

Ethics, Migration and Global Stewardship

Comments on a special issue of the journal, International Migration Review

by Lawrence Harrison

The Spring 1996 issue of *International Migration Review* bears the title, "Ethics, Migration, and Global Stewardship." It contains 13 articles by different writers (and 7 accompanying com-entaries) that are grouped under five headings: Religious Traditions and Migration; Ethics, Environment, and Migration; Migration, Politics, and Ethics; Rights of Migrants, and Rights of Political Communities; and Ethical Dilemmas of Refugee Policy.

This review contains both a summary of each of the articles and some thoughts that occurred to me on reading them. My strongest overall reaction is that the immigration ethics debate is both highly complex and very much a reflection of personal judgment and ideology. There are few if any solid foundations on which people can take a moral stand. In the last analysis, universal humanist theory clashes with the reality of national interests. The tension between the two moralities becomes exquisite when, for example, the well-being of poor immigrants is pitted against the well-being of poor citizens.

I. Religious Traditions and Migration

(A.) Drew Christiansen, S.J., is the author of "Movement, Asylum, Borders: Christian Perspectives." He traces the Old and New Testament roots of "God's identification with the outcast and the exile," which lies "behind the Christian option for the

poor and the church's defense in the public square of human dignity of migrants and refugees..." He cites the Good Samaritan's succoring of an itinerant Jew who has been set upon by thieves as a particularly relevant example. He also stresses the universal vision of the Catholic Church, one that transcends national boundaries. He speaks of "the universal common good, that is, the well-being of the whole human family and the planet...we share."

Christiansen recognizes the current in Catholicism, flowing from St. Augustine, that "endorse[s] a priority for more immediate special relations of family kin and native place," although in the tension between national interest and universal humanity, he tilts toward the latter. He believes that a new international authority is necessary: "From the point of view of Catholic social teaching, the paramount ethical problem in the movement of peoples today is precisely the lack of a global authority with the competence and capacity to address the needs of victimized populations in timely fashion." He considers the work of the U.N. High Commissioner for Refugees as "heroic and vast," but insufficiently funded and without the necessary power.

The Catholic position inclines toward open borders, and Catholic doctrine sees little distinction between those fleeing persecution and violence and those fleeing "severe poverty and deprivation." But the Church also recognizes the political realities and the needs of nations. Christiansen concludes, "To the degree that newcomers put stress on the national system, it is responsible to control their entrance into a country. Insofar as political authorities and the nations they represent contribute to the maintenance of effective

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alternatives to asylum, to that degree some restraint on refugee admissions may be justified. But, from a moral point of view, particular cases may still trump such limits unless and until such alternatives are made available to them as well."

Comment: *Christiansen's statement and, particularly, its emphasis on universalism and human rights makes the Catholic Church's identification with open borders and the sanctuary movement easier to understand. But the Church has a credibility problem, in my view. At least in this hemisphere, the vast majority of migrants are leaving highly inequitable and traditionally authoritarian societies in which the Church has played an influential role for five centuries. In Latin America, the Church's "option for the poor" appears to have been more rhetorical than real.*

(B.) W. Gunther Plaut of Toronto's York University is the author of "Jewish Ethics and International Migration." His view of migration is profoundly — and understandably — shaped by the Holocaust and the refusal of many countries, the United States included, to accept Jewish refugees. Plaut also cites biblical passages to stress Judaism's tradition of hospitality to strangers, including acts of kindness by Abraham and the lessons of Jewish servitude in Egypt. And what is the Diaspora if not the search for hospitality and refuge by a persecuted people?

Their very different history notwithstanding, Jews (in Plaut's view) substantially share the universalist, anti-xenophobic, anti-nationalist view of Catholic doctrine:

Where then are we with regard to moral and ethical considerations of migratory movements? Nations have rights and so have individuals in search of a livable habitat... But from the point of view of Jewish tradition, the ultimate imperative lies with the injunction to treat strangers like the home-born and to open not only our hearts but our borders to them so that they can find a new and sustainable existence. It is this kind of sentiment that underlay the Sanctuary Movement in the United States, and which underlies the current Sanctuary Movement in Canada.

Comment: *For the same reasons Plaut cites, I*

believe that most American Jews are favorably disposed to high levels of immigration. Emma Lazarus was Jewish. Yet it is also true that many members of the advisory board of FAIR (the Federation for American Immigration Reform), including this writer, are Jewish. I believe that the problems of Third World countries are chiefly the consequence of traditional cultural values that impede progress; that heavy immigration, particularly from Latin America, tends to perpetuate these progress-resistant values in the United States and contributes to the growing divisiveness in our society; and that high levels of immigration, again particularly from Latin America, make it more difficult for poor citizens, most of whom are black and Hispanic, to get ahead. The latter concern is underscored by the recent displacement of blacks by Hispanics as the poorest large minority in the United States.

(C.) In "The Islamic Conception of Migration," Sami A. Aldeeb Abu-Sahlieh of the Swiss Institute of Comparative Law describes a world divided in two: "'Dar al-islam' (the land of Islam) and 'Dar al-harb' (the land of war) or 'Dar al-kufr' (the land of infidelity). *Dar al-islam* includes all the territory under Muslim control, whether or not the inhabitants are Muslims. On the other side of the frontier is *Dar al-harb* which will sooner or later pass under the the authority of Islam." The Islamic view of migration is dominated by this ominous division, also by the view that "to convert others to Islam remains a permanent goal for Muslims." Even within *Dar al-islam*, there is debate about the roles of nationalism (the author cites the idea of "Egyptian-ness"), pan-Arabism, and pan-Islamism.

Comment: *The Islamic conception of migration is clearly more rigid, narrow, and proselytizing than the Catholic or Jewish conceptions.*

(D.) In his article, "Beyond the Enlightenment Mentality: A Confucian Perspective on Ethics, Migration, and Global stewardship," Harvard's Weiming Tu focuses on the cultural conflict between the Confucianism of the Chinese, Japanese, and Koreans and the modern value system of the West, so powerfully influenced by the Enlightenment. As an example:

Industrial East Asia, under the influence of Confucian culture, has already developed a

less adversarial, less individualistic, and less self-interested modern civilization. It is now widely acknowledged that the coexistence of market economy with government leadership provides an important impetus for rapid economic development in Japan, South Korea, Taiwan, Hong Kong, Singapore, and, more recently, the People's Republic of China. Scholars in comparative politics have also noticed that the development of democratic polity in East Asia is not at all incompatible with meritocracy.... In short, the synergy engendered by individual initiatives with group orientation has made this region economically and politically the most dynamic area of the world since World War II.

Comment: *For those of us interested in the relationship between culture and human progress, this article makes interesting reading. But it scarcely touches on the question of immigration ethics.*

II. Ethics, Environment, and Immigration

(A.) "Ethics is about choices, specifically choosing the good or the morally correct course of action. An old canard about disciplinary differences identifies choice as also being the distinguishing characteristic among the social science disciplines: economics is about what choices people make, political science is about who makes those choices, and sociology is about how there are no choices to make. An ethics of immigration should examine choice as it confronts each of these disciplines: whether there are any choices to make, who makes the choices, and then how the choices can be evaluated in terms of moral goodness."

These are the first words of Teresa A. Sullivan's article, "Immigration and the Ethics of Choice." Sullivan, a demographer at the University of Texas, starts her analysis of choice by exploring the idea of cultural distance and its link to xenophobia, the fear and hatred of strangers. She argues that we are likely to feel more comfortable with people we know than with strangers, and we are likely to feel more comfortable with strangers with whom we share some bond of language and culture than with those with whom we don't. "Fearing those we do not know

may be hard-wired into the human brain, because a developmental milestone during the first year of human life is acquiring the fear of strangers." From this perspective, the process of assimilation of immigrants is a process that reduces cultural distance and promotes trust.

One of the bonds of community is the idea of reciprocity — the expectation that others will reciprocate responsible, ethical treatment. But cultural distance dilutes this expectation, and Sullivan poses some questions that challenge the indiscriminating open borders ethics implied by the Old and New Testaments:

How does a community enjoin a symmetric ethic on strangers? Suppose large numbers of Samaritans and Gomorrans want to move into a neighborhood as permanent immigrants? Suppose that there is a modern state with all the apparatus for identifying its citizens, staffing border outposts, issuing visas, and controlling access to jobs. Suppose, in fact, that the modern international situation exists, with large numbers of actual and potential

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— Teresa A. Sullivan

immigrants ready to cross borders? Do the standards of ethics change under those circumstances?

Some migrants have no choice — they have been expelled by their societies. Others believe they have no choice because they are denied opportunity and freedom by their societies and believe themselves immutably destined to poverty and abuse. Other migrants have choice, and their ethical framework places more emphasis on the opportunity presented to them and their families by moving to more progressive societies than on their

obligations to their own society.

But the Bible's injunctions notwithstanding, all nations do have choice and exercise it. And that choice is expressed in rationing devices that include ceilings on numbers, family preferences, and skill/education preferences. One possible outcome is "to take as immigrants those who find themselves at the greatest extremes of the continuum [of choice]: the most desperate among the refugees but also the most desirable of the economic immigrants — the former because of humanitarian concerns, the latter because of enlightened self-interest."

Comment: *Sullivan's emphasis on cultural distance humanizes the "evil" of xenophobia and further complicates the ethical labyrinth that surrounds immigration.*

(B.) Graeme Hugo of the University of Adelaide in Australia examines the environmental factors that provoke immigration and the impact of immigration on the environment. His catalogue of environment-induced migration includes natural disasters (e.g., hurricanes, earthquakes); technological disasters (e.g. Bhopal, Chernobyl); economic disasters (in addition to deforestation and crop failure, Hugo includes "structural adjustment" — the economic policies promoted by the World Bank); political disasters (e.g., ethnic cleansing, terrorism); and social disasters (e.g. class war, animal rights activism [!]). He stresses that immigration is not the only cause of environmental degradation: per capita consumption and environment use also impinge.

Comment: *Hugo stretches — and dilutes — the word "environment" to embrace all causes of migration, and his article loses credibility and utility in the process. It adds little to the ethics debate when the author concludes:*

It is the contention here that the world is facing [uncertainty, change, and opportunity] with respect to forced migration due to environmental disruption and there is a need for international involvement. This should be both in the short term in dealing with environmental migrants displaced by the sudden onset of disasters, but more importantly in the longer term in working to eradicate poverty, reduce population growth and encourage the adoption of sustainable

ways of using the environment which, if successful, will obviate the need for such migration.

(C.) Virginia Abernethy of Vanderbilt University's School of Medicine sees ethical arguments against migration both in the native and host countries. Her fundamental concern is rapid population growth, and she cites data that suggest that migration from a country tends to encourage those who stay to have larger families and that when migration possibilities are reduced, population growth declines, thereby enhancing the prospects for improved well-being. "Advocates for beneficence as a guide to foreign policy should be concerned that inappropriate international aid and generous immigration policies both signal that some regions have wealth which they are willing to share. Such misinformation fosters the belief that it is unnecessary for recipients to adjust to the limited resources of their own environment, and thus it undercuts incentives to restrict family size."

Abernethy sees comparably negative effects in the United States: "Immigration also harms Americans...first and worst America's own poor and unskilled workers. Working Americans and established immigrants compete with new waves of immigrants for jobs, education, housing and other essentials." In connection with the condition of established Hispanics, Abernethy cites the words of syndicated columnist Richard Estrada:

...the evidence shows that Hispanic Americans have emerged as the greatest victims of U.S. immigration policy since 1965, instead of its greatest beneficiaries. The notion that Hispanics in this country favor more immigration, while the rest of America favors less, is a false one that has poisoned the debate for too long.

In Abernethy's ethical framework, immigration is bad because it hurts both the native and host countries. She concludes forthrightly: "...permitting immigration from countries which have higher than replacement level fertility imposes on the self-restraint of American citizens who limit reproduction and is, therefore, unfair. And it should stop."

Comment: *While I sympathize with many of Abernethy's points, particularly her concern about the impact of immigration on poor citizens, I think*

her focus on population stability as a solution to the problems of poor countries may oversimplify. I also think that there may be at least a partial coincidence in the decline of population growth and the decline in opportunities for emigration (e.g. in the English-speaking Caribbean). Increased education and income may also have contributed.

Abernethy's comments on the adverse impact of emigration on native countries reminds us of another cost when the emigrants are educated, skilled, and possibly affluent: the native country loses precious human and financial capital.

“There is a limit to the extent to which most people can be expected to act against their interest.... A morality that requires people to sacrifice what they regard as their basic interests is bound to fail as a guide to action.”

— Joseph H. Carens

I suspect that there are some who would label Abernethy's position “xenophobic.” That smacks of McCarthyism. In the debate on the ethics of immigration, where there are no reliable moral signposts because the ethical currents so often clash, Abernethy's views are wholly legitimate and worthy of consideration.

III. Migration, Politics, and Ethics

(A.) In his article, “Realistic and Idealistic Approaches to the Ethics of Migration,” Joseph H. Carens of the University of Toronto succinctly describes two philosophies of immigration:

There are two approaches to morality. The realistic approach wants to avoid too large a gap between the ought and the is and focuses on what is possible given existing realities. This approach, however, inhibits us from challenging fundamentally unjust institutions and policies. The idealistic approach, in contrast, requires us to assess current reality in light of our highest ideals. Its weakness is that it may not help us answer the question of how

to act in this non-ideal world. Discussion about the ethics of migration requires a full range of perspectives using both approaches.

Carens echoes the arguments of Teresa Sullivan in examining the realistic approach. He notes a structure of concentric circles of identification, starting with the family, and extending outward with decreasing intensity, the extent of the decrease being an important cultural phenomenon. [I would contrast Latin America, where the decline beyond the family circle is abrupt, with Canada and the United States, where identification extends more powerfully to strangers within the society and even beyond. Interestingly, Carens applauds the immigration policies of both North American countries.]

He also stresses the foundation of reciprocity that so importantly informs morality: “There is a limit to the extent to which most people can be expected to act against their interest. No morality should expect most people to be saints or heroes. A morality that requires people to sacrifice what they regard as their basic interests (at least under normal circumstances) is bound to fail as a guide to action.”

In discussing the virtues of the idealistic approach, Carens points to what would have been the consequence of a wholly realistic approach to slavery. It might still be with us today, albeit in a more humane form. This leads him to the \$64 question: “In a just world, what rights would political communities have to limit migration and what rights would individuals have to travel freely across state borders and settle wherever they choose?” But, as he notes, we do not live in a just world, and the idealistic approach “may be irrelevant to the moral issues we face. Idealistic inquiries may be academic in the pejorative sense...privileged speculations that do little to help us reflect on the moral choices we must make or to guide us to act responsibly in the world.”

Carens concludes with a call to blend the realistic and idealistic approaches. His last sentence: “There is no uniquely satisfying perspective on the ethics of immigration.”

Comment: *This is a very useful article that confronts the dilemmas of moral definition in the*

immigration debate. And what if the idealistic approach focuses, as Abernethy does, on the problems of needy citizens (consistent with the concentric circles of identification) and concludes that immigration makes it more difficult to solve those problems?

(B.) M.I.T.'s Myron Weiner views the immigration ethics debate as reflecting "the fundamental moral contradiction between the notion that emigration is widely regarded as a matter of human rights while immigration is regarded as a matter of national sovereignty."

Weiner traces some possible outcomes of a completely open border:

A safe and prosperous country that declares its borders open risks being overwhelmed by a massive influx of immigrants from poor and/or violent countries...its social services and welfare services may be stretched to the limit. The country's own poor may find themselves pushed aside by migrants prepared to work at lower wages...the local population may find itself outnumbered by people who speak another language, belong to another culture, and perhaps seek to change the political system...the local population may become xenophobic...

Weiner looks at the view that "liberal democratic countries ought to admit all individuals whose human rights are violated by their government" and finds it wanting, since "a broader definition of refugee would, in effect, offer refugee status to entire populations in civil conflicts, authoritarian regimes, or weak governments that fail to protect human rights."

But Weiner fears that xenophobia may impel unprincipled politicians to ignore moral considerations when it comes to immigration policy, although he recognizes that, "When there is public opposition...it may be for good reason." He says, "...if the proposed policies are morally unjust then they should not be adopted, no matter how strong public sentiment may be, even in a democracy. Consequently, a complex balance must be struck between catering to the wishes of a citizenry and protecting the rights of migrants and refugees." He concludes, however, that "...the incorporation of moral reasoning into public policies requires that we recognize that we cannot resolve immigration debates over migration with reference to principles

of absolute justice."

Comment: *Weiner's treatment of the moral dilemmas of immigration is comprehensive, balanced, and excellent. My only quarrel is with his discussion of "xenophobia" and his view that morally superior officials must override the citizenry if they judge that the citizenry is motivated by "xenophobia." As I point out in the accompanying editorial, the moral issues are too murky and conflicting to warrant the suspension of democratic processes in favor of the judgments of the morally superior.*

IV. Rights of Migrants, and Rights of Political Communities

(A.) In "Cultural Minority Rights for Immigrants," Rainer Bauböck of the Institute for Advanced Studies in Vienna attempts to trace the obligations, principally of the receiving culture but also of the immigrating culture, in a multicultural society. His foundation is the liberal view of multiculturalism that flows from cultural relativism — the view that all cultures are essentially equal, one that "assigns positive value to a plurality of cultures within a society, demands respect for cultural difference, refutes the possibility or desirability of a strict separation between private and public cultural practices, supports a policy of public recognition beyond mere tolerance, and rejects claims of (moral) superiority for specific cultural traditions as well as relations of domination, exploitation, and forced assimilation between cultural groups." He chooses not to address "the many charges against divisive ideological and political movements that have been associated with multiculturalism."

Bauböck's views parallel those of the Catholic and Jewish writers discussed above:

Universalistic moral norms which specify what we owe to others qua human beings can only be consistently defended when we see individuals as being equally human by virtue of, and not in spite of, their cultural differences...At its most basic level, cultural recognition is thus a cornerstone for moral universalism.

But Bauböck's universalism does not embrace what he describes as "irregular" immigration (somewhere between "illegal" and "undocumented"). "Regular" immigrants are entitled, in his view, to the

right of equality; freedom of speech, religion, and association; and protection from discrimination. But he would not extend this to affirmative action for immigrants or redistricting to enhance their representation. He is, however, an advocate of bilingual education. He concludes:

...immigrants and their descendants have no other choice than to accept the institutions of the receiving society as the proper framework for their integration. With good reason they may try to change these institutions so that they adequately reflect the transnational context which shapes the immigration experience, and they ought to be granted cultural minority rights which publicly acknowledge the transformation of the receiving society into a multicultural one. But they generally do not transform the political community into a federation of polities, and they can only at their own peril ask for such collective rights which undermine their membership as equal citizens in the common polity.

Comment: *Bauböck's article is an articulate and thoughtful statement of the multicultural view. Those of us who reject cultural relativism and believe that some cultures do better for human beings than others will view his multiculturalism as utopian and potentially destructive. For example, should the progress-resistant culture of Latin America that importantly explains its underdevelopment displace the progress-prone cultural traditions of the United States? I also find disconcerting his lack of concern about multiculturalism's undermining of a sense of national community that transcends ethnic sub-communities.*

(B.) Bhikhu Parekh of Britain's University of Hull addresses "Minority Practices and Principles of Toleration," a fascinating topic but one that is on the fringe of the question of the ethics of immigration. After exploring several possible moral bases for addressing the issue (universal values, core values, the absence of values, and the irrelevance of values), Parekh concludes that "the best way to decide what minority practices to allow or disallow is to appeal to what I shall call the society's operative public values" as reflected in the constitution, the laws, and accepted civic behavior.

He then examines several minority practices: Hindu scattering the ashes of the dead (and sometimes submerging corpses) in rivers; Jewish and Muslim religious slaughter of animals, the Asian practice of arranged marriages, female circumcision, and polygamy. In each case the debate within the structure of "the society's operative values" leads to a reasonable conclusion.

Comment: *A very interesting and convincing treatment of a difficult issue, albeit one on the fringe of the immigration ethics debate.*

V. Ethical Dilemmas of Refugee Policy

(A.) Howard Adelman of Canada's York University examines the reaction of several Canadian institutions to the Rwanda crisis in "The Right of Repatriation — Canadian Refugee Policy: The Case of Rwanda." His focus is the extent to which those institutions took into account the right of Tutsi refugees to repatriation in Rwanda in formulating their policies.

Adelman reviews the history of Hutu-Tutsi conflict in Rwanda and Burundi and then examines the relevant policies of Canada's Immigration and Refugee Board, the Ministry of Citizenship and Immigration Canada, the Canadian International Development Agency, the Department of Foreign Affairs, the Department of Defense, and the Canadian Center for Human Rights and Democratic Development. Each institution pursued its own view of the Rwanda crisis, and only the Department of Foreign Affairs integrated repatriation into its policy. Adelman concludes, "...the right of repatriation, though sometimes referred to for rhetorical effect, does not seem to have been a significant norm guiding Canadian policy."

Comment: *We are reminded of the complexity of immigration's ethical issues by this interesting examination of a rather esoteric but clearly relevant problem and how it was treated by different agencies in a country motivated "primarily by lofty norms."*

(B.) Michael J. Churgin of the University of Texas reviews U.S. immigration history with respect to large movements of people in "Mass Exoduses: The Response of the United States." Prior to World War I, mass exoduses (e.g. from Ireland, Germany, and Eastern Europe, but not from Asia) were viewed positively — and were indeed encouraged

— by U.S. officials. As an example, immigrants were eligible for Homestead Act benefits.

This changed after World War I, and U.S. policy has since discouraged such movements — with a few exceptions, particularly those involving Cold War considerations such as Hungary in 1956, Cuba after 1960, and Indochina after the fall of South Vietnam. In both Democratic and Republican administrations, the U.S. has attempted to keep refugees and asylum seekers other than those from “Cold War” countries outside the United States where their cases can be adjudicated without the recourse to the U.S. legal system. Churgin concludes: “While there have been periods of hospitality, there have also been periods of closed doors. The strong preference continues to be overseas screening — in someone else’s backyard.”

Comment: *I get the impression that Prof. Churgin has both moral and legal reservations about the efforts we go to—for example in the case of the Haitian boat people—to keep “refugees” at arms length. Perhaps I misread him, but his reluctance to confront the fact that the overwhelming majority of Haitians—and Latin Americans in general—are fleeing poverty and seeking opportunity leaves me wondering if he wouldn’t be more comfortable with an open door “refugee” policy. The problem is, of course, that in Latin America and the Caribbean alone, there are more than one hundred million potential “refugees” from poverty. Those who argued that the return of Jean-Bertrand Aristide to Haiti would end the outflow because political persecution would end now have to contemplate a new outflow. (A boatload of 160 Haitians was stopped by U.S. ships in August 1997.)*

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