

107 students - please focus on the sections
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A GAME OF MIRRORS: THE PUBLIC PERCEPTION OF IMMIGRATION

INTRANSIGENT NATIVISM

The general perception of the foreign population among the native-born is not grounded in an understanding of the historical linkages between the United States and the countries of origin or by knowledge of the economic and social forces driving the phenomenon. The public view is guided instead by surface impressions. When foreign accents and faces are few, they are ignored. However, when they grow in number and concentrate in visible spaces, they trigger increasing apprehension. Natives are put on the defensive, fearing that their way of life and their control of the levers of political and economic power will be lost to the newcomers. The sentiment is expressed in familiar outcries such as "the end of white America," the "mongrelization of the race," "the rise of 'Mexifornia,'" and "the Hispanic challenge."⁷

Policies stemming from these fears have followed two basic paths: to exclude the newcomers or to Americanize them as fast as possible. These two positions define the two great ideologies toward immigration among the general public. They have in common that, since neither is rooted in an understanding of the real forces at play, their trans-formation into policy leads to consequences that are commonly the opposite of those intended. The first ideology, which may be labeled *intransigent nativism*, seeks to stop all or most immigration, expel unauthorized immigrants, and put remaining immigrants on notice that they occupy an inferior position, ineligible for the privileges of citizens.

Supporters of this ideology look mainly to the present. They do not know or care to know about the factors underlying immigration or the history of the process. They give expression instead to the immediate concerns, discomfort, and anxieties of the native population. Accordingly, they lash out not against the true sources of migration but against the migrants themselves. Success for this position consists in rendering the foreign element invisible once again. Intransigent nativism finds expression at a number of levels, ranging from elite intellectuals to xenophobic politicians, such as current Congressmen Tom Tancredo (R-Colorado) and James Sensenbrenner (R-Wisconsin), all the way to radio and television commentators, such as Lou Dobbs.

This ideology has registered some notable successes, such as the passage in 1994 of Proposition 187, the "Save Our State" (SOS) proposal in California (although it was struck down as unconstitutional by the

federal courts three years later); the passage in 2004 of Proposition 200 in Arizona, a kindred measure dubbed "Protect Arizona Now" (PAN); the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA); and the anti-immigrant provisions attached to the 1996 federal welfare reform bill (the Personal Responsibility and Work Opportunity Reconciliation Act, or PRWORA), which barred immigrants from access to a number of public assistance programs.⁸ Most recently, it has found expression in the Border Protection, Anti-terrorism, and Illegal Immigration Control Act (HR 4437), a bill sponsored by Representatives James Sensenbrenner and Peter King (R-New York). The *New York Times* called this bill "shameful—a reflection of the power of xenophobic politicians who want to fence in America."⁹ Despite extraordinarily expensive and impractical provisions, the bill passed the House of Representatives on December 16, 2005.

As seen in chapter 5, the political campaigns of intransigent nativists frequently produce unintended consequences, such as the mobilization of a powerful and previously dormant ethnic vote and the loss of public office by advocates of such policies. The strong legal system of the United States and its democratic polity guarantees to threatened minorities the right to seek judicial redress and to mobilize in defense of their interests. Reactive mobilizations of this type voted out of office the proponents of Proposition 187 in California, as they did the advocates on the antibilingual referendum in Miami in the 1980s, in both cases to be replaced by representatives of the groups under attack. Ironically, one of the principal functions of nativist campaigns has been to strengthen the legal and collective clout of immigrant minorities, giving them greater voice in the political process, through mobilization in defense of their rights. This process of reactive formation found its clearest expression in the mass mobilizations of immigrants against HR 4437 in the spring of 2006. Millions took to the streets in scores of cities across the nation to protest legislation that would criminalize unauthorized migrants, as well as those who would assist them, and fence the country.¹⁰ Hundreds of thousands of modest laborers who were previously content to labor quietly in the shadows marched loudly in public to vindicate their human and civil rights, often accompanied by their U.S.-born children who, while too young to vote, participated with their parents in historic marches bound to shape their political outlook. In reaction to this latest outburst of intransigent nativism, the "Hispanic" population, which as we saw in chapter 5 is still a disparate and uncertain ethnic minority, came together as never before. If the past is

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any guide, the Sensenbrenner-King bill may become the catalyst that consolidates the Hispanic electorate as one of the most potent political forces in the future of the nation. Candidates elected by this vote will have the nativists to thank.

FORCED ASSIMILATIONISM

Ronald Unz, the Jewish American millionaire who spearheaded Proposition 227, a California initiative dubbed "English for the Children" in 1998, explained his support for the measure as follows:

As a strong believer in American assimilationism, I had a long interest in bilingual education. Inspired in part by the example of my own mother who was born in Los Angeles into a Yiddish-speaking immigrant home but had quickly and easily learned English as a young child, I had never understood why children were being kept for years in native-language classes, or why such programs had continued to exist or even expand after decades of obvious failure.¹¹

The second mainstream ideology is less irrational than the first. Forced assimilationism does look at the past, but less to find the origins of contemporary immigration than to search for ways in which prior flows were separated from their cultures and integrated into the American mainstream. The nation's success in absorbing so many foreigners in the past is attributed to its relentless hostility to the perpetuation of cultural enclaves and the immersion of foreign children into an English-only environment that made Americans out of them in the course of a single generation. As we saw in chapter 7, the United States is indeed a veritable "cemetery of languages" in which the most varied linguistic backgrounds—from German to Italian; from Chinese to Spanish—have disappeared into a monolingual world in the course of two or three generations.

Assimilationists want the future to mirror this past as a proven way to restore unity and peace. Just as Yiddish-speaking mothers had to leave their culture and language behind, so should Mexican immigrants and Vietnamese refugees today. Though less traumatic than the effects of nativist exclusionary campaigns, forced assimilationism also has important consequences, and they are mostly negative. Policies derived from this ideology delegitimize the culture and language of immigrant parents, thus encouraging the phenomenon described in chapter 8 as dissonant acculturation. By instilling in second-generation youths the sense that their linguistic heritage is inferior and should be abandoned,

this ideology drives a wedge across generations, weakening parental authority and efforts of parents to protect children against the dangers confronting them in schools and in the streets. As we saw in chapters 6 and 8, full acculturation to American society is not an unmixed blessing. Bereft of parental guidance, monolinguals and limited bilinguals can succumb to the dangers described at length in these chapters, leading to outcomes inimical to successful integration.

A second consideration is the changing position of the United States in the world economy. By remaining fixed in the past, assimilationists neglect the changes that have been happening all around them in the last half century. One hundred years ago, immigrants came from remote lands to fill the labor needs of a rapidly industrializing country. Few other ties linked sending nations to the United States. At present, sending countries are increasingly part of a single global web, in which the United States plays a central role. In this new world order, in which economic, political, and cultural ties bind nations ever closer, it is not clear that the rapid extinction of foreign languages in America is in the interest of individual citizens or of the country as a whole.¹² The urgent search for fluent Arabic speakers to staff government intelligence services in the wake of the 2001 terrorist attacks stand as the latest example of a commonly repeated saga in which the global communications needs of the United States are sorely served by a uniformly monolingual population.¹³

In an increasingly interdependent global system, the existence of pools of American citizens able to communicate fluently in English plus another language represents not a threat to cultural integration but a resource and a source of enlightenment for individuals and communities alike. Despite being grounded in reflection on the country's past, forced assimilationist policies, such as that championed by Ronald Unz, are ultimately reactionary. They reflect a wish to restore America to its state at the beginning of the last century, not as it must be in the new millennium, after it emerged as the core of the global system. In the process, old-line assimilationism undermines the very forces of parental authority and ambition that can make the difference in guiding the second generation around major obstacles to successful adaptation and productive citizenship.

A THIRD WAY: SELECTIVE ACCULTURATION

These two ideologies—exclude them or assimilate them—are those that resonate with the general population. The fact that they cannot be fully

translated into policy has to do with factors that we have discussed in previous chapters and will summarize again here. However, even if advocates of these ideologies remain perennially dissatisfied with their inability to fully put their ideas into practice, this does not mean that they lack real consequences. While nativism may have positive latent functions for the groups so attacked, it also leads to mutual hostility and reactive ethnic identities that unnecessarily divide communities and weaken collective solidarity. While forced assimilationism does not accomplish all its objectives, it leads to generational dissonance, adaptation failures, and isolationism.

The alternative path discussed in chapter 8 under the label selective acculturation offers a much more viable way for successful integration of immigrant minorities and for the utilization of their capabilities. Selective acculturation must not be confused with multiculturalism, a pattern leading to the perpetuation of isolated ethnic enclaves. Instead, it means the acquisition of English fluency and American cultural ways *along with* preservation of certain key elements of the immigrant culture, of which language is paramount.

This pattern contributes to maintaining channels of communication open across generations, keeping youths linked to their community and the material and moral resources that it can provide, and providing a cognitive reference point to guide their successful integration. It is difficult to know where one is going without knowing where one came from. Almost a century ago, a prominent intellectual, Randolph Bourne, railed against the consequences of assimilationism run rampant as follows:

It means that, letting slip from whatever native culture they had substituted for it only the most rudimentary American—the American culture of the cheap newspaper, the movies, the popular song, the ubiquitous automobile . . . the same moulders [*sic*] of public opinion whose ideal is to melt the different races into Anglo-Saxon gold hail this poor product as the satisfying result of their alchemy. . . . Those who came to find liberty achieve only license. They become the flotsam and jetsam of American life, the downward undertow of our civilization with its leering cheapness and falseness of taste and spiritual outlook. . . . This is the cultural wreckage of our time.¹⁴

Absent public support for selective acculturation, it has been left to immigrant groups themselves to implement this pattern. As we saw in chapter 9, religion has played a vital role in this regard. If immigration is a "theologizing experience," it is in part because the traumas and

difficulties of coping with an unfamiliar environment have been compounded by the exclusionism or forced assimilationism advocated by leaders of native public opinion. Immigrants have taken refuge in their churches, synagogues, or temples, finding there the resources to maintain their self-respect and often the networks to launch viable careers.

Out of their synagogues, second- and third-generation Russian Jews emerged to claim their rightful place among the professional and business classes of New York and Chicago; from their churches and parish schools, descendants of Irish, Italian, and Polish immigrants came out as well to become full Americans and full-time participants in the country's political and economic systems; in their Buddhist beliefs and temples, Japanese immigrants found the resources to cope with a nativist hostility that culminated in their forced concentration. The *nisei* and *sansei* generations overcame that trauma to become full and highly successful members of society in Los Angeles, San Francisco, Seattle, and elsewhere.¹⁵

As we also saw in chapter 9, religion is not the only alternative to implement selective acculturation, as more secular immigrant groups find other means to create and maintain protective and productive community ties. However, in the American context, religion retains a pre-eminent position as the instrument of choice for many immigrants to cope with misguided assimilationist pressures. "Clash of civilizations" tracts to the contrary, the most likely bet is that mosques will play a similar role for the small immigrant Muslim population, protecting it and facilitating the successful integration of its offspring into the American mainstream.

THE REALITY UNDERNEATH: THE POLITICAL ECONOMY OF IMMIGRATION

CHANGING LABOR MARKETS

Underneath the debates about immigrant exclusion and assimilation, there is the hard reality of economic interests and economic survival. There are also real concerns about the growth prospects of the nation, dependent as always on its labor supply. In the postindustrial era, the American labor market has become increasingly bifurcated into an upper tier of professional and technical occupations, requiring advanced educational credentials, and a lower tier of manual occupations, requiring physical strength and few skills in sectors such as agriculture, construction, the food industry, and personal services.¹⁶

from Isbister "The Immigration Debate"

1996

than just economic, and since multicultural relations are so central to American life and immigration can help improve those relations, a continued relatively high rate of immigration is justified. A consideration of the national interest leads to the conclusion that something like the current rate of immigration is optimal: not a reduction and not a great deal more.

The next sections broaden the inquiry by considering the morality of U.S. immigration policy.

An Ethical Argument for Open Borders

Americans typically express their opinions about immigration with certainty and moral outrage. I would like to argue, however, that most Americans are in an ethically fraught position with respect to immigration. We have deeply held convictions about the equality of all people. At the same time, though, we use immigration policy to perpetuate a privileged lifestyle at the expense of foreigners. We are not prepared to abandon either this use of immigration policy or the ideology of equality. At the very least, therefore, our moral stance should be one of humility, not outrage.

This section outlines an argument, grounded in ethics, against the very existence of immigration controls.⁵ The next section considers a series of rejoinders to this argument.

The moral validity of border controls is drawn into question if we believe in the moral equality of all human beings. If only Americans have moral standing, or if Americans are more worthy than non-Americans, we do not need to take into account the rights of others on an equal basis. If all people are equally valuable, however, a policy that favors one group at the expense of another—such as apartheid, Jim Crow laws or immigration controls—seems on its face to be invalid.

Moral worth is not the same as merit. As philosopher Gregory Vlastos stated, "It differs from every kind of merit, including moral merit, in respect to which there are vast inequalities among persons."⁶ People earn merit by their behavior, talent and skills and may be judged quite differently. They are equally worthy, however, simply by virtue of being human beings.

Philosophers have made many attempts to demonstrate the equal worth of all people.⁷ For the most part, though, those of us who believe in equality treat it as an assumption, an axiom, not something to be proved. The axiom of equal worth is at the core of the two most

important statements of political philosophy in American history, the Declaration of Independence and the Gettysburg Address.

In the Declaration of Independence, Thomas Jefferson wrote, "We hold these Truths to be self-evident, that all Men are created equal." He did not argue the point; it was "self-evident." The importance of equality was that equal rights accrue to all people: "They are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

Neither Jefferson nor his Virginian compatriots conducted their lives in accordance with these "Truths," for they were slaveholders. Similarly today, most people do not base their actions on a commitment to the equality of all people. Nevertheless, for the most part, we believe in equality not because we have reasoned it out and considered the arguments pro and con but because it is "self-evident."

The radical equality of the Declaration of Independence was restricted sharply by the more conservative Constitution of 1789, a document that, among other things, protected slavery. As Gary Wills has argued, however, Abraham Lincoln's Gettysburg Address of 1863 had the effect of subverting the Constitution by restoring equality as the central American value.⁸ It began, in words now as familiar to Americans as those of the Declaration, and more familiar than any in the Constitution, "Fourscore and seven years ago, our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal."

Neither document says "all Americans are created equal." Jefferson and Lincoln may or may not have implied "people" by their use of the word "men," but in our current reading we do. These most formative of American documents assume the equality of all human beings.

People are equally valuable and therefore have equal rights. It does not follow from this that they have unlimited rights. Rights often conflict with one another, and when they do, the liberal state (that is, the state based on the presumption of equal worth) is justified in restricting some rights in order to protect others. Whenever it restricts rights, however, the state must be able to give morally justifiable reasons why it has done so—otherwise it forfeits its claim to liberalism and descends into despotism.

Immigration controls restrict free movement by establishing groups that have unequal rights. Among those people in the world who wish to live in the United States, the favored are allowed to, and others are not. Can one successfully argue that immigration controls that infringe on some people's liberties are justified because they protect more

important rights and liberties? Or does their allocation of unequal rights to people who are of equal worth make them morally impermissible?

Freedom of movement is a facet of the "Liberty" that the Declaration of Independence takes to be an inherent right of equal human beings. Countries that systematically restrict the movement of their people are rightly criticized. In recent years, the clearest example of the morally unjustified restriction of internal movement was in South Africa, which enforced its apartheid system with pass laws.

As a mental exercise, one could ask how a law passed by the residents of New York City that restricted the permanent entry of Americans who were not city residents would be judged. Leaving aside the fact that it would be unconstitutional, would it be morally justified? The people of New York could offer some good reasons for the law. New York is already crowded and cannot tolerate further population growth, they might argue. The sanitation system is close to breaking down, the schools are crowded, the welfare system is bankrupt, the homeless shelters are inadequate and the unemployment rate is rising.

These sorts of arguments would not prove convincing to most Americans, who would find the restriction on personal freedom too onerous. Every day people migrate into (and out of) New York for compelling reasons. They move in order to accept jobs or to look for jobs or because their jobs have been relocated to New York. They could not have the same jobs in Boston or Chicago because New York is unique (as are Boston and Chicago). They move to New York to be with their families or to care for friends or for any number of other reasons. The decision to migrate to New York is seldom taken lightly; people have good reasons. The interests that New Yorkers have in restricting entry, although perhaps meritorious, are not of sufficient weight to permit such massive violations of the rights and interests of outsiders. New York cannot justify its own immigration policy, morally.

If this argument is accepted, how can one accept immigration restrictions in the United States? What makes the United States different from New York? Nothing much, except sovereign power. If New York were a sovereign state it might well have an immigration policy, notwithstanding the fact that the policy violated the rights of non-New Yorkers. New York's laws would not have to conform to the laws and constitution of a broader entity, so its government would not be compelled to take into account the rights of people outside its jurisdiction. This would not, however, make a restrictive immigration policy ethical, unless one could somehow argue that by virtue of their

sovereignty New Yorkers abandoned their moral connections to people outside their border.

Reasoning by analogy, it is hard to find an ethical justification for the United States' restricting entry across its borders. In fact it is harder, since the people of the United States are privileged, vis-à-vis the rest of the world, in a way that the residents of New York are not, in comparison to other Americans. New Yorkers could argue plausibly that among American cities their city is not so special, that people denied entry into it could find comparable amenities in other cities. The United States occupies a unique position in the world, however, or at least the long lines of potential immigrants would so indicate. The great majority of immigrants and potential immigrants hope to enjoy a significantly higher standard of living in the United States than they experienced in their home countries. Immigration controls on the U.S. border therefore restrict access to privilege.

It is the protection of privilege that is so damaging, ethically, to the country's immigration laws. It makes U.S. border controls even less justifiable than New York's would be. The purpose and effect of American immigration controls are to maintain a state of inequality in the world between the haves (the Americans) and the have-nots (the foreigners, especially the potential immigrants). Americans maintain immigration laws because they fear that unrestricted entry would lead to a major influx of people, that the newcomers would compete for scarce resources and jobs in the United States and that they would drive down the standard of living of residents. No doubt it is in the interest of the privileged to protect their privileges, but it cannot be ethical if that protection has the effect of further disadvantaging the unprivileged.

The ethical case against immigration controls is based, therefore, not just on the fact that they convey unequal rights to morally equal people but that they do so in a particularly damaging way, so as to protect advantage and deepen disadvantage. To understand the importance of this, one can consider the argument that some types of unequal treatment are morally justified. For example, a system of preferential hiring in which race is taken into account treats different groups of people unequally, but it may be fair if it is designed to benefit people who have been exploited or to dismantle a system of racial injustice.⁹ Unequal treatment is clearly unjust, however, when it is used to perpetuate rather than break down a system of privilege and disadvantage. This is just what American immigration controls do. They violate the equal worth and equal rights of people in an egregious way, by

sheltering already advantaged Americans at the expense of relatively disadvantaged potential immigrants.

A second ethical argument against border controls is that they automatically create a class of people in the United States who have fewer rights, the undocumented. The undocumented are branded as illegal; police forces arrest and deport them. Border controls will never eliminate this group, as long as foreigners who are denied entry see some advantage in being in the country. As earlier chapters have shown, undocumented immigrants are part of American society; they work, pay taxes, contribute to their communities and have personal relationships with American citizens and legal residents. Yet many rights that legal residents take for granted are denied to them.

The argument was made in Chapter 8 that their rights should be enhanced. At bottom, however, the dilemma cannot be resolved as long as border controls remain. The very meaning of border controls is that some people are denied entry. The denial must be enforced if the border controls are to exist. Consequently, the undocumented must have rights that are inferior to those of other residents. The only way to avoid the unequal treatment of American residents is to remove the restrictions on immigration.

Arguments for Immigration Controls

This section considers six ethical arguments that are made in favor of immigration controls, in ascending order of persuasiveness. They are not the only arguments made in the academic literature and the political discourse, but they seem to me to be the strongest. In the end, I find that the first five are rationalizations used to perpetuate a structure of advantage and disadvantage in the world while allowing Americans to avoid this truth, and that their moral logic fails. The sixth argument, however, has merit and leaves us with a conflict of rights.

"Immigration Is Theft"

It is argued that the United States, with all its wealth, is the property of Americans, to treat as they wish. Immigrants want to share in the country's wealth, but they have no right to it unless Americans willingly offer it to them. People have the legal and moral right to protect their property against theft. They are under no obligation to give it away.

Is the country the private property of Americans? Can one say that Americans own the United States, just as an individual owns a house? Or would a better analogy be to a public beach? Whoever arrives first on a secluded beach would perhaps like to claim title and keep others from gaining access to it, but the first-comer has no right to do so, because the beach is common property. International law gives Americans the legal right to treat the country as their private house, but I think that morally the United States has more of the characteristics of a public beach.

The United States is both a land area and the society that has been built on it. As to the land itself, Americans are in a weak position to claim exclusive ownership of it, since they are such recent arrivals themselves. Most Americans are only a few generations removed from immigration. If they were to take seriously the claim of prior ownership, they would have to return the land to the descendants of the Native Americans whom their forebears pushed aside and slaughtered. They are not prepared to do this. They cannot successfully claim, therefore, that a new wave of entrants has fewer rights of access to the land than their immigrant predecessors did.

The United States is more than the land, however; it is the improvements as well. Today the United States is far different from the place the settlers wrested from the Native Americans. It is now a rich country—and it is because of its standard of living, not its land mass, that it is a mecca for immigrants. Can Americans claim that they created the wealth they enjoy and that they therefore have the sole right to decide whether and which foreigners have access to it? I think not.

For the most part, Americans now living did not create the wealth; they inherited it. At the time they were born, the United States was already one of the world's richest countries, and its wealth was growing rapidly. If anything, the collective actions of Americans over the last quarter century have diminished their inheritance. By living beyond their means, both personally and publicly, Americans have actually lowered the standard of living of a good many people. They are living off their inheritance.

In other words, Americans now living found a lovely beach; they did not build or buy a new house. Since they are not responsible for their good fortune, they do not have the moral right to deny other people the opportunity to share in it.

Not so, Americans might reply. We have a right to our inheritance. Our ancestors built this country not just for their own pleasure but for the well-being of their children. If one could ask them who has a

claim to the riches they built up, they would reply that it is we, their descendants.

This argument is not silly, but it is not transparently valid either. Inheritance presents ethical difficulties. Small inheritances are certainly morally justifiable, since they represent a simple expression of family love. Just as a mother cares for her baby, so does she want to pass some of her gains on to her child after her death. To want to do so is not wrong; indeed, to fail to do so would be thought by most people to exhibit a lack of parental love. When inheritance is so substantial that it perpetuates a system of privilege and disadvantage, however, it lacks moral justification, since it violates the norms of equal access, equal opportunity and equal treatment—the norms that follow from the axiom of equal worth. Americans would reject as immoral the rigid class system of medieval Europe or the caste system of India, in which one's prospects in life were completely determined by the accident of birth. That sort of inheritance is immoral. And it is just the sort of inheritance that Americans as a whole have received from their ancestors, an inheritance that gives them enormously greater privilege than most of the rest of humankind. It does not give them the right to exclude others from their country.

One cannot, therefore, defend immigration restrictions as protection against theft. Immigrants are not burglars.

"Open Immigration Would Destroy Important American Values"

The second argument for border controls is that unrestricted immigration might destroy institutions or values in the United States that are of transcendent importance. Open immigration might destroy something that is vital not only to Americans but to foreigners and potential immigrants as well.

What might such institutions or values be? Political scientist Frederick Whelan argues that liberal values—equal moral worth, democracy, equal access and so on—are scarce and precious in the world and need protection. It is a mistake to use liberal principles to argue for open access, if open access would diminish liberal values and institutions in the world.¹⁰

The concern is one of absorptive capacity and the assimilative powers of the United States. A massive influx of foreigners who were unfamiliar with and uncommitted to American political values might use the democratic procedures of the country to destroy

the institutions that support those procedures, before they had the opportunity to adopt as their own the principles of freedom and self-government. Under such circumstances, Whelan and others argue that the state is morally justified in restricting immigration. A closely related argument made by political scientist Michael Walzer is that the citizens of a community have the right to protect their values and culture from disruption by outsiders.¹¹

These arguments may have theoretical merit, but no evidence exists that they relate to a real danger in the United States. Native groups have often opposed the political positions taken by immigrants, regarding them as inimical to their interests, but this is simply evidence that the immigrants have adapted to the political norms of the country and have used the political process to their own benefit. Disagreement over political goals is not the same as rejection of basic political philosophy. During the entire period before the twentieth century, when the United States maintained open borders, the principal threat to a liberal political system in the country came not from recent immigrants but from the slaveholders who were descended from the first white settlers.

"We Have Better Ways of Helping the World's Disadvantaged"

The third argument in favor of immigration controls is that although Americans may be morally obliged to redress the imbalance of privilege in the world, they can do so more effectively by implementing policies to improve standards of living in poor countries than by allowing a few residents of those countries to immigrate. Immigration focuses the benefits of American resources on just a few people. Action to improve the entire economies of poor countries would affect far more people. The policy tools available to the U.S. government are innumerable, including not only foreign aid, loans and technical assistance but also trade, investment and fiscal and monetary policies designed to benefit poor countries. In addition, individuals can contribute best to world justice by making personal charitable contributions.¹²

An effective rejoinder to this argument is that although rich countries and their citizens may have a duty to assist in the economic development of poor countries, fulfillment of this duty does not relieve them of the obligation to allow immigration. The two policies are not alternatives; they can be thought of rather as complements with different

sorts of effects. Foreign economic aid, though never enough and often ineffective, is normally designed to facilitate small improvements in the lives of large numbers of people. Immigration enables a relatively small number of people, the immigrants, to make a radical change in their living situations. One would like to find a policy that combines the merits of both—one that lifts the economic disadvantage of a large fraction of the world's people in a short period of time. No such policy exists. In its absence, therefore, the residents of the world's richer countries have a duty to do what they can on all fronts. The case for open borders is not refuted just because other ways exist for Americans to redress injustice.

*"Americans Have a Special Obligation
to Their Fellow Citizens"*

The fourth argument for immigration controls is that Americans have greater obligations to their fellow citizens than to foreigners. If there is a reasonable possibility that immigration may hurt some U.S. citizens, Americans are justified in restricting entry, even though restrictions may violate the rights of foreigners.¹³

Consider a parallel case that is clearer. A middle-class couple has enough savings to provide either a basic education for a poor orphan or supplementary educational enrichment for their own child. The orphan has the greater disadvantage and the greater need, but few would criticize the parents for deciding that their priority was to provide the best possible education for their own child. Can Americans not make a similar case relating to their fellow citizens?

Perhaps they can. Perhaps one can posit a series of widening circles, and outside of each circle our obligations diminish. Our greatest obligation is to our family, then perhaps to our friends, then to our neighbors, then perhaps to our ethnic group, then to our fellow citizens and finally to all people. No doubt a great many people think this way. To test yourself, think back to the spring and summer of 1994, when hundreds of thousands of innocent Rwandans were murdered, and ask whether that event occasioned as much moral anger in you as did a smaller, more local violation of rights, such as the burglary of a neighbor's home. Most Americans had some sympathy for the Rwandans, but not as much as they would have, had they been neighbors.

People think this way, but that does not mean that this kind of thinking is morally justified. Before accepting this view as the proper

basis for immigration policy, it is important to understand how devastating it is to the proposition with which this inquiry into ethics began: that all people are morally equal and as a consequence have equal rights. The fourth argument denies this "Truth" of the Declaration of Independence. If the argument is accepted, Americans have greater moral standing than foreigners and more rights, at least as seen through the eyes of Americans.

I think that we must concede that kin have greater standing than nonrelatives in the moral considerations of most people and that this is natural and good. In all likelihood, it is an evolutionary necessity. But further departures from the norm of equal moral worth seem to me to be unjustified. The failure to recognize the full humanity of people who are different from oneself—people who have different ethnic backgrounds, languages, religions, citizenships and so forth—is at the root of much of the warfare and suffering in the world today. We may feel a more natural connection to people who are like us in some ways, but if we act on that feeling, we are in danger of creating terribly unjust situations, such as those in Rwanda and Bosnia.

I do not mean to disparage patriotism. Love of one's country can be an affirming, healthy sentiment. An ethical patriot recognizes, however, that his or her patriotism does not diminish the rights of others. Patriotism and other kinds of group identity must be grounded in the understanding that everyone else has equal rights and that one's own group is not justified in reducing the rights of other groups in any way.

Although it is tempting, the fourth argument for immigration controls fails. If we develop public policy on the presumption of unequal worth, we are heading down a path toward conflict and selfishness, not moral clarity.

"Americans Are Not Obligated to Be Heroic"

The fifth argument for immigration controls is that although people may have an obligation to come to the aid of other people in distress, that obligation holds only if it can be done without undue sacrifice. The idea is sometimes called the "principle of mutual aid," or the "cutoff for heroism." To incur or risk great sacrifice for someone else's benefit is commendable because it is heroic, but because it is heroic, it is not required. Ordinary people have an obligation to take ordinary care for their fellow humans, but not to be saints.¹⁴

Andrew Shacknove describes the principle this way:

In its classic form, the principle of mutual aid envisions a passer-by who encounters a drowning child. If the passer-by can easily save the child, she is morally obligated to do so, even if the child is a complete stranger. Failure to save the child under such conditions would be universally condemned as callousness. If, to the contrary, the passer-by could hope to rescue the child only at great personal risk, no one would chastise her for not acting. The passer-by is not expected to sacrifice life or limb because of a chance encounter with a stranger. Doing so is heroic, but heroism by its nature is voluntary; it exceeds the limits of obligation.¹⁵

The analogy to immigration policy is obvious. If the cutoff for heroism is a valid principle, and if it takes precedence over other moral principles—if we are required to help our fellow human beings only when doing so is not very difficult or dangerous—we may be rescued from the obligation to open our borders to all comers. In the long run, at least, open borders would probably entail a real sacrifice for many Americans. Immigrants come to the United States partly because of its high standard of living; they would likely continue to come until they had driven down wages and driven up unemployment to such an extent that immigration was no longer so attractive.

Perhaps we can say, then, that morality does not require such a heroic sacrifice. Americans are obligated to do what they can to alleviate suffering in the world, as long as they do not have to pay a significant price.

The argument is respectable, but it is too comforting to the rich and privileged to stand unmodified. It is a justification for continued injustice. If it is applicable to Americans, why is it not equally applicable to anyone in a position of privilege? Could it not be used by any reactionary to justify keeping his status and income: by the King of France before the Revolution, by southern slaveholders before the Civil War, by South African whites before the transfer of power? Any readjustment of a privilege-disadvantage relationship calls for sacrifice on the part of the privileged. If the principle of the cutoff for heroism is dominant, if it holds greater weight than the principle of the equal moral worth of all people, the privileged are morally justified in maintaining their privilege.

Attractive though the fifth objection is, it fails as an ethical justification for immigration controls. The cutoff for heroism may be a valid principle when a passerby is considering saving a drowning child, because in that case the two people are not connected by a relationship of privilege and subordination. When it is used as an argument

for protecting privilege, however, it does not have greater moral weight than the principle of equal worth or even the Golden Rule.

"Immigration Controls Protect the Disadvantaged"

The sixth and strongest argument against open borders is that immigration controls may not protect the privileged at all, but rather the unprivileged. The discussion in this and the previous section tacitly assumes that all Americans are the same, but they are not. Some are privileged, and some are severely disadvantaged: the poor, the unskilled and many members of minority groups.

The research that has been conducted so far on the impact of immigration on the prospects of disadvantaged Americans is not definitive. Nevertheless, an increased and unending supply of low-wage labor from third world countries would likely keep the earnings of unskilled workers low and profits high, thereby increasing the gap between the poor and the rich in the United States. If so, it is argued, immigration should be curtailed.

Sometimes this argument is mixed with either the fourth or the fifth argument, but those arguments can be refuted, as we have seen. The sixth argument should not depend on the assertion that Americans are more worthy than foreigners; they are not. Neither should it depend on the assertion that immigration should require no sacrifice from Americans; sacrifice may be morally required.

Can the sixth argument be refuted successfully? One way of attempting to do so would be to say that immigration policy need not bear the burden of reducing the inequities among Americans. Many other policy tools are available, among them welfare, education, social insurance programs and job training. In the conservative political atmosphere of the mid-1990s, these policies are being deemphasized, but if the country had a commitment to reducing poverty, it could reverse those trends. If it did, it could promote social justice at home and still allow increased immigration. Put differently, the obligation to rectify the imbalances of privilege in the world rests on the shoulders of the privileged in the rich countries, not everyone in those countries. Morality requires them to transfer resources to their less fortunate brethren at home and to allow immigrants from the third world to enter their country.

This refutation is valid, but only up to a point. Certainly rich and middle-class Americans cannot ethically argue that the welfare of their poor fellow citizens requires them to discriminate against

poor foreigners when they are actually reducing their help to their own people. Still, it is likely that, even if the United States made a massive good-faith effort to reduce domestic poverty, it could never be successful if completely open immigration were permitted. Whatever advances were made in the welfare of the American poor would be negated by new immigrants from poor countries who were seeking to take advantage of American generosity.

A second possible refutation is to assert that the needs of foreigners are more pressing than the needs of even disadvantaged Americans. The relative gap between the rich and the poor in the United States is substantial and shameful, but it is far from the largest in the world; the gap in many third world countries, including the largest senders of immigrants to the United States, is greater. The standard of living of most poor Americans is higher than the *average* standard of living in most poor countries and certainly higher than the standard of living of most immigrants. Many Mexicans, for example, enter the United States in order to earn wages that, although low by American standards, are several multiples of what they could earn at home. In the hierarchy of advantage, therefore, poor Americans occupy an intermediate position—much worse off than other Americans, but still better off than many immigrants. Therefore, one might maintain that it is morally permissible to harm poor Americans if this is the price that must be paid to improve the lot of poor immigrants.

This refutation is not persuasive. Poor Americans are genuinely needy and unfairly impoverished. It simply cannot be right to take conscious, public action to worsen their plight. Morality obliges us to protect the welfare not just of the most disadvantaged people in the world but of all who suffer disadvantage.

The sixth argument in favor of border controls is therefore valid. So, however, is the argument in the previous section for open borders. We are left with an ethical conflict. On the one hand, disadvantaged foreigners have a moral right to enter the world's most privileged country, in an attempt to improve their position. On the other hand, poor Americans have the right to be protected against so much competition from low-income newcomers that their own circumstances deteriorate. The conflict cannot be resolved completely; in the end, the best solution may be a compromise.

Although the conflict of rights cannot be resolved completely, it can be resolved partially. Recall the point made above that as long as the United States is a rich country, with a majority of its people very well off or at least comfortable, it is not ethical to depend on immigration

restrictions alone to improve the position of poor Americans. Such a policy would put the burden of sacrifice on even poorer foreigners rather than on comfortable Americans—the truly privileged among equally worthy human beings—where it rightfully belongs.

The sixth argument is therefore a valid justification for immigration restrictions only if (1) the restrictions are accompanied by a major national commitment to improve the quality of life of the U.S. poor and (2) in the absence of restrictions, the flow of immigrants would be too great to allow that program to be successful.

An Ethical Immigration Policy

An ethically defensible immigration policy, based on the principle of equal moral worth, would be just one component of an integrated program in which rich and middle-class Americans fulfilled their obligations to people who are of equal moral worth but through no fault of their own are in less fortunate circumstances. The policy would harm no one who was in an already disadvantaged position, would help as many disadvantaged people as possible and would require sacrifice on the part of the privileged. The program would consist of at least the following:

1. Privileged Americans (the majority in the United States) would greatly increase their commitment to improving the well-being of the American poor by transferring such a significant portion of their resources to them that they bore a real sacrifice.
2. The United States would increase its commitment to foreign aid and other ways of improving the standard of living in poor countries.
3. The United States would raise the flow of immigrants, in order to increase the number of foreigners who had a chance of participating in the advantages of American life. This could be done without hurting the domestic poor, if the country really did increase its commitment to the poor, as stipulated above.
4. The United States would maintain some quantitative limit on immigration, or at least the stand-by authority to impose a limit if the flow of immigration became too great to be absorbed without sacrifice by the U.S. poor.