

# The Philosophy of Immigration

by James L. Hudson

*Department of Philosophy, Northern Illinois University*

In recent years, with the increasing respectability of "applied philosophy" in the academic world, more and more philosophers have been writing extended treatments of specific public issues and offering recommendations as to how, morally speaking, these issues should be resolved. In this essay I shall review the state of the debate about one rather narrow issue that has just begun to receive some of this attention—the ethics of immigration restriction. But first I want to offer a few general reflections about the "applied turn" in recent philosophy.

Most applied philosophy is applied moral philosophy, in which ethical theory is brought to bear on a specific moral issue, usually one of a public nature. But the applied philosopher is embarrassed by the lack of a generally accepted ethical theory. The obvious way to back up his recommendation as to what should be done would be to combine a statement of the facts of the case with a statement of general ethical principles, from which his recommendation would follow. But if his ethical theory is controversial among his colleagues, and will appear novel and dubious to his nonphilosophical readers, then it would seem that the philosopher has misplaced his efforts. He should have been thinking and writing about ethical theory rather than about a practical issue. His primary aim should have been to prove the correctness of his theory, which must be more important than any one specific application.

On the other hand, the existence of a comprehensive and noncontroversial ethical theory would make the philosopher largely superfluous in debates over public issues. Once the ethical theory is grasped, the only remaining questions are empirical; once we know what in general is right, the only doubt is about the facts of the situation confronting us. In this area the philosopher qua philosopher has nothing to offer and must defer to social scientists, historians, journalists, etc.<sup>1</sup>

The upshot is that the applied philosopher, when dealing with public issues, is driven to uneasy compromises. Since he cannot make any controversial assump-

*Author's Note:* Earlier versions of this paper were presented to the Midwestern Libertarian Scholars Conference, Chicago, April 1984, and to the Illinois Philosophical Association, Evanston, Illinois, November 1984.

tions in ethical theory (else he should devote his efforts to establishing those assumptions rather than to the specific moral problem), he must strive to make use only of widely accepted moral rules. These will tend to be somewhat vague and at a middle level of generality, rather than clear-cut and at the deepest theoretical level. And he must hope that his perusal of secondary sources has adequately informed him of the empirical facts. The problem of learning the relevant facts is especially acute when one deals with public issues whose resolution may affect a whole society, or even the whole world. The philosopher must become an amateur social scientist in order to deal intelligently with public policy questions, yet he cannot become more than an amateur without abandoning his primary vocation.

Still the "applied turn" in philosophy is to be more welcomed than deplored, in my view. As a class, philosophers seem more willing to raise, and seriously attempt to settle, moral issues than are other broad classes of people. This may be due in part to their professional training and in part to the cast of mind that led them to choose philosophizing as a profession. Philosophers are more willing to follow an argument where it leads, without being scared away by considerations of "political realism." They are used to dealing unapologetically with hypothetical cases. Social scientists and journalists usually avoid prolonged and serious grappling with broad moral issues. Thus, applied philosophers are doing something that ought to be done, and that probably will not be done with intellectual seriousness if *they* do not do it. We may wish they did it better, but at least they are trying to do something worthwhile.

Let me turn now to the topic of immigration restriction. This is very widely practiced in the modern world, and one might expect its legitimacy in general to be rather uncontroversial, whatever questions might be raised about the details. In fact, however—as Timothy King has pointed out in a recent article in *Ethics*<sup>2</sup>—almost any plausible ethical theory will tend to cast grave doubt on the moral propriety of restricting immigration. With so much that can be said against it, the real philosophical question turns out to be, What weighty reasons can be given in justification of the practice? Or, to put it another way, Is there a *moral* issue here at all, rather than simply a common immoral practice?

King passes in review the moral theories that seem to him to be at least respectable; let us follow him in this, beginning with utilitarianism. The Principle of Utility says nothing about nations or citizenship; "everyone," not "every *citizen of my country*," is "to count as one and none as more than one." Now there is no reason to think that national restrictions on migration will maximize global utility, and pretty good reason to think otherwise. So global utilitarianism is opposed to immigration restriction. Rawls's Difference Principle, that inequalities are acceptable if and only if they tend to the betterment of the worst off (as measured by their enjoyment of Primary Goods), refers to the worst off *people*, not to those of my *fellow citizens* who are worst off. Some doubt might be entertained on this point, since Rawls tends to apply his contractualist procedure for

generating rules to national units rather than globally.<sup>3</sup> But there is really no justification for this, and whatever plausibility belongs to contractualism in general or the Difference Principle in particular belongs to it only as a global theory and not as a nationalistic one. Now it is only a little less clear that the worst off will benefit from freedom of movement than it is that the population as a whole will benefit.<sup>4</sup> So the Difference Principle leads to the rejection of immigration restriction. Nor does there seem to be any other contractualist argument for restrictionism. If I, behind a veil of ignorance as to my personal characteristics and place in society, had to choose an immigration policy for the world, I would certainly choose an open policy. Finally, a human rights or natural rights theory will specify rights that people have *qua* people, not *qua* citizens of this or that state. If, as seems plausible, people have rights to freedom of movement and freedom of association, then the case against immigration restriction is virtually airtight.

These rejections of immigration restriction on the basis of utilitarianism, contractualism, and human rights theory, respectively, have been extremely brisk, and there may be more that needs to be done to make them conclusive. But it seems clear that the advocate of restriction has an uphill battle to make an intellectually respectable case for his position. The main difficulty is that all the familiar basic ethical theories are cosmopolitan rather than nationalistic: They do not recognize nationality as a basic moral category. As a result, not only immigration restriction but most of the activities of a modern national government are called into question when confronted with basic moral theory. Some of these activities may in the end be able to survive the questioning, but it seems likely that many will not.

Still, let us give the restrictionist every chance to defend his position and, more generally, to defend his preference for a world divided into nations with powerful governments. The defense must probably reject human rights, as we have seen. Even if we ignore the rights of foreigners, immigration restriction will still be ruled out for violating the citizens' rights to freedom of association and to the disposal of their own property.<sup>5</sup> For simplicity, let us suppose that the restrictionist's ethical theory is something along the lines of utilitarianism. The restrictionist, then—unless he rejects my argument (above) that global utilitarianism forbids immigration restriction—must distort his utilitarianism by claiming that people ought to weigh the interests of their own fellow-citizens more heavily than those of foreigners. He must also claim that the beneficial effects of immigration on the immigrants are more than outweighed by the harmful effects to the citizens of their country of destination. Let us examine the former point first.

As Charles Beitz points out in a recent article in *The Journal of Philosophy*:

"The priority thesis [the thesis that, morally speaking, 'compatriots take priority'] might arise at either an intermediate or a foundational level of moral thought. At the intermediate level, the thesis derives from reasoning at a deeper

level where everyone's interests are treated equally. At the foundational level, the thesis asserts that the interests of compatriots should be given priority even when, all things considered, this cannot be justified by any principle of equal treatment."<sup>6</sup>(593)

Beitz finds it implausible, as do I, that starting from a cosmopolitan ethical basis, we will be able to add empirical facts that will justify such aspects of national sovereignty as the power to restrict immigration. But, implausible or not, I think that this is the only hope for the restrictionist.

Beitz thinks there is more hope of introducing nationalism successfully at the foundational level. He quotes the following remark of Thomas Nagel:

"There is some public analogue to the individual's right to lead his own life free of the constant demand to promote the best overall results, but it appears in the relations of states to one another rather than in their relations to their citizens: states can remain neutral in external disputes, and can legitimately favor their own populations—though not at any cost whatever to the rest of the world."<sup>7</sup>

Though Nagel, and Bernard Williams, who has put forward similar remarks in his critique of Smart,<sup>8</sup> probably did not intend this, they sound in places as if they were offering a criticism of utilitarianism from the point of view of egoism (a heavily qualified egoism, to be sure). However that may be, Nagel is saying that just as individuals may give more weight, perhaps vastly more weight, to their own preferences than to those of other people, so nations (through their governments) may give more weight to their own interests than to those of other nations; and that this is a fundamental moral principle, or close to it.

But on all counts this attempted defense of nationalism seems to me a complete failure. Beitz himself points out that the ontological difference between people and states makes the individualist version of Nagel's principle plausible and the statist version implausible. People have their own separate identities, their own agency, which they express by forming and pursuing their own projects and commitments; they have something that Williams calls "integrity," which seems insufficiently respected by the extreme utilitarian demand that they always act so as to maximize a good that is largely externally determined. But the same cannot be said for states, which are merely aggregations of such individuals, lacking individuality and agency except in some metaphorical sense. I would add that the ontologically secondary status of states makes any moral principle that refers to states an unlikely candidate for the role of "basic moral principle."

Beitz suggests, however, that a qualified egoism *for individuals* may support the priority thesis, by justifying the individual citizen in rejecting the demands of his government that he sacrifice his own interests for the sake of badly-off foreigners. Unfortunately, the citizen has just as much reason to reject demands that he sacrifice *for his fellow citizens*; so this line of thought fails to provide a distinction between citizens and foreigners, and thus it fails to yield the priority thesis.<sup>9</sup>

Since nationalism at the foundational level is so implausible, let us reconsider the possibility of introducing it at the intermediate level of generality. The standard way of doing this is by appeal to a social contract—an *actual* (though perhaps tacit) contract, not a *hypothetical* one. If the citizens or residents of a country have promised each other to weigh each other's interests more heavily than the interests of foreigners, then the general obligation to keep promises seems to establish that they should give priority to their compatriots. The argument is not conclusive: *Immoral* promises carry little or no obligation, and it has not been established that the promise to give compatriots priority is morally acceptable. Furthermore, some have doubted that the moral force of promises can be explained on a utilitarian basis. But the real objection to the social contract justification of nationalism is that most people have never signed such a contract or made such a promise. That they have not done so *explicitly* is obvious; and, according to John Simmons' persuasive analysis, neither have they done so *tacitly*.<sup>10</sup> Therefore social contract theory cannot establish the nationalistic priority thesis.

Apart from social contract theory, the most sustained attempt to introduce nationalism at the intermediate level of generality has been made by Michael Walzer. In a work on morality and international politics, *Just and Unjust Wars* (1977), he had previously put forward a view that critics from the left labeled "Statism without Foundations."<sup>11</sup> More recently, in an article in *Boundaries*,<sup>12</sup> reprinted with changes in his *Spheres of Justice*,<sup>13</sup> he has tried to supply those foundations. In seeking to justify immigration restriction, however, Walzer naturally becomes involved in defending national sovereignty in general.

Why should the world be divided into nations, and how much and what kind of power should the government of each nation have? Walzer's answer is that *cultural homogeneity* within a larger *diversity* is the good attained by such division, and the government should exercise enough power to maintain that state of affairs. Thus a government must have the power to exclude culturally different foreigners by the restriction (possibly even total prohibition) of immigration.

It is hard to believe that the argument is meant seriously. Are governments completely mistaking their proper function when they engage (as they are wont to do) in "cultural exchange" programs with other governments? Admittedly, such programs are of doubtful legitimacy, but can they be *directly contrary* to the true function of government? On Walzer's showing, governments should be busy jamming foreign radio signals and preventing foreign trade. The governments of Eastern Europe, for instance, have been grossly derelict in their duty by not protecting their citizens against American cultural imperialism in the form of movies, blue jeans, Coca-Cola, and Western ideas about economic organization and political freedom.

No doubt one can find communities where a majority will express a preference for traditional ways and for insulation from foreign contacts. But note that if such feelings were unanimous, there would be no need for governmental immigration controls—no immigrant could gain a foothold in a community where *no one* would

have anything to do with him.<sup>14</sup> So there will always be a nonisolationist minority in any realistic case, and their wishes must be taken seriously (as Walzer does not). Furthermore, preferences formed in ignorance of the alternatives must be regarded as suspect; isolated people who say they prefer continued isolation probably do not know what they are talking about. Walzer absurdly undervalues the benefits of cultural exchange, of peaceful interaction between different sorts of people, and he underplays the frustration of minority preferences that would be inevitable if a culturally homogeneous majority were able to dictate, through its control of the government, the enforceable standards of the national culture.

More generally, Walzer charges the government with the task of seeing to it that different kinds of things (including citizenship itself) get distributed in accordance with "appropriate" criteria. *Spheres of Justice* is a discussion of these various criteria; but Walzer does not even try to show that an active role for national governments in any of these kinds of distribution is either necessary or sufficient to bring about the desired result.

Still, the picture Walzer paints of national solidarity has its appeal. In his ideal nation the people share a common language and religion, and common traditions of all kinds. They partake of an ideology of sharing, all for one and one for all; no one need fear that he will be abandoned by his neighbors in his hour of need, for he is surrounded by love, or, if that is too strong a word, at least by benevolent feelings. There is, too, a sense that the people are united in a common purpose, for this gives an additional glow of selflessness to the individual motivations. The thought of being one of a group of people who love and understand each other, who are united in common purposes, among whom there is no need for base self-seeking, has a definite appeal for almost everyone.

But contemporary nation-states are not and cannot be such groups. They are too large and heterogeneous. One cannot possibly know—in any sense of the term, however weak—all of his fellow citizens, unless he lives in an exceptionally small country. And inevitably one will feel closer ties of affinity with some foreigners than with some fellow-citizens. Furthermore each person belongs to many different groups, formed in different ways with different bases of cohesion. There is no one group that one can point to as "my group."<sup>15</sup> The intranational diversity that we find in most countries today—very markedly so in the United States—is really more a blessing than a curse from the cultural point of view. It does not prevent like-minded people from getting together, and it presents many more cultural opportunities than there would be in a homogeneous society. The division of labor has its beneficial effects in the cultural arena as in the economic.

So to picture the nation as a cozy family into which outsiders ought to be invited only if they can really be incorporated and loved to the fullest extent is so false to reality as to be objectionable even as an ideal. Walzer is fairly to be labeled a "national socialist"; and while it would be wildly misleading to call him a "Nazi" or a "fascist" (because these terms are associated with the glorification

of violence and domination, if for no other reason), still the experience of the interwar years in twentieth century Europe suggests the unworkability of his ideal. Walzer may be right that national socialism is more realistic than global socialism, since the nation-states already exist; but the benefits of socialism—the feelings of community and solidarity that rest on mutual friendship and understanding and that give rise to sharing and selfless behavior—are only to be had on a much smaller scale. To attempt them at the level of modern nations would be (and has been) disastrous.<sup>16</sup>

In sum, the sense of belonging to a cohesive national group is not nearly as valuable as Walzer makes it out to be; and to attempt to impose cultural uniformity on one's national group, in part by excluding foreigners, in part by compelling some of one's fellow-citizens to behave differently from how they wish to, is quite unjustified.

An oddity of Walzer's national socialism emerges in the second half of his article. Walzer has claimed that we in the United States, for example, are justified in refusing to admit foreigners into our society on a permanent basis, because they might not share our cultural values and traditions. But this seems rather hard on them; especially if they are very poor, it is contrary to the spirit of left-wing socialism to deny them the opportunity to make a better living among us. (To be sure, I have labeled Walzer a right-wing or national socialist; but he seems to retain an emotional attachment to left-wing, international socialism, and I believe he would wish to minimize his disagreements with it.) Now there are statuses intermediate between total exclusion from the country and admittance to citizenship. Foreigners might be admitted, for example, as "temporary workers" or "guestworkers," with greatly diminished political rights, and with perhaps a time limit on their stay in the country as a guarantee against their becoming a permanent part of our culture. If necessary, they could even be confined to certain residential district (ghettos), so as to prevent their contaminating the native culture with their foreign ways, although presumably domestic servants would be allowed to live with the families they worked for. This plan, however repugnant, would seem better than total exclusion, because it would enable the would-be immigrants to accomplish at least part of their purpose in immigrating, and it would supply domestic employers with the workers they want. Yet Walzer rejects the idea of creating guestworkers, braceros, and other such groups of second-class, noncitizen residents.

It need hardly be said that his argument for this rejection is weak. It consists in the assertion that "men and women [who] are . . . subject to the full force of the state's authority . . . must be given a say . . . in what that authority does."<sup>17</sup> But tourists are so subject, without anyone's claiming full political rights for them. Besides, the guestworkers would voluntarily place themselves under the government's authority, waiving any alleged right to participate, if the alternative were (as it would be on Walzer's principles) total exclusion. They would

be better off if given this chance, domestic employers and consumers would be better off—conceivably everybody would be better off than if the guestworkers could not enter the country at all. Yet Walzer would reject this possible Pareto-improvement, because it would violate the would-be immigrant's alleged right to "participate" (if only he could enter the country!).

Walzer's national socialism thus falls uncomfortably between two stools. He holds it to be imperative that the wealthier citizens of a nation transfer some of their wealth to their poorer fellow-citizens, but recognizes no such duty (or only a severely attenuated one) to *foreigners*, no matter how poor *they* might be. By contrast, the international socialist position is that such duties of transfer are owed to the poor regardless of nationality; everyone has "welfare rights" irrespective of citizenship. And the individualist position is that there are no such rights, and no such duties of transfer to anyone, fellow citizen or not. Either of these positions would be easier to defend than is the claim that we should draw the line at the citizen/foreigner frontier, finding rights and duties on one side of this line but not on the other.

But the national socialist is in even worst straits. By excluding poor foreigners from immigrating, he not only does not help them, he hurts them, foreclosing one of the options they might have taken to better their lot. So the claim is that we have duties to our poor fellow-citizens, but as for poor foreigners—perhaps in absolute terms much poorer than the former group—we should recognize a right and perhaps even a duty to take action inimical to their interests. I believe this contrast is too stark to be plausible.

Yet this national socialist position is the basis for most of the current non-philosophical debate about immigration policy. One of the most powerful arguments for getting control of immigration into the United States is that we cannot tolerate a flood of poor people who would use government services and accept transfer payments that were intended for the domestic poor. The welfare state would soon collapse if its benefits were bestowed indiscriminately on all comers from around the world. But could we not limit these welfare-state benefits to people who are citizens as of today's date, simultaneously throwing the gates open to anyone who wanted to enter? No, *that* would create second-class residents, who would be treated unfairly in being denied benefits available to others who happened to be here first. Still, no one would be *forced* to enter the country; and giving people the opportunity to enter *sans* benefits might help them and hurt no one—it might be a Pareto-improvement on excluding them altogether. The real objection to it, I think, is that it would show up the lack of moral foundation for the welfare state, and for national socialism in general. It is easier to ignore injustice if it concerns the unequal treatment of people who live far apart than if it concerns neighbors. But it is injustice none the less.

We have talked of the state in its role of fostering the national culture and in its role of providing transfer payments to the domestic (but not foreign) poor.



Neither of these roles has seemed legitimate, and thus neither provides a convincing pretext for exercising the power to limit immigration. But a less problematic role for the state exists—national defense and the preservation of order. And it would not do to abandon the topic of nationalism without considering whether national defense might not provide a justification in some cases for controlling immigration.

In a paper on "The Ethics of Immigration Restriction,"<sup>18</sup> I have acknowledged that the national-defense argument is the most difficult one to reject in principle, though there will not be many cases to which it will be applicable.<sup>19</sup> The "defense" in question is not against overt attack, for this would not come under the heading of immigration policy. It is rather defense against the gradual subversion of the state by the influx of immigrants with different, inferior political traditions, who (if allowed to become too numerous) would seize power and oppress the old natives. The latter's right of self-defense, it might be held, would justify them in keeping the subversives from their midst. Obviously, this type of argument has its dangers—for example, it would apply equally to the curtailment of such traditional rights as freedom of expression and freedom of assembly. Obviously it is irrelevant to, say, the contemporary United States. But I cannot claim to have shown that it never justifies immigration restriction under any circumstances. When a state is really threatened by aggression or subversion, which if successful would replace it by a worse state, then the national socialist point of view appears in its most appealing light. To say that it is still not very appealing is not to say that it has no validity at all.

The philosophical discussion of immigration restriction has thus largely been a discussion of the merits of nationalism. The issue is not finally settled, but nothing has yet been done to rescue nationalism from the dubious company of racism and sexism. The thesis that we should give priority to fellow citizens, like the similar thesis with respect to members of our own racial or sexual group, requires some strong support if it is to be credible. It has not yet been given such support, and the prospects are bleak.

So much for the nationalistic "priority thesis." But recall that there was another premise required for a plausible defense of restrictionism: namely, that immigration tends to harm the citizens of the immigrant's country of destination. For if these citizens benefit, and the immigrant benefits (as he expects to, or he wouldn't immigrate), then what objection can there be to the immigration?

Now philosophers have no special competence in evaluating this premise; it is more nearly a matter of positive economic analysis. The conventional view, mentioned by King, is that domestic managers, capitalists, and consumers gain from freer immigration, and domestic workers in the more menial jobs tend to be harmed. The overall effect on citizens may be expected to be positive, though this cannot be regarded as certain. But it is at least clear that economics lends no *support* to this other essential premise—that citizens are harmed on balance by immigration—and so the attempt to justify restricting immigration fails on this count, too.

King does not share this view, and the reason, I believe, is that he falls into a confusion that it is important to notice. A philosophical evaluation of immigration restriction will consider whether restrictions should ever have been imposed in the first place, which (in a consequentialist view) is equivalent to the question of whether their long-run consequences are good or bad. It is another question entirely what to do about *existing* immigration restrictions, supposing we have decided against them on moral grounds. Should we wipe them away at a stroke, gradually ease them out of existence, or even (conceivably) keep them in place forever on the grounds that the good done by eliminating them would be overbalanced by the turmoil of the transition from restrictionism to openness? Just so, the early nineteenth century opponents of slavery debated the proper course of abolition. I would favor swift abolition of immigration restrictions, as of slavery, in spite of the transitional difficulties. But the subject is complicated, and I cannot give it adequate treatment here.

What is essential, however, is not to confuse the recognition of difficulties in the transition to an open policy with defense of the old restrictive policy. I suspect King does this in arriving at his conclusion that restrictionism is justified after all. (He may also be relying in part on faulty economic analysis.) He tends to focus on the welfare loss of the poorer segments of the native population, due to increased competition from immigrants. But this loss is a one-time transitional phenomenon and does not provide an argument for restricting immigration in the abstract.

In summing up, I must admit that the discussion so far has not always exhibited the virtues I attributed above the philosophical treatment of public issues. King, notably, has limited staying power for abstract ethical argument, and lapses quickly into a perspective limited to *Realpolitik*. Walzer is guilty, less flagrantly, of the same fault. There is evidence that he would prefer international to national socialism, but he adopts the latter because it promises to be easier to achieve, while the former may be unattainable.<sup>20</sup> His discussion of immigration would have looked very different if he had written it from an internationalist perspective. But the volume of work on immigration from a philosophical perspective is still very small.<sup>21</sup> There is every reason to believe that much more will be done in the near future, and that the practice of restricting immigration will be subjected to a searching moral evaluation. The upshot, I predict, will be its overwhelming rejection.

## NOTES

1. David Ozar has suggested to me that some moral problems may be clarified by the philosophical analysis of some nonmoral concepts that they involve. Examples might be the concepts of a *profession*, of *government*, of *consent*, etc. But, granting that clarity of mind is always valuable, I doubt that this kind of philosophical analysis has much to contribute to the resolution of public moral issues.

2. Timothy King, "Immigration from Developing Countries: Some Philosophical Issues," *Ethics* 93 (1983), 525-36.
3. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), sec. 58. See also Brian Barry, *The Liberal Theory of Justice* (Oxford: Clarendon Press, 1973), chap. 12.
4. To support this claim in detail would require an extensive digression. Here I will only point out that if the worst off people want to change countries, and are prevented from doing so by legal restrictions, then these restrictions have (*prima facie*) detracted from their welfare. If not they, but their somewhat better-off fellow countrymen want to migrate, then freedom of migration might at least relieve population pressures in their country, tending to make those who remain better off. Dynamic considerations would favor free immigration, which would tend to make the world economy more efficient on the whole and would thus tend to the betterment of all classes in the long run. (But it is not clear how dynamic considerations figure in the Rawlsian framework: Recall his abortive discussion of the "just rate of saving" in *A Theory of Justice*, secs. 44 and 45.) Even restrictions that benefited the worst off in the short run would not thereby be justified if, instead, the restrictions could be lifted and some of the surplus thereby generated were used to improve the position of the worst off.
5. Clearly the right to associate with foreigners is abridged by immigration restrictions; and preventing foreigners from entering the country interferes with many possible economic transactions between natives and foreigners, thus abridging the natives' property rights.
6. Charles Beitz, "Cosmopolitan Ideals and National Sentiment," *The Journal of Philosophy* 80 (1983): 591-600.
7. *Ibid.*, p. 597.
8. Bernard Williams, "A Critique of Utilitarianism," in J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), esp. sec. 5.
9. For completeness let me just mention the "circumstances of justice" argument for nationalistic limitations on justice, which has been effectively refuted by Brian Barry, "Circumstances of Justice and Future Generations," in R. I. Sikora and B. Barry, eds., *Obligations to Future Generations* (Philadelphia: Temple University Press, 1978), 204-48.
10. A. John Simmons, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), chaps. 3 and 4.
11. See Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 9 (1980): 209-29, and the references contained therein. Also, the replies of Beitz, Luban, and Doppelt, *ibid.*, 385-403.
12. Michael Walzer, "The Distribution of Membership," in Peter G. Brown and Henry Shue, eds., *Boundaries: National Autonomy and Its Limits* (Totowa, N.J.: Rowman and Littlefield, 1981).
13. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books 1983).
14. This point deserves extra emphasis. There are very plausible arguments for allowing individuals to choose those with whom they deal; and if absolutely all individuals in a country refuse interaction with foreigners, the effect will be similar to a ban on immigration, even without any special government action. But the topic I am concerned with in this paper is immigration restriction as a government policy, which would be imposed only if some individuals were willing to accept immigrants in the absence of governmental sanctions.
15. The objections are obvious enough, even to Walzer. In an earlier essay, "The Obligation to Live for the State," in *Obligations: Essays in Disobedience, War, and Citizenship* (Cambridge: Harvard University Press, 1970), he had remarked on the important psychological and moral differences between small and large groups, and the fact that modern nations are very large (see esp. p. 186). Later (*Obligations*, p. 213) he noted the opinion of Aristotle and Rousseau that participatory politics of the kind he favors is possible only in a very small state. But he seems to have forgotten these insights in writing "The Distribution of Membership."
16. It is symptomatic of the failure of his theory that the national socialist is driven to advocate the preservation or creation of solidarity by means of police power (e.g., in the enforcement of immigration restrictions). True solidarity must be spontaneous; it cannot be imposed by the state.
17. See note 12, p. 31. Compare with his *Spheres of Justice*, note 13, p. 61.

18. James L. Hudson, "The Ethics of Immigration Restriction, *Social Theory and Practice* 10 (1984):201-39.
19. Likewise Alvin Rabushka, "A Problem of People," forthcoming.
20. Walzer, *Spheres of Justice*, pp. 29f., 34f. Walzer also borrows an argument from Sidgwick (which King then takes from Walzer) to the effect that national restrictions on immigration are good because, given the desire of people for some sort of "closure," the alternative to national restrictionism is local restrictionism—restrictions placed on entry by small political units such as neighborhoods. An assumption of the argument seems to be that the larger the area within which free movement is allowed, the better; hence the conclusion that national restrictions are preferable to neighborhood ones. But then better yet would be freedom of movement everywhere. The argument, in fact, leads to the conclusion that all immigration restrictions are bad (though national ones are not as bad as local ones). Again, Walzer seems to be reluctant to follow the argument where it leads because of a fear that his recommendations will be "unrealistic." (See *Boundaries*, note 12, pp. 7-10.)
21. Some other recent philosophical writings on immigration are Elsa M. Chaney, "Migrant Workers and National Boundaries," and Judith Lichtenberg, "National Boundaries and Moral Boundaries," both in *Boundaries* (they are, in fact, critiques of Walzer's article); Henry Shue, "The Burdens of Justice" and Kai Nielsen, "Global Justice and the Imperatives of Capitalism," *Journal of Philosophy* 80 (1983) (these, along with Beitz's article, are contributions to an American Philosophical Association symposium on International Justice, and are not primarily concerned with immigration); and Judith Lichtenberg, "Mexican Migration and U.S. Policy," and James W. Nickel, "Human Rights and the Rights of Aliens," in Peter G. Brown and Henry Shue, eds., *The Border That Joins: Mexican Migrants and U.S. Responsibility* (Totowa, N. J.: Rowman and Littlefield, 1983). A neglected precursor of the more recent discussion is Roger Nett, "The Civil Right We Are Not Ready For: The Right of Free Movement of People on the Face of the Earth," *Ethics* 81 (1970-71):212-27. Several recent writers refer back to Henry Sidgwick, *The Elements of Politics* (London: Macmillan, 1891).