ contributions, as well as women’s status as passive or helpless dependents.”<sup>319</sup>

Second, skill-selection expresses racialized disrespect for low-skill foreigners.<sup>320</sup> Within the context of xenophobic and racist beliefs about “good” and “bad” foreigners, dividing non-residents into two groups—the good, talented, and hard-working versus the bad, dangerous, and greedy—and labeling the former meritorious and worth admitting, and the latter untalented and not worth admitting, is not simply a benign promotion of national self-interest. Rather, this builds on and

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<sup>316</sup> Song advocates for *admitting* low-skill immigrants. But this is not necessarily an argument against retaining a significant number of spaces for the skilled.

<sup>317</sup> See Antoninis.

<sup>318</sup> Wilcox, 219.

<sup>319</sup> Lim 2019, 907.

<sup>320</sup> See generally Lim 2017.

reinforces these negative and harmful attitudes. While xenophobia and racism afflict immigrants in general, they are disproportionately felt by those perceived to be less skilled.<sup>321</sup>

Lim's work has done much to problematize skill-selection. Rather than simply being a neutral preference for skill, such policies constitute a form of indirect discrimination.<sup>322</sup> Despite not explicitly mentioning race or gender, they “express contempt” for nonwhite, unskilled (and more often male) foreigners.<sup>323</sup> However, I argue that such policies also denigrate and undermine the social status of low-SES residents. Although they do not mention SES, the markers of merit that they deploy overlap with the features of low-SES residents that construct their lower social status.

We cannot say that we prefer the skilled to the unskilled, the economically comfortable to the dependent, and the educated to the uneducated *only to those seeking admission*. This message is more universal. As Blake notes, “[w]hat a state says at its borders...is heard by people within those borders.”<sup>324</sup> Therefore, the denigrating message sent to the “unskilled” foreigner is also heard by low-SES citizens. And insofar as this message tracks dominant SES-based biases and stereotypes, this not only contributes to status harms, but also to differential social, political, and economic treatment.

### 3. *Skill-Selection & Socioeconomic Status*

A standard argument against race-based immigration policies goes as follows:

- 1) State policies that exacerbate status harms are *pro tanto* unjust.
- 2) Nonwhite people, and Black people in particular, experience status harms in high-income receiving countries.
- 3) To exclude (or disfavor) based on race can exacerbate status harms in two related ways: a) it says that those selected against are less suitable for, or less desirable as,

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<sup>321</sup> Put differently, within each race or nationality, the less skilled are disproportionately perceived as strange and *other*.

<sup>322</sup> I would like to thank José Jorge Mendoza for drawing attention to this point.

<sup>323</sup> Lim 2017, 384.

<sup>324</sup> Blake 2020, 127.

- members of the society, and b) this public statement can reinforce existing biases and stereotypes about them.
- 4) What is said to would-be migrants is also heard by residents.
  - 5) Therefore, race-based migration policies can: a) communicate that nonwhite people are less desirable as members of the society and b) reinforce existing biases and stereotypes about them.
  - 6) Therefore, such policies can exacerbate status harms for both nonwhite non-residents and residents.
  - 7) Therefore, such policies are *pro tanto* unjust towards both residents and non-residents.

In this section I will focus on a SES-based version of this argument, illustrating why skill-selection unjustly contributes to domestic status harms.

This argument gains considerable traction when deployed against exclusion based on race, gender, or religion. First, such policies are often transparently and directly discriminatory. Consider, for example, the Chinese Exclusion Act, the White Australia policy, and Trump’s Muslim Ban. They explicitly target an “undesirable” group and label them unworthy—or at least less worthy—of admission. Second, we have a clear understanding of how race, gender, and religion affect social status and recognize such discrimination as unjust. And third, we can readily see the thread between discriminatory migration policies regarding these groups and their unequal social status.

The argument with skill requires more care. Most philosophers do not interpret skill-selection as saying anything—directly or indirectly—about people with low-SES. And less work in liberal political philosophy engages with issues of SES. Finally, skill-selection does not explicitly exclude based on low-SES, and so any discrimination is indirect. For these reasons I will spend time discussing skill-selection policies and the nature of SES. Ultimately, I argue that there is sufficient overlap

between the traits selected against and several biases and stereotypes that affect the self-conception and social positionality of low-SES residents.

### *3.1. Skill-Selection Policies*

Skill-selection is becoming increasingly predominant, with two thirds of Organisation for Economic Co-operation and Development (OECD) countries implementing, or having implemented, skill-selective policies.<sup>325</sup> According to Ayelet Shachar, “[i]n today’s global knowledge economy, what is desired are those who can shore up the human capital reserve of the nation.”<sup>326</sup> This is particularly desirable when you can do so without paying to develop and train this human capital reserve. Despite this becoming increasingly prominent, a few countries are responsible for the bulk of skilled migration. For example, the US, the UK, Canada, and Australia “are host to nearly 70% of skilled immigrants to OECD countries.”<sup>327</sup> In this section I briefly described the policies used in the US, the UK, Canada, and Australia, illustrating how they define skill and select between applicants.

The Trump administration proposed a two-part shift in US admissions policies. First, the proposal involved a transition from 66% family reunification and 12% merit-based selection to 22% family and 57% merit.<sup>328</sup> Second, it sought to reshape how merit is understood. Applicants would be ‘graded’ based on five metrics: 1) US civics test score, 2) age, 3) English proficiency, 4) employment, investment, or jobs-creation pledges, and 5) educational or vocational certificates.<sup>329</sup> Each metric is broken down into tiers, with higher tiers providing more points. For example, applicants receive 1 point for a high school degree and 13 for the equivalent of a US doctorate. Points for employment are tied to wages, with 5 being allocated for a job that is “at least 150% of the median household

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<sup>325</sup> Chand and Tung, 336.

<sup>326</sup> Fine and Ypi, 179.

<sup>327</sup> Chand and Tung, 336.

<sup>328</sup> VOA News.

<sup>329</sup> CNBC.

income in the state where he or she will be employed” and 13 if it is at least 300% of the median income.<sup>330</sup> In this way, income and education come to define merit.

While Trump’s proposal never came to fruition, the UK *did* recently shift to a new points-based skill-selection system. This system erases Schengen Area favoritism and instead “treats EU and non-EU citizens equally and aims to attract people who can contribute to the UK’s economy.”<sup>331</sup> Petitioners must receive all 50 Non-tradeable points: 20 for an approved job offer, 20 for job at an appropriate skill level, and 10 for English language proficiency.<sup>332</sup> They must also receive at least 20 Tradeable points from two categories: Salary and Other. For Salary, applicants receive 0 points for a salary at or above £20,480, 10 if at least £23,040, and 20 if it exceeds £24,599. Under Other, they receive 10 for a relevant PhD and 20 for a relevant STEM PhD.

In Canada’s system, potential immigrants who meet the requirements for the Federal Skilled Worker Program must receive at least 67 of 100 points from six criteria. These include language (up to 28); education (25); work experience (15); age (12); arranged employment (10); and adaptability (10). If successful, they are ranked against other eligible candidates in a 1,200-point system, broken down into Core/human capital factors (500 points), Skill transferability factors (100) and Additional criteria (600).<sup>333</sup>

Focusing on human capital, would-be immigrants receive points for their skills and experience; their spouse or common law partner’s education and language skills; and their skill transferability, which includes educational background and work experience. These factors are broken down along a wider range than Trump’s proposal or the UK’s system. For example, if they come without a partner

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<sup>330</sup> CNN.

<sup>331</sup> GOV.UK 2020a.

<sup>332</sup> GOV.UK 2020b.

<sup>333</sup> Library of Congress Law.

or spouse, they receive 0 points if they do not have a high school degree. However, a high school degree is worth 28 points and a doctoral equivalent is worth 140.

Finally, “Australia accepted an estimated 163,000 immigrants in 2017, of which about 111,000 were skilled immigrants.”<sup>334</sup> Under general skilled migration, applicants “are selected on the basis of their nominated occupation, age, skills, qualifications, English language ability and employability.”<sup>335</sup> The distinguished talent track prioritizes those who have “special or unique talents of benefit to Australia,” including athletes, musicians, and those internationally recognized in their field.

While these policies differ, there are important similarities. First, rather than responding to temporary local needs or merely balancing the proportion of incoming degrees to the current population, these policies work to promote skilled migration *full stop*. They exemplify the current trend of countries competing to secure “human capital” and, therefore, include an implicit statement that “human capital” in general is preferred.<sup>336</sup>

Second, they have instituted or sought to institute a points-based system. Such policies include a clear statement of the metrics of merit. People can take a survey that tells them how many ‘points’ they are worth and how this tracks the requirements for admission. This removes immigration policies from the “black box” of executive decision-making, instead baring the criteria publicly for all to see—and for all to evaluate their own merit or value.

And third, they often utilize the same metrics. The prioritization of advanced degrees in Trump’s proposal is central to Canadian and UK policies. While Australia and Canada only indirectly select for salary—offering points for employment in “skilled” sectors of the labor market—the UK uses, and Trump proposed, an explicit prioritization of higher incomes.<sup>337</sup> And each includes a

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<sup>334</sup> Chand and Tung, 341.

<sup>335</sup> Parliament of Australia.

<sup>336</sup> Ypi 2018b, 144.

<sup>337</sup> GOV.UK 2020b and CNN.

preference for “skilled” work or training. This has, in the words of Shachar, constructed a “talent pyramid” that “can be seen to reflect a ‘scale of attractiveness’ according to which the more desired the immigrant is, the faster she will be given an opportunity to lawfully enter the country and embark on a fast-tracked path to its membership rewards.”<sup>338</sup> Though how it is implemented and which talents are preferred may differ at the margins, the talent pyramid is largely universal with all high-income countries valuing, and competing for, largely the same people and positions.

I argue that these features—a preference for skilled migrants, particularly in the form of a points-based approach where education, skilled work, and economic security are prioritized—make skill-selection relevantly like other forms of group-based discretionary policies, at least in countries like the US that have substantive SES-based biases and stereotypes. Such policies evaluate would-be immigrants based on generalizable traits and attributes. These traits and attributes are also intimately bound up in self- and other-appraisals and affect the social status of residents who share (or find themselves lacking in) them.

### *3.2. Socioeconomic Status & Social Denigration*

In this section I focus on the empirical literature regarding the effects of SES, particularly in the US, organizing the discussion around three markers of low-SES: poverty; unequal educational attainment; and a lack of workplace prestige. Each of these affects how we see ourselves and are seen by others, shaping the phenomenology of SES. Poverty is the primary lens through which most understand SES. Lacking a nuanced class analysis, we often deploy three categories: the rich, the poor, and the middle class. Though these categories are only loosely fixed through a rough understanding of material holdings, they rigidly shape social attitudes in predictable ways.

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<sup>338</sup> Fine and Ypi, 182.

Research on explicit attitudes shows “that the rich are viewed ambivalently (competent but cold), in contrast to the poor who are perceived uniformly negatively (incompetent and cold) and the middle class who are perceived uniformly positively (competent and warm).”<sup>339</sup> Implicit attitudes shake up this picture. While implicit attitudes towards the poor remained negative, and lower than those regarding the middle class or rich, implicit attitudes towards the rich were uniformly positive.<sup>340</sup> Lior Erez goes so far as to say that poor people are “as a social class...no less stigmatized or thought of as inferior, than ethnic or sexual minorities.”<sup>341</sup> These biases congeal early, finding a ready home in children who quickly learn and retain stereotypes,<sup>342</sup> and can “easily list stereotypes associated with” the rich, middle class, and poor.<sup>343</sup>

Poverty is also, according to the dominant ideology, something for which the poor are largely responsible. Research in the US shows that people “believe that there are multiple determinants of poverty but that individualistic or ‘internal’ causes (e.g., lack of effort, being lazy, low in intelligence, being on drugs) tend to be more important than societal or ‘external’ ones.”<sup>344</sup> This not only impacts social support, as I discuss in §4.2, but it exacerbates the stigma surrounding poverty.

The second marker is educational inequality. Research shows that the less educated are not only perceived less warmly than the educated, but that they are viewed even more negatively than the poor.<sup>345</sup> And much like poverty, people are criticized and held responsible for their lack of education.<sup>346</sup> Sennett and Cobb found that internal development—a proxy for education, skilled work, and workplace autonomy—has become a primary marker of SES. More than poverty, a recognition of

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<sup>339</sup> Horwitz and Dovidio, 6.

<sup>340</sup> *Ibid.*, 22.

<sup>341</sup> Erez, 163.

<sup>342</sup> Bigler and Leben.

<sup>343</sup> Horwitz and Dovidio, 5.

<sup>344</sup> Cozzarelli, 209.

<sup>345</sup> Kuppens et al., 444.

<sup>346</sup> *Ibid.*

unequal education and development “is the injury of class, in day-to-day existence, that the people we encounter face; it is a tangled relationship of denied freedom and dignity.”<sup>347</sup>

This injury profoundly affects one’s self-conception. According to one of their interviewees, “people of a higher class have a power to judge him because they are more internally developed human beings.”<sup>348</sup> This sentiment was echoed in an interview by Sennett, where a janitor said that people in the middle class “treat him as though he were invisible, ‘as a zero,’” and that they were justified in this “because of his lack of education and menial status.”<sup>349</sup> A lack of education and internal development becomes a badge that signifies a lack of merit and personal value.

The final marker is workplace prestige. This is also deeply connected with education and internal development. Sennett and Cobb interviewed a pipe-fitter who “makes twice the salary of his neighbor; yet when they meet, the pipefitter calls the schoolteacher ‘Mister’ and is called in turn by his first name.”<sup>350</sup> Workplace prestige affects status even when de-tethered from poverty or inequality. In a society where people dedicate much of their lives to work—and where some do highly skilled work with authority, prestige, and skill, while others are controlled, denigrated, and perform “menial” or “rote” functions—our jobs shape our internal worlds and self-conceptions.

The internalization of these markers—particularly educational inequality and workplace prestige—shapes the phenomenology of low-SES. This ensures that the experience is not simply, or even primarily, about external facts regarding poverty and inequality. Pauline Bart argues that the experience of low-SES is shaped less by money and more by “power and [p]restige and self-concept and self-image and ‘lifestyle,’ and whether you can get your teeth straightened...and whether you want to do so.”<sup>351</sup> It infects one’s entire self-conception. As Amy Reed-Sandoval notes, “[c]lass identity is

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<sup>347</sup> Sennett and Cobb, 118.

<sup>348</sup> *Ibid.*, 25.

<sup>349</sup> Sennett, 17.

<sup>350</sup> Sennett and Cobb, 35.

<sup>351</sup> Russell, 62.

embodied” and is visibly affected by “one’s bodily shape, how one cares for or feeds one’s body, the ‘thinness’ or the ‘fatness’ of one’s form,” etc.<sup>352</sup> Through this, those with low-SES come to view themselves, and be visibly identifiable, as less developed, intelligent, morally upstanding, or even attractive. And, importantly, they often feel this is something that they deserve. Accordingly, “[s]hame seems to be a nearly ubiquitous aspect of internalized classism.”<sup>353</sup>

In addition to shaping how we see ourselves, these biases shape how we are perceived and treated by others. According to Iris Marion Young, “norms of respectability...are associated specifically with professional culture. Professional dress, speech, tastes, demeanor, all connote respectability.”<sup>354</sup> Not appearing professional or middle-class can undermine your chances when interviewing for a job or seeking a loan.<sup>355</sup> The visible signs of SES allow implicit and explicit biases to operate in discretionary decisions.<sup>356</sup>

### *3.3. Contempt for the Meritless, Preference for the Meritorious*

These three markers are not all found in everyone who is, or understands themselves as, low-SES. As such, unless we utilize an orthodox Marxist class analysis—one that is, at present, not part of a coherent class consciousness in western liberal societies—a univocal conception of SES will be out of reach. I suggest, for the purposes of this project, that we see these markers as forming a cluster of attributions that affect the social positionality and self-conceptions of those with low-SES. While those with the lowest-SES will have all three, those who are *merely* poor, uneducated, or perform low-prestige jobs have *parts* of their identity and status shaped by this reality. These markers also track many of the metrics of merit used in skill-selection. In assigning more points for skilled work, higher education,

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<sup>352</sup> Reed-Sandoval, 79.

<sup>353</sup> Russell, 64.

<sup>354</sup> Young, 57.

<sup>355</sup> *Ibid.*, 58.

<sup>356</sup> As I will discuss later, this has implications for our ability to pursue educational and training opportunities.

and higher salaries, states indicate that these make would-be immigrants more valuable. By implication, this suggests that unskilled work, a lack of education, and poverty make applicants less desirable as members of the society.<sup>357</sup> And in a points-based system, we can see exactly how much more or less desirable our skills, education, and salaries make us in the eyes of the state. This can serve to denigrate or further undermine the status of low-SES non-residents

However, such policies, especially when used for permanent residency, can also affect the social status of low-SES residents. We cannot say that we prefer the skilled to the unskilled, the economically comfortable to the impoverished, and the educated to the uneducated *only to those seeking admission*. The message is more universal. To say that would-be immigrants make more or less desirable residents on the basis of these metrics similarly signals that they affect the desirability of current residents. Given the research on SES described above, the second premise applies: those with low-SES suffer status harms. Points-based skill-selection that those excluded are less desirable *as members of the society*. Finally, the overlap between these traits and those elements of SES that shape social status suggests that it is liable to reinforce existing stereotypes and biases. Therefore, both parts of premise three also apply.<sup>358</sup>

We might wonder, however, about premise four. First, does the state express that low-SES petitioners are less valuable? Second, if skill-selection does express this, do low-SES residents distinguish themselves from low-SES immigrants, preventing the message from applying to them?

Even if states do not intend to signal disvalue—instead intending to promote neutral policy goals, including reducing unemployment—their intentions do not determine how policies are

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<sup>357</sup> While MacKay (2013, 135) rightly notes that skill-selection does not tell either residents or those excluded that they are “unfit” for membership, such policies do, I argue, suggest that they are less “fit” or “desirable.”

<sup>358</sup> As above, these concerns only arise in sociohistorical contexts like our own. If SES no longer sets social status, then skill-selection might be permissible. Moreover, if low-SES residents come to recognize a division between domestic status hierarchies and immigration policies such that their social status is not implicated, and if they desired skill-selective policies based on (perceived) economic benefits, then such policies might be permissible. However, this still leaves open the possibility that low-SES residents could be harmed by skill-selection, even if they themselves endorse it.

interpreted. For example, imagine a state selecting based on race *not* because they disvalue members of that group, but because they want to prevent race-based violence targeted at them. Whatever their intentions, such a policy would be interpreted as evidence that nonwhite immigrants are less desirable. What is expressed by state policies is partly determined by background biases and stereotypes. Therefore, race-based selection will typically reinforce race-based biases.

Moreover, the structure of skill-selection reinforces this message. Such policies target skill in general, rather than in-demand jobs. And the markers of merit selected for clearly track the attributes that stigmatize and denigrate low-SES residents. This facilitates negative interpretations of skill-selective policies.

While there is not sufficient evidence to settle the second issue, there is reason to think that low-SES residents cannot fully distance themselves from these effects. While social welfare programs are deeply stigmatized, in the US this stigma is also heavily racialized. The negative image of welfare users is often Black, and particularly a Black mother.<sup>359</sup> While this can help white welfare users avoid some of the stigma associated with welfare, it does not fully succeed.

White welfare users often share negative views about welfare programs and seek to manage its stigma by distancing themselves from other recipients.<sup>360</sup> In a recent survey, one working class white woman refused to accept social support for her son because of the perceived indignity of relying on state support.<sup>361</sup> And “[m]any residents of rural communities report reluctance to use SNAP [the Supplemental Nutrition Assistance Program] because of...a sense of shame.”<sup>362</sup> This suggests that even when a group believes that *they* deserve support and that *others* do not, the associated stigma cannot be wholly cordoned off and shape their own self-conceptions. It is therefore unlikely that

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<sup>359</sup> See generally Pruitt.

<sup>360</sup> Eppard et al., 79.

<sup>361</sup> Ibid., 70.

<sup>362</sup> Haynes-Maslow, 2.

residents of high-income countries can wholly distance themselves from the status harms associated with skill-selection.<sup>363</sup>

The argument for the *pro tanto* impermissibility of race-based discretionary decisions, therefore, applies with skill-selection, and goes as follows.

- 1) Policies that exacerbate status harms are *pro tanto* unjust.
- 2) Those with (any of) the three elements of low-SES suffer status harms.
- 3) To exclude or (disfavor) based on low-SES can exacerbate status harms in two related ways: a) it says to those selected against that they are less suitable for, or less desirable as, members of the society, and b) this public statement can reinforce existing biases and stereotypes about them.
- 4) What is said to would-be immigrants is also heard by residents.
- 5) Therefore, policies that exclude (or disfavor) based on SES can: a) communicate that those with low-SES are less desirable as members of the society and b) reinforce existing biases and stereotypes about them.
- 6) Therefore, such policies can exacerbate status harms for both low-SES non-residents and residents.
- 7) Therefore, such policies are *pro tanto* unjust towards both non-residents and residents.

Accordingly, skill-selection exacerbates status harms for low-SES residents and is, on that basis, *pro tanto* unjust. However, skill-selection does not *merely* contribute to status harms, as if these floated free from other problems of justice. Instead, status harms can justify—or at least undermine criticisms of—other injustices. If those at the bottom of a status hierarchy “deserve” their social position, then

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<sup>363</sup> This is in addition to role skill-selection can play in reinforcing stereotypes and biases towards low-SES residents in the broader community, as well as in undermining equality of opportunity. Even if low-SES believe skill-selection to be in their interest, such policies can still create both tangible and psychological harms.

any resulting inequalities are natural and not a result of cruelty or injustice. Moreover, social status can lead to differential treatment. Insofar as skill-selection contributes to SES-based status harms it can, therefore, lead to more tangible harms.

#### *4. Equal Opportunity & the Import of Foreign Labor*

In this section I consider the relationship between skill-selection and FEO. According to John Rawls, FEO has two components. First, people must have formal access to relevant opportunities—there must be no explicit systems of discrimination preventing certain groups from securing desirable positions or offices. Second, “those with the same level of talent and ability and the same willingness to use these gifts should have the same prospects of success regardless of their social class of origin.”<sup>364</sup>

The second requirement of FEO has two main elements. First, there must not be excessive inequalities. Second, there must be equal educational opportunities.<sup>365</sup> Promoting these two elements of FEO is a process that begins at birth and extends beyond the schoolhouse walls. It requires severing the connection between one’s life prospects and inherited wealth, race, gender, and geographical location.

Skill-selection both depends upon and reinforces failures of FEO. States need skilled immigrants largely because residents have been trapped in cycles of poverty and low-SES.<sup>366</sup> And selecting for skill perpetuates these cycles over time, making it less likely that states use the resources needed to secure FEO.

##### *4.1. The Dependency Thesis*

Skill-selection does not occur in a vacuum, but within the context of a broad array of socioeconomic policies and needs. It seeks to procure desirable immigrants, where desirability is not a natural fact but

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<sup>364</sup> Rawls 2001, 44.

<sup>365</sup> *Ibid.*, 44.

<sup>366</sup> This cycle is particularly vicious with Black poverty.

depends upon present and predictable needs. Many high-income countries have a demand for skilled labor that outstrips the existing supply. They use skill-selection to ameliorate this problem, bringing in a supply sufficient to meet domestic demand.

In most high-income countries, the need for skilled labor results from policy decisions. The failure of domestic labor markets to meet existing demand for skilled labor is not due to a recent development of skilled-labor-dependent industry, nor is it a product of full employment. It is also not because residents are *unwilling* to perform this work. As a class, low-SES residents do not work at slaughterhouses or fast-food restaurants because they prefer these options to higher paying, more autonomous, or more “prestigious” work.<sup>367</sup> Instead, they often occupy positions at the bottom of the domestic “job queue” because they are unable to secure high-paying, prestigious work.<sup>368</sup>

As Michael Blake notes, “the rich countries of the world have effectively outsourced much of their obligation to train medical personnel to developing countries, and have avoided investing in the expensive job of medical training.”<sup>369</sup> Developing skilled workers is costly. The state must not only provide free or affordable educational opportunities, but it must also clear the barriers to success for low-SES residents. And this is something that high-income countries have refrained from doing, in part because of access to the skilled labor of low-income countries. Failing to do so constitutes a failure of FEO, cementing low-SES as an inheritance of those born into low-SES families. The need for skill-selection, therefore, is artificial and dependent upon prior injustice.

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<sup>367</sup> Instead, low-wage workers in the US express the highest rates of dissatisfaction with their work. For an example of this, see Pew Research Center 2016.

<sup>368</sup> Even goals and motivations can be affected by stereotypes, expectations, and opportunities. Thus, even if low-SES residents do not have explicit desires to pursue these careers, this is still rooted in a system that fails to secure FEO.

<sup>369</sup> Brock and Blake, 223.

#### 4.2. *The Reinforcement Thesis*

Skill-selection also reinforces and justifies failures of FEO in the future. First, by exacerbating SES-based stereotypes it can affect how people behave as well as how they are treated by others, including educators, hiring committees, and voters considering social programs targeted at helping low-SES residents. Having equal access to equal caliber schools is necessary but not sufficient for FEO. As I discuss in this section, biases and stereotypes can also promote unequal treatment by educators, employers, and admissions committees. Insofar as skill-selection contributes to these stereotypes and biases, it contributes to unequal opportunities.

Stereotypes and biases help justify and maintain low-SES. They give support to the belief that low-SES is a result of individual failure rather than structural injustice. Through this, negative stereotypes are converted into system-justifying beliefs. Sadly, such views are not only held by the affluent, but also by the least advantaged. Interviews with poor Latina and Black mothers in the US showed that most held system-justifying beliefs, blaming the allegedly deficient character of the poor for their poverty.<sup>370</sup> These beliefs also exist with education, with the educated and uneducated alike holding the latter responsible.

Ultimately, acceptance of stereotypes and system-justifying beliefs can lead those with low-SES to have an ambivalent attitude towards their own self-worth. Moreover, it can undermine their motivation to struggle for system change. Rather than looking at structural causes of poverty it makes them look inward, seeking to identify what it is about themselves that makes them unable to thrive. Such beliefs help render the socioeconomic hierarchy natural and inevitable.

Stereotypes regarding SES also operate in the education system, with students' treatment being impacted by SES-based beliefs about intelligence, attitude, and parental support. According to Sennett and Cobb, "teachers act on their expectations of students in such a way as to *make* the expectations

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<sup>370</sup> Jost, 75.

become reality.”<sup>371</sup> Poor students arrive at school and are confronted by teachers with internalized biases. These can lead teachers to “misinterpret a student’s words and actions, confusing the student’s learned helplessness or trauma-based anxiety with disrespect or defiance. Students are labeled lazy, slovenly, hyperactive, aggressive, or indolent.”<sup>372</sup> Teachers evaluate identical performance unequally based on SES, perceiving the work as lower quality and the student as less likely to have future academic success if they are coded as poor.<sup>373</sup>

Biases also contribute to a general refusal to support social programs targeted at low-SES residents. If you see poverty and a lack of education as the fault of the poor and least educated, social spending on their behalf becomes irrational. For example, those who endorse individualist ideologies show decreased support for redistributive policies, whereas those with “system-challenging beliefs,” including structural explanations for unequal opportunities, indicate increased support for redistribution.<sup>374</sup> If everybody can succeed—and if individual failure is caused by a lack of desire, low intelligence, and low moral character—then we do not need social welfare programs. And if personal failures lead to low-SES, then welfare programs are unlikely to help. They simply provide more resources for the “profligate poor” to waste.

Second, skill-selection removes the incentive for officials to pursue FEO. If they can secure cheaper foreign labor—whose education was funded by their home country—then there is a strong reason to avoid “wasting” resources educating residents.<sup>375</sup> And, as above, pursuing FEO requires much more than paying for education. It requires ensuring that people have the resources—healthcare, time off work, childcare, and money—to make use of educational opportunities.

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<sup>371</sup> Sennett and Cobb, 81.

<sup>372</sup> Gibson and Barr, 42.

<sup>373</sup> Bertran et al., 16-17.

<sup>374</sup> Hunt and Bullock, 106.

<sup>375</sup> Ayelet Shachar (in Fine and Ypi, 2016, 194) rightly notes that states have the power to rectify this by redirecting some of the economic benefits of skilled migration to promote domestic justice. However, my point is not that such injustices cannot be mitigated, but that skill-selection renders this less likely.

Without being able to select for skilled labor, high-income countries would have a stronger impetus to work towards FEO. Filling these positions would require giving low-SES residents the tools with which to do so. As such, eliminating skill-selective policies would have effects that extend beyond status and stereotypes. Doing so can also remove barriers to domestic FEO.

Skill-selective policies are, therefore, also *unjustly* exacerbate SES-based stereotypes and provide state-sanctioned support for SES-based hierarchies. They depend for their existence upon antecedent failures of FEO, with low-SES residents being interested in pursuing these opportunities but lacking the material or educational means to do so. And they perpetuate failures of FEO into the future.<sup>376</sup>

## 5. *Objections & Replies*

In this section I consider three sets of objections. The first is that there are relevant differences between race and SES, such that drawing an analogy between them is misleading. The second is that skilled migration benefits low-SES residents, making the arguments in this chapter counterproductive. Finally, I will return to the idea that this argument prioritizes domestic justice over global justice.

### 5.1. *Race & SES*

There are three disanalogies between race and skill that problematize any comparison. First, the complexities of SES suggest that the effects of skill-selection on those with low-SES will be less *harmful* and less *likely*. Those with low-SES are less likely to be either fully conscious of their SES or see it as

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<sup>376</sup> One might worry that, on this argument, *all* immigration undermines FEO. For example, if low-wage immigration works to lower wages for low-wage residents in receiving countries, then the increased inequality can stunt social mobility. However, as I note in §5.2, the economic evidence regarding low-wage immigration is mixed. Moreover, even if there are negative effects on wages two things are worth noting. First, the barriers to FEO are significant—requiring a restructuring of K-12 education, access to college education, healthcare, etc. The marginal differences in wages will be swamped by these considerations. Second, insofar as low-wage immigration benefits the overall economy, these costs could be met by redistributive policies. And third, by bringing in a mix of low- and high-wage immigrant workers, such policies will leave intact the need to educate and train citizens for high-skill positions, motivating a push towards FEO domestically.

interwoven with their self-conception. Second, race is a permanent status whereas SES is somewhat flexible, indicating a precarious relationship between SES and social status. And third, whereas no state can justly seek to eliminate race, just states can legitimately work to raise the SES of all low-SES residents, promoting universal education, workplace prestige, and the elimination of poverty.<sup>377</sup>

In response, I first note that the argument is *not* that skill-selection is *as* unjust as race-based policies. Rather, the claim is that the same argument applies in both cases. Insofar as skill-selection exacerbates status harms and perpetuates failures of FEO it is *pro tanto* unjust, even if other discretionary policies are worse. Research shows that SES-based status harms exist and that both low-SES residents and others in society are aware of the biases and stereotypes surrounding low-SES. And even if the complexities of SES mean that some will not be fully aware of the relationship between skill-selection and their status, there is sufficient reason to believe that many people will recognize the message contained within, and be affected by, such policies.

Second, the flexibility of SES is a significant disanalogy. However, there are three reasons why this does not undermine the argument. First, the possibility of changing one's SES does not erase the status harms—or economic harms—associated with low-SES. Those who live with low-SES will find little comfort in the fact that some exercise economic mobility. Moreover, even those who achieve economic mobility will experience status harms before leaving low-SES and will, given its embodied nature, often bear the physical signs of their early-life SES.<sup>378</sup> Second, even bracketing concerns regarding the likelihood of SES-based mobility, undermining FEO makes this *less likely*, helping cement SES over time. Finally, the belief that SES is fluid, capable of being changed through one's efforts, is part of the harm associated with low-SES and is used to blame those with low-SES for their status. This disanalogy, therefore, points to a novel injustice of low-SES.

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<sup>377</sup> I would like to thank an anonymous referee for the second and third points.

<sup>378</sup> As Reed-Sandoval notes, (2020, 80), the embodied nature of SES often makes ridding ourselves of this identity unlikely, if not impossible, even if we exercise late-life “upward mobility.”

Third, this *is* a unique form of injustice insofar as states are—unlike with race, gender, or religion—permitted to pursue the eradication of low-SES. However, as suggested above, the permissibility of such policies is limited by the realities of SES-based status harms and the difficulties of escaping low-SES. To engender a desire in low-SES residents to climb the SES ladder—in a world where they cannot immediately and reliably do so—is to increase their status harms and psychological trauma. Low-SES is a unique identity. It is one that can, to greater or lesser degrees, be left behind. And it is reasonable for people to wish to do so, and for others (including the state) to help them succeed in this goal. However, it is also a *sticky* identity. Many born into low-SES remain there throughout their lives. And even those who manage to “climb the ladder” often carry with them many of the markers of low-SES.<sup>379</sup>

This places limits on how states can engage with SES. Policies at ameliorating low-SES must be respectful of the stigma associated with it, as well as how state responses can exacerbate these stigmas. And if the state acts in such a way that reinforces a desire to escape low-SES they must also, at the same time, provide a reliable route for people to do so. At present this does not exist, and, as I have argued above, skill-selection makes this route even less accessible. Therefore, while the disanalogy between race and SES might justify policy differences, it will not justify skill-selection.

### *5.2. The Economic Interests of Low-SES Residents*

I have argued that generalized skill-selection harms low-SES residents of high-income receiving societies. However, it could be argued that skill-selection is still *better* for low-SES residents than alternative policies. After all, low-skill immigration has purportedly suppressed wages and increased unemployment among low-SES residents.<sup>380</sup> Skill-selective policies, insofar as they prevent these costs,

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<sup>379</sup> As above, the effects of unequal educational attainment, poor dental care, and poor nutrition, for example, will not be erased by mid-life changes in one’s job or income.

<sup>380</sup> Ypi 2008, 399.

allow the state to accommodate the claims of migrants while also addressing the needs of low-SES residents. This suggests that those worried about domestic economic justice ought to prefer skill-selection.

In this section I argue that skill-selection is worse for low-SES citizens.<sup>381</sup> First, the empirical data is mixed, with economists not reaching a consensus regarding the effects of low-skill migration.<sup>382</sup> There are serious doubts about whether it has short- or long-term negative effects on employment and wages for low-SES residents, as well as whether these costs are significant.<sup>383</sup> For example, while the dominant narrative is that low-wage immigration contributes to unemployment for low-wage residents, Ruth Milkman argues that the causal chain is inverted. As working conditions and salaries degrade, there is “an exodus of the U.S.-born...followed by an influx of low-wage immigrant workers.”<sup>384</sup> Once work is degraded and it comes to be occupied by low-wage immigrants, “direct competition between low-wage immigrants and U.S.-born workers [becomes] rare, as the latter reject most ‘brown-collar jobs’ as unacceptable.”<sup>385</sup> Low-wage immigrants often occupy jobs that have been independently degraded and abandoned, thereby having little effects on the employment of low-wage residents.<sup>386</sup>

Given the arguments of this chapter, there is a presumptive case against skill-selection *based on the interests of low-SES residents*. It exacerbates status harms and perpetuates failures of FEO, thereby

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<sup>381</sup> This is in addition to concerns regarding both the interests of low-skill would-be migrants and the brain drain. Accordingly, skill-selection is likely to be worse for the least advantaged domestically and globally.

<sup>382</sup> See Oberman in Fine and Ypi 2019, 46; Sager 2020, 42-44; Higgins 2013, 52; and Song 2019, 165-166.

<sup>383</sup> The literature on low-wage immigration is much clearer on its overall effects: even low-wage immigration benefits the overall economy, including creating tax revenue, paying into social security, providing a workforce that is already raised and educated, and creating demand for consumer goods. These economic benefits *could* be used to mitigate the poverty and unemployment of low-SES residents. However, high-income countries make policy choices that segregate the benefits and burdens of immigration among the population.

<sup>384</sup> Milkman, 76.

<sup>385</sup> *Ibid.*, 16.

<sup>386</sup> Immigrant workers are also consumers. They increase the overall demand for groceries, clothing, housing, and means of transportation. All of these increase the demand for workers, as production must increase commensurate with demand. Thus, even if immigrant workers *did* contribute to unemployment in certain sectors at the bottom of the job queue, they also serve to increase employment in other sectors (Milkman, 31).

leading to both psychological and material harms. As such, justifying skill-selection based on the economic interests of low-SES residents requires stronger evidence than has been provided. It requires clear evidence of non-negligible harms that cannot be easily remedied by redistributive policies.

Second, *even if* the economic argument is correct, the question is not whether to prioritize economic harms over status harms. Instead, it is whether to prioritize short-term economic harms over long-term economic *and* status harms. If my argument is correct, skill-selection undermines progress towards FEO. Therefore, even if low-SES residents experience economic costs from low-skill migration, the economic effects are far from univocal.

By using skill-selection to avoid short-term economic costs, states contribute to the generational transmission of low-SES. And while there is no guarantee that ending skill-selection would directly promote FEO, there are reasons to think that it would at least pave the way for programs that equalize opportunities. After all, not only does skill-selection facilitate the status harms that contribute to failures of FEO, but absent ready access to skilled immigration, the surest way to satisfy domestic needs involves increasing education and training opportunities for low-SES residents.

Third, the negative effects of skill-selection are, I argue, of greater significance than the alleged economic costs of low-skill immigration. Social status, and its connection to self-respect, is of central normative concern in political philosophy. Rawls, for example, lists the social bases of self-respect as being “perhaps the most important social primary good.”<sup>387</sup> Without this, our life plans can feel empty, and we can lose the motivation to try. Serious harms to self-respect can even undermine the value of all other social primary goods. This tracks the discussion in §3.2, where concerns about status and dignity often play a larger role in the self-conceptions and satisfaction of low-SES residents.

Social inequality also has implications for income, wealth, and employment. As above, SES-based stereotypes can affect treatment by teachers, effort by students, and success in interviews. And

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<sup>387</sup> Rawls 1971, 440.

individualistic ideologies can combine with these stereotypes and racial animus to undermine support for social welfare programs. Accordingly, the effects of status harms can extend well beyond self-conception and can have tangible economic costs.

Fourth, status harms cannot be as easily remedied by redistributive policies as can more tangible economic costs. If the economic arguments against low-skill migration are correct, then such policies can have local effects on wages and unemployment rates. However, the effects of low-wage immigration are not inevitable but result from policy choices. As Sarah Song<sup>388</sup> and Lea Ypi<sup>389</sup> note, such problems can be resolved by targeted interventions and addressing existing distributive injustices.

According to Song, even if these costs exist, they do not require that we pit the interests of residents against would-be immigrants. Rather, we should combine immigration policies with “minimum wage laws, better working conditions, and health and social welfare policies.”<sup>390</sup> The hope is that such policies can also mitigate against the rising tide of nationalism and anti-immigrant attitudes. Rather than feeding these narratives by closing the borders—or allowing them to fester by ignoring the effects of immigration—this solution aims to eliminate the economic costs that led to hostility in the first place. States can institute minimum wage increases, workplace protections for migrants, shifts in tax rates, increased social welfare funding, and public jobs programs.<sup>391</sup>

However, when social status has been undermined such strategies are unavailable. Status cannot be *directly* redistributed by the state, and public programs cannot compensate with additional respect in one area in response to a failure of respect in another. Similarly, if one is afflicted by negative SES-based stereotypes, the state cannot institute policies that compensate by promoting positive stereotypes or biases. Of course, social status is not entirely disconnected from income and wealth.

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<sup>388</sup> Song, 167.

<sup>389</sup> Ypi 2018, 145.

<sup>390</sup> Song, 167.

<sup>391</sup> There is something perverse in the state using existing economic injustices—injustices that it has permitted and, at times, promoted—to justify restricting the freedom of others.

Nor is it unaffected by social policy. Strategies for indirectly eliminating social hierarchies can involve working to eliminate inequalities and ensuring FEO.<sup>392</sup> Equalizing education, resources, and access to desirable work can help remove most—if not all—of the origins of SES-based stereotypes.

However, this will not be a satisfactory solution. First, such policies have generational lag. Even if tax policies and funding for public education help undermine social hierarchies in the future, they do little to help those who suffer status harms in the present.<sup>393</sup> Second, such policies lack political support, and their existence is rendered less likely by skill-selective policies which contribute to negative stereotypes and biases. Therefore, compensating for the harms of skill-selection by working to eliminate the social bases of status hierarchies is unlikely to succeed in the present and the policies that could promote this goal are less likely to be instituted if skill-selection is continued.

### *5.3. Skill-Selection, Global Justice, & the Interests of Nonresidents*

As I noted in the introduction, the arguments in this chapter might be interpreted as prioritizing the claims of low-SES residents of high-income countries over the claims of the global poor. In this section I explain why these arguments do not prioritize domestic justice and, in fact, better promote global justice and the claims of non-residents. Rejecting skill-selection would benefit the least advantaged in high-income countries *as well as* the least advantaged globally. Rather than being in conflict, the interests of the global poor align.

Before explaining and responding to the objection I want to briefly explain the reasoning behind my approach in this chapter. I have prioritized the claims of low-SES residents not because I see these as more significant. Nor is it because I am hostile to open borders and the rights of would-

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<sup>392</sup> I would like to thank Sara Goering for raising this point.

<sup>393</sup> The person whose SES is embedded in their body and education cannot be made whole by policies that undermine the causes of status hierarchies.

be immigrants. Far from it. As seen in chapters 2 and 3, I am deeply committed to an open border politic—at least in high-income countries.

Instead, I focus on domestic justice for two reasons. First, throughout this dissertation I aim to show that the interests of working-class people around the world are much more aligned than common liberal philosophical discourse suggests. We need not engage in trade-offs, where one group must suffer for the benefit of the other. Second, the goal of philosophy, according to Marx, is not merely to interpret the world—“the point is to change it.”<sup>394</sup> If we want our political theories to effect change, then we must speak to the world as it exists (with an eye towards what it can become). High-income countries have, to date, shown little concern for the moral claims of non-residents. This is particularly true when their material interests are implicated. However, the claims of residents—in particular, the claims of citizens—have had some impact on policy decisions. Therefore, there is value to be found in explaining how policies that harm the global poor *also* harm the domestic poor. Doing so might be our best bet at promoting a more just world.

Over the rest of this section, I will offer three main reasons why ending skill-selection is not only compatible with, but actively promotes, the interests of the globally least advantaged. First, as noted above, this argument is only a *pro tanto* argument against skill-selection. If there are reasons why skill-selection policies benefits the globally least advantaged, then this could potentially outweigh the arguments made in this chapter. If, for example, remittances from skilled workers benefitted the global poor more than a counterfactual world without skill-selective policies, then this would count as evidence against my argument. And if we found out that, in our non-ideal world, high-income countries are likely to end or reduce immigration if forced to eliminate skill-selective policies then this would also be reason to consider maintaining the practice.

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<sup>394</sup> Marx, 571.

Second, skill-selective policies disproportionately select those who have been fortunate enough to receive advanced education and training. They therefore select the more-advantaged within sending countries, excluding those for whom immigration offers a means of escaping poverty.<sup>395</sup> Without skill-selection, those in greater need of migration will have a better chance of gaining entry—at least so long as high-income countries continue to avail themselves of the economic benefits brought by immigration.<sup>396</sup>

As Alex Sager notes, “[l]iberal orthodoxy upholds a right to emigrate, but simultaneously maintains a corresponding right to restrict immigration. This creates a problematic asymmetry: many people cannot successfully emigrate because no country is willing to open its borders.”<sup>397</sup> And as I explained in chapter 2, there is a predictable breakdown regarding who finds open borders and who finds a series of closed borders. Skilled workers and the global rich are largely free to move and settle wherever they like. However, poor nonwhite would-be migrants find it nearly impossible to get permanent residency or citizenship in a high-income country. Shachar’s talent pyramid has been constructed with them at the bottom, with few high-income countries willingly admitting them. If we care about the globally least advantaged—something skilled immigrants are not—then we need to push back on policies that increasingly shape immigration as a rich person’s game rather than a poor person’s lifeline.

Third, skill-selection is the engine that drives the global brain drain and ending skill-selection might be our best route towards mitigating the problem of the brain drain. The brain drain involves a sizable percentage of skilled workers—particularly health workers from low-income countries—immigrating into high-income countries. This is (purportedly) a problem for three reasons. First, low-

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<sup>395</sup> According to Higgins (2013, 214), skill-selection harms poor residents of sending countries by contributing to the brain drain.

<sup>396</sup> Ypi 2018b, 146.

<sup>397</sup> Sager, 25.

income countries have poured considerable resources into the education of skilled workers. Second, these are skills that the state was depending upon to meet the needs of other citizens. And third, such professionals are a vital “resource” in the push for infrastructural growth and political stability. So, with the brain drain as with much else, the privileged gain from the poverty and powerlessness of the oppressed.

The brain drain results from predictable incentive structures and unequal bargaining power. High-income countries are motivated to pursue skilled professionals and have the resources to reliably outbid low-income countries for their services. Skilled professionals from low-income countries have a clear incentive to emigrate in pursuit of better lives for themselves and their family. And the behavior of both high-income countries and skilled immigrants are widely recognized as legitimate pursuits of self-interest. The result is that low-income countries are left unable to satisfy obligations to their citizens.

There are (at least) four solutions to the brain drain. First, low-income countries could coercively restrict the emigration of skilled professionals. This, however, has been largely rejected as illiberal and coercive.<sup>398</sup> Second, we could end the inequalities in wealth and income that give high-income countries greater bargaining power. While this would be ideal, it is not on the political horizon. We not only lack the political will, but we also lack the institutions needed to equalize wealth and income globally. Third, we could ask skilled workers to stay and help their compatriots. While this would also be ideal, it is *idealistic*. Asking skilled workers to sacrifice their interests out of a moral duty to their fellow residents is unlikely to motivate largescale change. And fourth, we could convince high-income countries to stop disproportionately admitting skilled workers.

If skill-selection harms low-SES residents, then it might be possible to build support for ending skill-selective policies. This might, therefore, be the least coercive and most politically feasible response to the brain drain. It ends the disproportionate selection and admission of skilled workers

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<sup>398</sup> Brock and Blake, 111.

without using the kinds of force and coercion that liberal political philosophers abhor.

## 6. Conclusion

If states have the right to discretionary control over admissions, choosing between would-be immigrants based on skill *seems* like a paradigmatic example of legitimate discrimination. It does not obviously reduce to animus or disdain. And it appears to further legitimate state interests. However, reflection shows skill-selection to be a form of indirect discrimination. Despite its apparent facial neutrality, it de-prioritizes would-be immigrants based on traits and attributes that track the markers of low-SES. Like other forms of invidious discrimination, these policies denigrate residents who are similar to those excluded.

The pernicious implications of skill-selection extend, however, beyond social status and biases. Such policies depend upon and perpetuate failures of FEO. The demand for skilled immigrants requires both a need for skilled labor *and* a dearth of qualified residents. And by cementing a system whereby skilled labor can be procured without the costs of educating and training low-SES residents, the motivation to secure domestic FEO is undermined.

This is not to say, however, that states must select against skill, or that there are no circumstances under which particular professions can be prioritized. Skilled migrants can be admitted, for example, through an admissions lottery or family-reunification without affecting social status for low-SES residents. It is not their admission that contributes to SES-based biases and status harms, but their prioritization by the state over the “unskilled.” Moreover, a state dealing with a crisis—e.g., a natural disaster or pandemic—might have an unexpected need for medical professionals. Their temporary selection does not indicate a generalized preference for skill, nor does it necessarily follow from—or incentivize—failures of FEO.

High-income countries need not exclude skilled would-be immigrants to avoid wronging low-SES residents. Rather, they must only avoid discriminating against potential immigrants based on

education, job experience, and affluence. The result is not the exclusion of the skilled, but an equal chance for applicants of all skill levels to be admitted.

## Ch. 5. Conclusion: Why the Left Should Embrace an Open Border Politic

In this dissertation I have begun developing a research program within which immigration policies are evaluated based on their effects on global and domestic economic justice. I have not emphasized economic justice because I see it as the most important normative issue, let alone because I see it as exhausting the normative sphere. Instead, I have done so for three reasons. First, liberal political philosophy has failed to seriously grapple with the deep connections between immigration and political economy. Second, freedom of movement is often of value—and control over immigration is often exercised—based on other, frequently economic, interests. And third, I aim to show those on the political left why they can, and should, embrace an open border politic.

The most persistent theme in this project is that the discretionary control over immigration exercised by high-income countries contributes to other problems of justice. Borders primarily function to prevent the movement of the global poor—particularly based on race, gender, and religious affiliation—while easing the mobility of in-demand skilled labor, consumer goods, and transnational corporations. This is not a bug but a feature of the modern regime of border control in a global economy. As noted by Harsha Walia, “borders being simultaneously monetized and militarized—open to capital but closed to people—are not contradictory juxtapositions. The free flow of capital *requires* precarious labor, which is shaped by borders through immobility.”<sup>399</sup> Borders are designed to be selectively porous and selectively hardened in ways that grease the wheels of a global economy and benefit the high-income countries exercising this power.

The ability of high-income countries to refuse the petitions of poor people of color and their power to select for, and outbid the home countries of, skilled labor plays a vital role in constructing the powerlessness and precarity of the globally least advantaged. It promotes the geographical

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<sup>399</sup> Walia, 6.

segregation of costs and benefits. It undermines global responses to the climate crisis. And it helps create the undesirable opportunity sets of the global and domestic poor.

As I discussed in chapter 1, this project pushes back on a dominant trend among the liberal and progressive left where open borders are rejected as anti-worker and pro-capital. Bernie Sanders' claim that open borders are a Koch Brothers proposal is a paradigmatic example of this. Open borders are, on this view, to be rejected insofar as they allegedly benefit capital and harm low-income workers. However, I argue that this is a mistake. Not only is an open border politic compatible with the interests of the least advantaged, but it also actively pushes against their oppression. Freedom of movement is a tool that empowers the powerless and pushes against the geographical segregation of costs and benefits in the global economy.

First, as I showed in chapter two, controlling the movement of low-income workers creates the conditions for their hyper-exploitation. The power of transnational corporations to move across borders in search of the cheapest sites for production—as well as their ability to bargain down wages, workplace conditions, environmental standards, and tax policies—is in part a product of the current regime of border control. This has deleterious effects on excluded would-be immigrants, people in low-income countries with no desire to move, and poor residents of high-income countries. An open border politic can, therefore, help increase the bargaining power and protections of the least advantaged.

Second, chapter 3 shows how the fight for climate justice is not only compatible with, but benefits from, an open border politic. Closed borders create artificial divisions between those affected by the climate crisis, preventing cross-border coalitions and undermining support for environmental movements. They focus our attention on an alleged external threat and focus it away from the role played by transnational capital and affluent members of high-income countries. And they prevent high-income countries from experiencing one of the perceived costs of the climate crisis.

Finally, chapter 4 develops the idea that selecting for skill—which also functions to select against low-income would-be immigrants—harms low-SES residents. In addition to creating and perpetuating the problem of the brain drain, and preventing the movement of the global poor, skill-selection contributes to status harms and failures of FEO for low-SES residents in receiving countries. It communicates that the less educated, less affluent, and less “skilled” are less desirable as members of the community. And it does so in a way that tracks the biases and stereotypes surrounding those with low-SES. Finally, with high-income countries able to meet domestic labor market needs through the already trained and educated labor of low-income countries, it undermines the need to develop equal educational and training opportunities.

In conclusion, the threat to the least advantaged does not lie in the would-be immigrant other. Instead, this project illustrates how the interests of low-income, low-SES people around the world are much more aligned than we might have thought. Their mutual oppression is facilitated by the ability of high-income countries to exercise discretionary control over immigration, selecting against the poor and for the skilled and affluent.

This is important for two reasons. First, it means that we need not pit the interests of the least-advantaged against one another. Justice in migration is not a tragic dilemma where we must choose between poor would-be immigrants and climate justice, the interests of poor residents in receiving country, or the fight for global economic justice. Second, a coalition of the least advantaged makes substantive political change more feasible. By showing that their interests are actually compatible, and how the fight for one becomes a fight for all, we can make solidarity and coalitions between all affected parties possible.

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