

## Minorités linguistiques et société

***The Ethics of Immigration*, Carens, Joseph H. (2013). Oxford: Oxford University Press, 384 p. ISBN : 978-0-19-993383-9**

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## Book Review

### *The Ethics of Immigration*

CARENS, Joseph H. (2013). Oxford: Oxford University Press, 384 p.  
ISBN : 978-0-19-993383-9

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Should ideal theory, or contextual theory be used to determine the just terms of global migration? Joseph Carens sidesteps this question and convincingly manages to have his metaphorical cake and eat it too. Conceding that political feasibility is an issue for ideal theory (p. 295), Carens succeeds at juggling these two competing approaches and establishes some moral ground rules to govern immigration and citizenship.

Are democratic states morally permitted to have closed borders and stringent immigrant selection standards? To this question, Carens answers a fairly clear “no,” assuming that some basic conditions are met, such as limited material inequalities between states. However, this theoretical argument for open borders elaborated in chapters 11 and 12 is secondary to the more practical argument that is developed extensively in the previous nine chapters. In most of the book, Carens puts aside the question of whether or not we ought to have open borders and assumes that we live in a world in which we cannot contest the concept of states deciding whom they will admit and to whom they will provide status. Instead, the focus is to define the moral constraints on democratic states when they are selecting newcomers and giving or withholding citizenship to residents.

Some might find that the approach taken throughout the book concedes too much, since Carens clearly believes that a world with open borders would be a more just place. But it is also extremely practical and consistent with the author’s contextual approach to political theory explained in previous publications. This methodology will appeal to a wide audience. A contribution with clear policy implications, Carens’ arguments will resonate not just

with academics, but also with government officials, politicians, and laypersons interested in migration. While *The Ethics of Immigration* builds on earlier works by the author, it stands alone both in terms of the comprehensive list of categories of migrants and the depth with which each category is treated.

The central argument, evident in both the contextual and ideal theory based portions of the book, is that time matters morally when it comes to the obligations that a state has towards someone living within its borders. How much does it matter? A lot. In a world with open borders, time can be used to temporarily exclude newcomers from welfare state benefits when they first arrive (p. 283). Conversely, in a world with closed borders, time establishes a moral right for citizenship in the case of ensconced adult immigrants (p. 50), or resident status in the case of irregular migrants who are commonly referred to as illegal immigrants (p. 147). The time thesis also means that democratic states cannot indefinitely extend the status of temporary migrants. Either they must indeed be temporary, or they ought to have a right to stay permanently (p. 113). *Ius soli*, the principle that citizenship ought to be granted to those born on the state's soil, can be limited to those who are reasonably expected to continue living in the country in which they are born (p. 36). The moral importance of time is just part of Carens' analysis. Contextual factors can trump its importance. For example, a time-centric analysis suggests that the universal *ius soli* regulations in the United States are more robust than mandated by justice. Persons born in the US but not brought up there do not have a moral right to citizenship in Carens' view. While it is morally permissible for a democratic country like the US to limit *ius soli* regulations, Carens argues that such a reform ought not to be made if it is for the wrong reason, such as a sweeping anti-immigrant movement (p. 39).

Carens' effort to use normative arguments to limit policies of exclusion in the present context does, however, leave the reader wanting more robust rights in some cases. On the one hand, Carens argues that democratic states ought not to exclude potential immigrants merely because they reject democratic norms and values, as long as they are not a security risk (p. 176-177). This would be a violation of the freedom of conscience—a fundamental democratic principle. On the other hand, Carens argues that states are morally entitled to exclude immigrants if they are in a situation of financial need, because they could unduly burden the state (p. 178). In other words, from a moral point of view, Carens suggests that prospective immigrants are permitted to have beliefs that are destructive towards democratic institutions, but they are not allowed to be poor. To be sure, in Carens' ideal world, financial need would not be a criterion of exclusion. So my criticism is not that Carens genuinely believes that prospective migrants should be excluded if they are in a difficult financial situation. My criticism is that in the context based section of the book, despite ambitious arguments for including people regardless of ideology or whether they settled through legal channels, the discussion of poor immigrants is not examined thoroughly. It

is important to note that Carens uses the democratic principle of freedom of conscience to defend against excluding newcomers on the basis of their ideological beliefs. Is it truly consistent with democratic values to exclude people on the basis of their financial position? The equal moral worth of persons, itself a democratic principle, could be invoked as a constraint on states to ensure that individuals are not discriminated upon due to economic class.

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