



*Master Degree in Global Studies
Department of Political Sciences
Chair of Global Justice*

***Open or Closed Borders:
the redistributive role of Migration
in an Unequal World***

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Academic year 2018/19

Ringraziamenti

Desidero ringraziare innanzitutto il mio relatore, il professor Marcello di Paola, per la sua gentile disponibilità nell'aver accettato l'argomento che mi stava a cuore e per avermi affidato alla guida esperta del professor Volker Kaul, al quale sono molto grata per il tempo e il supporto che mi ha dedicato. Grazie per avermi ascoltata, consigliata e indirizzata in questi mesi, dalla ricerca delle fonti alla stesura della tesi. Grazie per i confronti stimolanti, in cui ha sempre rispettato le mie idee e grazie per avermi spronata a tirare fuori il meglio.

Ringrazio anche il mio correlatore, il professor Gianfranco Pellegrino, e la Luiss Guido Carli, che mi ha formata in questi cinque anni, dandomi molte occasioni di crescita e arricchimento professionale e personale. Ma soprattutto mi ha regalato compagne di viaggio meravigliose, a cui va tutta la mia gratitudine per il sostegno, l'allegria e l'amicizia che quotidianamente mi hanno aiutato a superare gli ostacoli universitari ma soprattutto i miei limiti personali.

Come anche ringrazio il gruppo clown-dottori di Sorrisi Gemelli che mi ha insegnato a prendermi meno sul serio e a lasciarmi conoscere dagli altri senza maschere, o con la maschera più piccola che ci sia, il naso rosso.

Un grazie immenso va agli amici di sempre, a quelli che da lontano non mi hanno mai persa d'occhio e nonostante lo spazio e il tempo abbiano diluito le possibilità di stare insieme, mi hanno fatto sentire la loro presenza e il loro calore. Siamo la testimonianza che non è la quantità ma la qualità a contare.

Un altro grazie va ai nuovi amici, ai colleghi di lavoro che, anche se mi conoscono da poco, hanno saputo infondermi fiducia e positività per affrontare questi ultimi mesi, così pieni e pesanti.

E per ultimo, ma prima per importanza, ringrazio la mia famiglia. I miei genitori e i miei fratelli che mi hanno supportato e sopportato in questi mesi. Grazie perché mi affiancate in tutte le scelte della mia vita, nonostante spesso non le condividiate, rispettando sempre la mia visione del mondo.

Ho scelto questo argomento di tesi perché mi sento fortunata ad essere arrivata fino a qui, non solo per il mio impegno e il sostegno di tutte le persone sopracitate, ma anche per essere nata dalla "parte giusta del mondo", non per merito, ma per pura fortuna. Io credo fermamente che avere di più implichi una maggiore responsabilità verso chi ha di meno. Vivere meglio alle spese del resto del mondo non è un diritto; anzi, è nostro dovere rendere il mondo un posto più giusto ed equo per tutti.

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Introduction

Migration is an inherent trait of human nature and it has deeply marked human history, since its beginning. From the Neolithic era until today, it has recurrently represented a destabilizing challenge for local and regional equilibria, in different historical contexts. In the last years, it is perceived as a global threat that the international community and single States do not seem ready to effectively manage. Indeed, countries are trying to close their borders, controlling and rejecting the increasing flux of needy migrants, in order to preserve their internal security, order and wealth. In fact, migration triggers a worldwide spread sense of insecurity and anxiety that politicians tend to instrumentalize for electoral purposes: they “*exploit fear of the outsider in order to maintain their power, they have created highly paranoid communities, very willing to support the political leadership as they take steps against outsiders and highly resistant to any relaxation of immigration controls*”¹. Thus, populisms and nationalisms are raising their consent as well as raising walls: the Donald Trump’s idea of the wall along the American-Mexican border; the Australia’s policy of placing immigrants and refugees in off-shore camps; the Hungarian, Austria or Italian willingness to construct fences or to close seaports are only some examples of the instrumentalized fear of migrants. However, it is possible to change the mind from considering migration a global burden to a precious resource because “*Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance*”². Thus, the problem is not the phenomenon of migration in itself but how it is managed. In order to adequately address migration flows and their evolving dynamics, it is essential to deeply analyse and understand this phenomenon in all its various manifestations. Thus, this thesis tries to draw an exhaustive picture of human migration, framed within the today’s global scenario.

Migration is a complex and multi-faceted phenomenon, raising important economic and socio-political questions as well as moral and cultural issues. Today over 258 million people around the world live outside their country of birth. Thus, the 3.35% of world population consists of refugees, displaced people and migrants, that is to say, people escaping political persecution, wars, natural disasters as well as people pursuing better economic opportunities. In fact, different factors trigger migration flows: global inequality and economic opportunity, violence and conflict, population and environmental change. In addition, thanks to globalization, international movement has become more and more feasible: faster, thanks to new technologies and transports; and cheaper, thanks to the reduction of travel costs; enabling an easier and more profitable migration. Indeed,

¹ Cole, Phillip (2015), *Consequentialist Concern*, Chapter 14 in Wellman, Christopher Heath & Cole, Phillip (2015) *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online

² UNGA, Res. 73/195, 19 December 2018, *Global Compact for Safe, Orderly and Regular Migration GCM, OUR VISION AND GUIDING PRINCIPLES*, pt. 8

in the current high unequal world, where the top 10% of the world's population owns half of the world's income, and the nearly 13% of the world's population lives with less than 1.90\$ a day, the choice to migrate can be the only viable possibility to gain access to better opportunities and conditions of life. It can be a solution to redress the global unequal order where “*the greatest injustice of our time (is) the impoverishment and starvation of hundreds of millions of people*”³. Hence, this thesis investigates the role of migration in our unjust world, by examining the fairness and morality of the two possible reactions to this phenomenon: Closed or Open Borders policies. The thesis tries to shed some light on this polarized debate, by outlining the pro and cons arguments for both positions and by examining the principles and ideals they are inspired to. It represents a relevant debate in today's world, where on the one hand, migration is an increasingly salient socio-economic and political issue, and on the other, the international community is unprepared and fragmented in overcoming this challenge. Indeed, the international law and the global institutional order lack of a common definition of the entity of migrant and migration, as well as of a shared action plan to manage its costs, benefits, risks and protection. Each State can decide how to manage its own borders, the admission or rejection of migrants, the concession of citizenship and membership, differently administrating integration within its own labour market, national welfare system, and cultural background.

However, the recent shocking number of deaths in the Mediterranean Sea or along the American-Mexican borders has pushed the international community to turn its attention to the necessity of a shared responsible answer to this urgent political, economic but especially moral challenge. Indeed, beyond the political and economic concerns, strictly intertwined with migration policies, this thesis will question the moral legitimacy of the current fragmented discretionary governance of migration flows.

The current international community's engagement in redressing the unjust global equilibrium is directed, on one side, to mechanisms of global governance to alleviate and erase poverty, passing through the mitigation of inequality and the promotion of economic and social development; and on the other, to a more coordinated migration management. Indeed, on the one hand, the UN member States commit in the *2030 Agenda for Sustainable Development* in 2015, with 17 Sustainable Development Goals (SDGs), *No poverty and Equality* among them; on the other, the UN Member States adopted the “*Global Compact for Safe, Orderly and Regular Migration*” (GCM) as the first inter-governmental agreement covering all dimensions of international migration, recognizing the need for a comprehensive approach to human mobility and cooperation. However, this thesis will demonstrate that a fair management of migration is a solution not only to avert this global threat and to ease the related social tension and anxiety, but also a partial solution for global poverty and inequality, counterbalancing the initial unjust global equilibrium.

Hence, the three chapters will base their reasoning on the wide literature on Closed and Open Borders perspectives. They will examine David Miller's, Michael Walzer's and Christopher Wellman's theories as

³ Pogge, Thomas W. (1997), *Migration and Poverty*, ResearchGate2009

well as Carens', Abizadeh's and Oberman's opposite beliefs to clearly draw a complete theoretical scenario. Moreover, the thesis will approach to the Sager's, Pogge's, Benhabib's and Shachar's analyses of global unjust and unequal equilibrium, to highlight the insufficient current engagement for the construction of global justice and the essential role that can be played by free migration flows. Thus, this thesis will contribute to the existing literature on migration, on one side, by resuming the ongoing stagnant theoretical debate of Closed or Open Borders perspectives, and, on the other, by stressing the urgent global challenges of inequality and poverty that make migration not a problem but a solution, not a burden but a precious resource, not a threat but a natural trait of human history.

The thesis is structured in three chapters.

The first one draws a detailed picture of the current world. Firstly, it analyses the three phenomena that have contributed to shape it: globalization, poverty and inequality. Globalization is a controversial phenomenon, that has engendered a relevant economic growth and poverty reduction, but, benefitting only some countries at the expenses of others. It has connected all the people around the world, but, instituting unbalanced relations, in a global economic and political order, dominated by wealthier countries, exploiting poorer ones. Poverty is a complex condition of life that blocks the socio-economic development of the whole society: poverty trap is difficult to overcome from inside, an external intervention is necessary. International organizations and institutions are currently engaged in lending activities and technical assistance for the pursuit of poverty reduction, but, the path for the achievement of poverty erasing is still long and tortuous. Inequality is a *glocalized* phenomenon shaping social differentiation and stratification at national and at international levels. The current degree of global inequality is alarming, highlighting striking regional differences: the 'Africanization' of poverty, and the 'Westernization' of wealth. Secondly, the first chapter, passing through the conceptualization of global justice and international distributive justice, examines two concepts that heavily mark our unequal and unjust reality: citizenship and birthright lottery. Indeed, the institute of citizenship contributes to the perpetration of inequality in terms of resources, opportunities and freedoms, people have access to according to their place of birth. Thus, the chapter will explain how the "*birthright access to citizenship as distributor or denier of security and opportunity*"⁴ is unjust because, on one side, it allocates privileged positions by luck, and on the other side, it avoids the redistribution of power and wealth. The chapter aims to outline the profound injustice of our globalized world, where people are born poor or rich by accident and they cannot easily change their destiny: national borders, national citizenship and national interests close their path, restricting their chances to access to better conditions of life. From this perspective, it is difficult to morally justify a legal system of exclusion based only on natural arbitrary event of birth and it is self-evident that the plagues of extreme poverty and unfair inequality must be erased.

⁴ Ayelet Sachar (2009), *The Birthright Lottery: Citizenship and Global Inequality*, Harvard University Press

The second chapter, starting from the scenario drawn in the first chapter, focuses on trans-national migration, examining the highly polarized debate on Open or Closed Borders perspectives, in all their ideological and philosophical basis: on one side, Cosmopolitanism, the freedom of movement and the right to immigrate and on the other side, Nationalism, the freedom of association and the right to exclude. The first contraposition between Cosmopolitanism and Nationalism stands in the different conception of 'strangers', of their moral worth and consideration, shaping the boundaries of our responsibilities and duties toward them. Indeed, Cosmopolitanism recognizes the equal moral worth of all individuals as human beings, defining a shared responsibility to assure a just global equilibrium. It supports Open Border policies, allowing people to shape their destiny, especially improving their conditions of life for the present and prospects for the future. Whereas, Nationalism firmly argues the different consideration and treatment of citizens and foreigners, of co-nationals and strangers. It justifies Closed Borders policies, allowing the protection of citizens' interests over strangers' interests. The core dilemma is between the fundamental freedom of movement of all individuals, to emigrate and immigrate; and the exclusive right to exclude of every single State, preserving its boundaries, unity and integrity of its constituent elements from foreigners and intruders. The first perspective recognizes the right to migrate as a fundamental freedom inherent to human nature, while, the second one recognizes immigration as a menace for the national identity, welfare and security. Thus, the second chapter aims to neutrally present the ongoing debate on immigration policies outlining how standing for one or the other position is only a matter of balancing rights: citizens' ones and foreigners' ones. States are legally entitled to treat their own citizens differently from foreigners to preserve their well-being. But they are also morally responsible for all human beings, for the respect of fundamental rights and the guarantee of a decent life.

The third chapter re-considers the same debate but framed within our complex reality: an unequal and unjust world, characterized by high inequality, extreme poverty and increasing migration flows. It re-interprets the Open and Closed Borders perspectives, through the lenses of the distributive justice, underlining the costs and benefits triggered by immigration in hosting and sending countries. Indeed, considering the context of world economic interdependencies and exploitation, and the arbitrary native inequalities, migration flows acquire a new light. Migration reflects not only the international freedom of movement but also the opportunity to compensate the initial unequal allocation of resources and to redress global injustice. Thus, the chapter aims to question whether immigration constraints, selection criteria and marketization of citizenship can be morally justified, taking into account the role that migration can play for the reallocation of resources. Indeed, it will illustrate all the benefits of migration flows, from the economic, political and cultural points of view, in both sending and hosting societies. It examines, de facto, the two Open and Closed solutions to global inequality, highlighting their opposite views on the scope and nature of international distributive justice and on the different role recognized to migration flows. It concludes by listing the different strategies of redistribution and of migration management, proposed by scholars and currently implemented, striving for a greater

commitment of international community for a shared responsible answer to the urgent global justice challenges.

In order to avoid misunderstandings of the purposes of this thesis, three preliminary considerations and clarifications are essential. It will focus only on economic migrants, excluding refugees, because the former do not benefit from the international recognition and protection as the latter, suffering the arbitrary fragmented action of national authorities. Moreover, it will analyse the current global allocation of resources and opportunities striving for a fairer redistribution toward an equilibrium beyond sufficiency. Indeed, the guarantee of a decent life for everybody is not considered morally sufficient by this thesis, without a substantial reduction of global inequality. People should benefit from an equal starting point of conditions to redress the current unjust relation of domination and exploitation between rich and poor. Finally, advocating a shared moral responsibility to redress global injustice, this thesis implies the idea of remedial responsibilities: a moral duty of remedy, if contributed to injustice. Thus, wealthy countries, participating in the unjust global order and contributing to the perpetration of their privileged dominant position, must remedy. They are not morally justified in restricting migration in name of the preservation of an unjust order.

Chapter I

Framing Global Inequality as a Distributive Justice problem

1.1 *A general overview of today's unequal world*

Thanks to Globalization, today's world is more connected than ever: States are politically and economically interdependent; people are interconnected in a global network; and national borders start to falter. This scenario of increasing mutual dependence of world's economies, cultures, and populations, should be ruled by a universal conception of human community, equal and fair. Instead, the global framework is still fragmented in many unequal pieces: differentiated closed polities. National interests still overcome international benefits, impeding an equal global distribution of welfare and well-being. As a consequence, extreme poverty and high inequality still characterize our world, even if the international community has taken important steps forward, in the last decades. The extreme poverty has been consistently reduced from 18.970 billion of people, in 1990, to 902 million of people, today. This significant reduction is mainly due to the positive trend of global economy. Indeed, the average per capita income has grown yearly at a rate over 2.2%, since the 1960s, and some developing countries, such as China and India, have had high economic growth rates until today. Moreover, the economic development has resulted in a consistent progress in human well-being, especially in developing countries: life expectancy at birth has risen from 42 to 65 years; infant mortality has halved; literacy rate and average per capita consumption have increased.

However, despite these promising results, extreme poverty and inequality, within and among nations, continue to be significant. Indeed, on one hand, nearly the 13% of the world's population currently lives in extreme poverty, with less than 1.90\$ a day, lacking of "*adequate nutrition, clean water, or access to social services such as basic health care or a primary school education, as well as having extremely low incomes and few assets*"⁵. Moreover, the rate of reduction of poverty is decelerating: "*a possible projection suggests that 6% of the world population will still be living in extreme poverty in 2030*"⁶. On the other hand, the increase of global income has also caused an increase of inequality because only some countries have benefited from globalization and economic growth. In fact, new industrialized countries have risen, such as the BRICS (Brazil, Russia, India, China, and South Africa); while, other countries in Africa, Southeast Asia, and Latin America have experimented an exacerbation of poverty and inequality. Thus, despite the efforts of global community to narrow disparities of opportunities and income, the current situation is that the richest 2% of the world's

⁵ World Bank (1993), Information Briefs #K.01.4-93, Washington DC, url: <http://www.documents.worldbank.org/>

⁶ UN, Sustainable development goals platform, available at: <https://sustainabledevelopment.un.org/sdgl>

population owns over half the world's wealth, while the poorest 50% owns only 1% of that wealth⁷. Moreover, considering the cyclical economic crises and the climate-related natural disasters, deeply affecting the trajectory of socioeconomic development of low- and middle-income countries, *No Poverty* and *Equality* are still unattainable objectives.

Being aware of this alarming scenario, the international community continues to engage in institutions and mechanisms of global governance to alleviate and finally erase poverty, passing through the mitigation of inequality and the promotion of economic and social development. In the first place, the United Nations' contribution in the fight against poverty is fundamental, acting as provider of assistance, through its organizations as the World Bank (WB) and the International Monetary Fund (IMF) or agencies as the UN Development Programme (UNDP). It has demonstrated a substantial effort, firstly, in the agreement on the Millennium Development Goals (MDGs) in 2000 “*with the aim of drastically improving basic development indicators for poverty and hunger, education, health, and gender equity for the world's poor by the year 2015*”⁸, secondly, in the 2030 Agenda for Sustainable Development in 2015, with the 17 Sustainable Development Goals (SDGs), providing “*a shared blueprint for peace and prosperity for people and the planet, now and into the future: an urgent call for action by all countries - developed and developing - in a global partnership*”⁹. However, the engagement of all global community should increase and improve investments into key services helping people to escape poverty.

This first chapter will draw a scenario beneficial for the aim of the thesis. Indeed, it aims to provide a complete picture of the current unequal and unfair world, in three main steps. Firstly, it will deeply analyse all the notions introduced in this paragraph: globalization, poverty and inequality. Secondly, it will outline the conceptualization of Justice, Global Justice and International Distributive Justice. Thirdly, it will end by linking the notions of poverty and inequality with the concept of International Distributive Justice through the ideas of Citizenship and Birthright Lottery. These three steps are fundamental to become aware of the profound injustice of our globalized world, where people are born poor or rich by accident and they cannot easily change their destiny: national borders, national citizenship and national interests close their path, restricting their chances to access to better conditions of life. As the next chapters will explain in detail, migration flows are currently considered as a challenge, or rather, the common threat of the international community; while, this thesis will try to change people's mind: migration can be a solution to our unequal and unjust globalized world.

⁷ Clapp, Jennifer & Wilkinson, Rorden (2010), *Global Governance, Poverty and Inequality*, New York, Routledge Global Institutions

⁸ Ibidem

⁹ UN, Sustainable development goals platform, available at: <https://sustainabledevelopment.un.org/sdgl>

1.1.1 *Globalization*

Globalization is a process of interaction, interconnection and integration of world's countries, nations and populations, driven by the international trade of goods and capitals and allowing the exchange of information, technology, knowledge, cultures, services and people. Indeed, *Globalization* has undoubtedly favoured human migration flows. It is a complex and multidimensional phenomenon, referring to “*the worldwide interwovenness of international relations in all social arenas (economy, politics, culture, communication, environment, religion, etc.) and on all social levels (between individuals, institutions, classes, organizations, nation states, etc.)*”¹⁰. Peter Beyer identifies four variants of the study of *Globalization*: the analysis of a global economy; of a global culture; of a global polity; and of a global society.

Literature recognizes three different waves of *Globalization*: the first wave happened between 1870 and 1914, triggered by a combination of decreasing transport costs, for the switch from sail to steamships, and the reductions in tariff barriers; the second wave occurred between 1945 and 1980, after the Second World War, when countries passed from the war retreat into nationalism to internationalism, through trade liberalization and specialization, allowing the realization of agglomeration and scale economies; the third wave started in 1980s and it is currently ongoing, characterized by capital mobility, migration flows and the developing countries economies' participation and integration in the global market. As affirmed by Thomas Friedman, today, *Globalization* is “*farther, faster, cheaper, and deeper*”.

Globalization has a significant impact on the personal conceptualization of reality as well as of the social structures from local to global level, from one country to all over the world. As affirmed by Anthony Giddens, *Globalization* is “*the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa*”¹¹. Indeed, local actions have global effects due to the faster and cheaper communication, information and transportation. As well as national policies have effects for both citizens and foreigners: benefitting the former can mean harming the latter, in such interconnected and interdependent world.

Moreover, *Globalization* threatens the perception of human security. As highlighted by the Human Development Report: “*financial volatility and economic insecurity, jobs and income insecurity, health insecurity, cultural insecurity, personal insecurity, environmental insecurity, political and community insecurity*”¹² are contraindications of *Globalization*. Above all, the insecurity generated by migration flows, favored by *Globalization*, is particularly relevant for the purpose of this thesis: the massive influx of strangers,

¹⁰ Lenger, Alexander & Schumacher, Florian (2015), *Understanding the dynamics of global inequality, social exclusion, power shift, and structural changes*, Berlin Heidelberg, Springer Editors

¹¹ Giddens, Anthony (1990), *The consequences of modernity*, Cambridge, UK: Polity Press, p. 64

¹² Lenger, Alexander & Schumacher, Florian (2015), *Understanding the dynamics of global inequality, social exclusion, power shift, and structural changes*, Berlin Heidelberg, Springer Editors

representing cultural diversity, working competitors and a heavy burden for the social welfare, is considered a threat for the hosting society. Thus, the natural reaction to this deep sense of insecurity is closure, antithetical outcome to the aim of openness of *Globalization*.

De facto, *Globalization* is a controversial phenomenon. On one side, some scholars, as Risse, argue that it allows poor countries to economically develop, raising their standards of living; on the other side, other academics, as Pogge, recognize that it benefits only rich countries at the expenses of local economies and cultures of poor vulnerable people. On the one hand, it has triggered economic growth and increasing global welfare; on the other hand, it has not solved the problems of poverty and inequality. Instead, it favours the creation of ‘glocal’ disparities by preserving the current global heterogeneity and by emphasizing a global stratification, hybridization and exploitation. For example, one of the current international institutions for the global economic governance, the World Trade Organization (WTO) allows unfair conditions toward the world’s most vulnerable people. Indeed, the large disparity in the resources at disposal of various country-members is reflected in a large disparity in being able to negotiate favourable agreements. De facto, developed countries can easily take unfair advantage on developing countries.

Hence, nearly all experts converge toward the assumption that there are winners and losers of *Globalization*, that Barber calls respectively “McWorld”, the globalized class in favor of the homogenization of markets and neoliberal ideologies, and “Jihad”, local reluctant class supporting nationalism and religious fundamentalism to fight Americanism and the power of the global market. Thus, the differentiated impact and effects of *Globalization* are due to its unequal action. However, the solution for a fairer world is not forcibly reverting *Globalization*, rather believing in a *Globalization* that can benefit both the developed and the developing countries. Indeed, “*Globalization does not have to be bad for the environment, increase inequality, weaken cultural diversity, and advance corporate interests at the expense of the well-being of ordinary citizens*”¹³. In order to define “*the right balance between benefits and costs associated with globalization, citizens of all nations need to understand how globalization works and the policy choices facing them and their societies*”¹⁴. Two key features that should be analysed to understand *Globalization* are Poverty and Inequality.

1.1.2 The conceptualization of Global Poverty

Poverty is conventionally summarized as “insufficient” amount of economic assets, falling below “*the income or expenditure level that can sustain a bare minimum standard of living*”¹⁵. In fact, people are considered poor if their income or consumption level falls below a pre-defined poverty line. However, *Poverty*

¹³ Stiglitz, Joseph (2007), *Making Globalization Work*, W. W. Norton & Company

¹⁴ Levin Institute (2017), *What is Globalization?*, Globalization101.org, online platform, The State University of New York

¹⁵ World Bank (1990), *Poverty Handbook*, Discussion Draft, 10290, Washington DC

is a multi-faceted concept, composed by several dimensions: people's level of wealth results not only from economic assets but also from the health and security conditions, education and work opportunities. Thus, a broad range of factors correlate to define what is *Poverty* and how to measure it. Ignoring the correlations among phenomena leads to large distortions of the knowledge and measurement of *Poverty*.

Through the years, literature has identified key steps, necessary for an effective definition and measurement of *Poverty*. Indeed, the poverty analysis of a country should be based on a precise pattern: firstly, the identification of yardsticks to assess the living standards; secondly, the establishment of a cut-off living standards level, distinguishing poor from rich people; thirdly, the measurement of severity and intensity of poverty. De facto, the core point is drawing the poverty line that is "*the value of income or consumption necessary for the minimum standards of nutrition and other necessities*"¹⁶. The latest international poverty line is drawn at \$1.90 a day. However, the establishment of a poverty line is not an easy task because of two main reasons. On one side, the *minimum standards of nutrition* can vary according to food prices, different from one region to another. On the other side, the *other necessities* can vary according to the cultural and institutional aspects of each country. Thus, a double solution is necessary to avoid misleading measurement and to enable comparisons across time and space. On the one hand, using the Purchasing Power Parity facilitates to avoid the different levels of prices and currency exchange divergencies. The PPP is periodically constructed by the World Bank's Development Data Group from the price surveys about countries' economies all over the world. On the other hand, choosing Poverty indicators that consider the variability of factors across space and time makes feasible spatial and temporal comparisons. They "*provide a basis for comparing poverty outcomes across time – to monitor the effects of policy changes on the living standards of the poor, and across countries – to help focus attention on specific areas where there may be a divergence from comparator countries*"¹⁷. Beyond the income-consumption levels, other indicators can be life expectancy, mortality rate, school enrolment and nutrition-health conditions.

Thanks to the chosen indicators, it is possible to shape a poverty profile and a poverty assessment for each country. The poverty profile is an "*analytic device for summarizing information on the sources of income, consumption patterns, economic activities, and living conditions of the poor*". By taking one or more poverty lines, framed within each country's economic, institutional and social contexts, the profile provides the nature and the extent of poverty, underlining present and future trends. Whereas, the poverty assessment "*analyses the relation between the poverty profile and public policies, expenditures and institutions*"¹⁸, evaluating the impact of the overall policy framework on poor people. Indeed, policies concerning expenditures and subsidies, provision of public goods and services, affect "*poor's accumulation of assets – human capital,*

¹⁶ World Bank (1990), *Poverty Handbook*, Discussion Draft, 10290, Washington DC

¹⁷ Ibidem

¹⁸ Ibidem

*financial capital, land*¹⁹ as well as have an impact on the patterns of economic growth and labor demand. By focusing on the policy analysis and design, the poverty assessment can suggest substitutive options of allocation of resources across sectors, increasingly favouring the poor.

Based on these analyses, it is possible to outline the country's poverty strategy: "*time bound package of priority measures that the government should take to reduce poverty*"²⁰. In order to identify *priority measures*, governments must detect key poverty problems and gaps, managing multiple trade-offs between socio-economic objectives.

Hence, only deeply analysing *Poverty*, in all its dimensions and correlate factors, and bearing in mind the poor's vulnerability to environmental and economic changes lead to effective policies for economic and social improvement. Thus, an eclectic approach is necessary to face the problem of extreme poverty in the world, considering not only economic aspects but also social, political and cultural factors. This thesis will try to demonstrate the utility and essentiality of migration flows to mitigate this global plague.

• ***Current Situation***

As already mentioned, one third of world population lives in extreme poverty. Over 1 billion people in the developing world are chronically undernourished. One-half of the population of the developing countries lack the access to proper healthy conditions and proper sanitation. Social protection is not a reality for a large majority of the world's population: in 2016, nearly 4 billion people were not covered by any social protection cash benefits: "*only 22 per cent of unemployed persons receive unemployment cash benefits, only 28 per cent of persons with severe disabilities receive disability cash benefits, only 35 per cent of children worldwide enjoy effective access to social protection and only 41 per cent of women giving birth receive maternity cash benefits*"²¹. De facto, these people are living without access to the very basic needs²².

The question is whether Globalization is responsible for a rise or a reduction of poverty. As already explained, Globalization's role is controversial and strictly intertwined with global inequality: "*the gap between the rich and the poor is widening on both the global and the local level*"²³, but "*this does not necessarily mean that the poor are constantly becoming poorer*"²⁴.

¹⁹ World Bank (1990), *Poverty Handbook*, Discussion Draft, 10290, Washington DC

²⁰ Ibidem

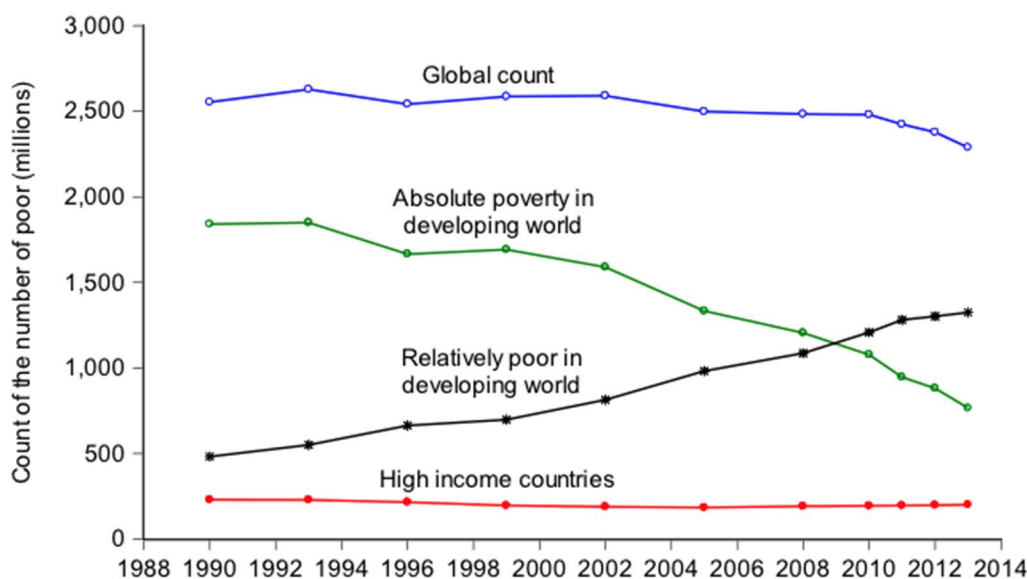
²¹ UN, Sustainable development goals platform, available at: <https://sustainabledevelopment.un.org/sdg1>

²² Clapp, Jennifer & Wilkinson, Rorden (2010), *Global Governance, Poverty and Inequality*, New York, Routledge Global Institutions

²³ Lenger, Alexander & Schumacher, Florian (2015), *Understanding the dynamics of global inequality, social exclusion, power shift, and structural changes*, Berlin Heidelberg, Springer Editors

²⁴ Ibidem

Indeed, as illustrated in the chart below²⁵, absolute poverty (green line) has undoubtedly decreased in the developing world. However, the most of this improvement occurred just in two countries, China and India, where the 38 % of the world's population lives. Thus, the relative poverty (black line) has increased.



In fact, some African countries worsened their absolute numbers of extremely poor people. Today, the situation is particularly alarming in sub-Saharan Africa.

Moreover, “poverty in itself prevents taking actions that would facilitate the exit from poverty”²⁶ engendering a vicious circle. Indeed, poor countries are blocked within poverty traps that cannot be overcome without a substantial, internal and external intervention. In fact, poor people live in disadvantaged conditions compared to the life in rich countries: they have a restricted access to market and financial investments, missing a way to accumulate capitals; they are in unstable conditions of health, limiting their productivity; they are low-educated and low-skilled, constraining their possibility of working and improving their conditions; poor regions lack of infrastructures and services, having high mortality rate and high social instability. All these factors prevent people to enrich and to enhance their prospects of life. The external aid, through lending activities and knowledge assistance, can help them to escape the poverty trap.

Thus, the path for the achievement of poverty erasing is still long and tortuous. Global governance institutions must involve more and more in the pursuit of poverty reduction, multiplying their current effort to deal with human immiseration. International organizations and institutions are currently engaged in lending activities and technical assistance, as the third chapter will illustrate. However, also countries can play their

²⁵ Martin Ravallion, Shaohua Chen (2017), *Global poverty revisited*, VOX, 15 September 2017, CEPR Policy Portal

²⁶ Perry, Guillermo E., Arias, Omar S., López, Humberto, Maloney, William F., Servén, Luis (2006), *Poverty reduction and growth: virtuous and vicious circles*, World Bank, url: <https://openknowledge.worldbank.org/handle/10986/6997>

role, making ad-hoc policies, impacting on locals and foreigners, as regards citizenship concession and immigration management, as this thesis will explain.

1.1.3 *The conceptualization of Global Inequality*

Inequality is a manifold and complex concept that cannot be reduced to the mere analysis of class inequality. Indeed, in the era of Globalization, *Inequality* cannot be conceived only as a national matter, measured within the borders of each country, but, rather, beyond them. “*This for at least two reasons: because of much greater movement of factors of production across borders, and because of greater influence of other people’s (foreigners’) standard of living and way of life on one’s perceived income position and aspirations*”²⁷. Indeed, *greater movement of capital, goods, technology and ideas* means *greater connectivity* among individuals worldwide and *greater dependence* of national and individual incomes. Thus, several factors of different social realities and cultural frameworks worldwide must be integrated to the analysis for the conceptualization of global inequality.

Hence, *Inequality* can be articulated in three different concepts. The first concept is the inter-country inequality, that is the calculation of inequality among countries’ mean incomes or GDP’s, data obtained from household surveys. It is ‘international and unweighted’ because: on one side, it compares countries, considering the State as the unit of observation and its income per capita or mean income as indicator of comparison; on the other side, it does not consider the size of the population and each country counts the same.

The second concept is the inter-country weighted inequality, that is the calculation of inequality among countries’ mean incomes weighted by countries’ populations. It is ‘international and population weighted’ because: on one hand, it compares countries, but on the other hand, it examines a representative group proportional to the size of the population. The first and the second concepts both take into account not individuals’ actual incomes, but countries’ averages. *However, the main difference between them is that the first one does not consider the within-country distribution, while the second is based on the core assumption that perfect equality is when all individuals within country’s borders have the same income.*

The third concept is the global inequality, that is the calculation of inequality between world individuals. Differently from the first and the second concepts, the third one is ‘individuals-based’, ignoring the national boundaries. De facto, it calculates inequality across all individuals in the world, analysing the world distribution. However, the third concept is harder to be implied, because it needs data of the most of world countries, including at least the 90% of the population. The main difficulty comes from the lack of household

²⁷ Milanovic, Branko (2013), *Global Income Inequality By The Numbers: In History And Now, An Overview*, Global Policy, Vol. 4, Issue 2, Special Section Article

surveys with data on individual incomes or consumption for some countries. Indeed, “*the first calculations of inequality across world citizens were done in the early 1980s*”²⁸, when data about national income distributions of several controversial countries - like China, Soviet Union and African countries - became available. Moreover, a correlated problem is that all the data should be measured using the same or similar methodology: in some African countries, household surveys are not regularly conducted, and methodologies change from one survey to another. Finally, in order to enable comparisons, people’s incomes and local price levels have to be adjusted, using for example ‘PPP’, the purchasing power parity.

The statistical measure of inequality is the Gini coefficient, that ranges from 0 (full equality = everybody has the same income) to 100 (maximum inequality = one person gets the entire available income). It can be decomposed in three parts: the Within-country inequality; the Between-country inequality; and the Overlapping part. It is the most frequently used measure of inequality thanks to its simple graphical representation.

Hence, *Inequality* can be studied as a *culturally glocalized phenomenon*, by considering both its global and local effects on social differentiation and stratification at national and at international levels. In line with the division of labor theories, elaborated by Smith, Ricardo and Marx, “*on the national level, capitalism creates inequality due to the different attributed economic value and demand-orientation for labor; on the global level, capitalism creates inequality due to the increasing demand in cheap production facilities and low wages worldwide*”²⁹. Our globalized and capitalized world is high unequal, as next paragraph will illustrate.

• ***Current Situation***

The world’s wealth and income are highly unequally divided: Gini Index of inequality is about 70. Indeed, the top 10% of the world’s population owns half of the world’s income, while the bottom 10 % receives only 0.7 percent of the world’s income, or more explicitly, the 10% of the world’s population takes one-half of global income or of consumes or of global goods and services, and the residual 90%, the other half. De facto, “*the richest 5 percent of the world's population earns 114 times that of the poorest 5 percent*”³⁰ as well as for example, “*the income of 25 million richest Americans is nearly as much as that of the 2 billion poorest people in the world*”³¹. As it appears evident in the pyramid below³², where, in 2018, the small tip of 0.8% of world adults owned the 44.8 % of total world wealth, while the large basis of the 63.9% of world adults, only the 1.9% of total world wealth.

²⁸ Milanovic, Branko (2006), *Global Income Inequality: What It Is And Why It Matters*, World Bank Policy Research Working Paper 3865

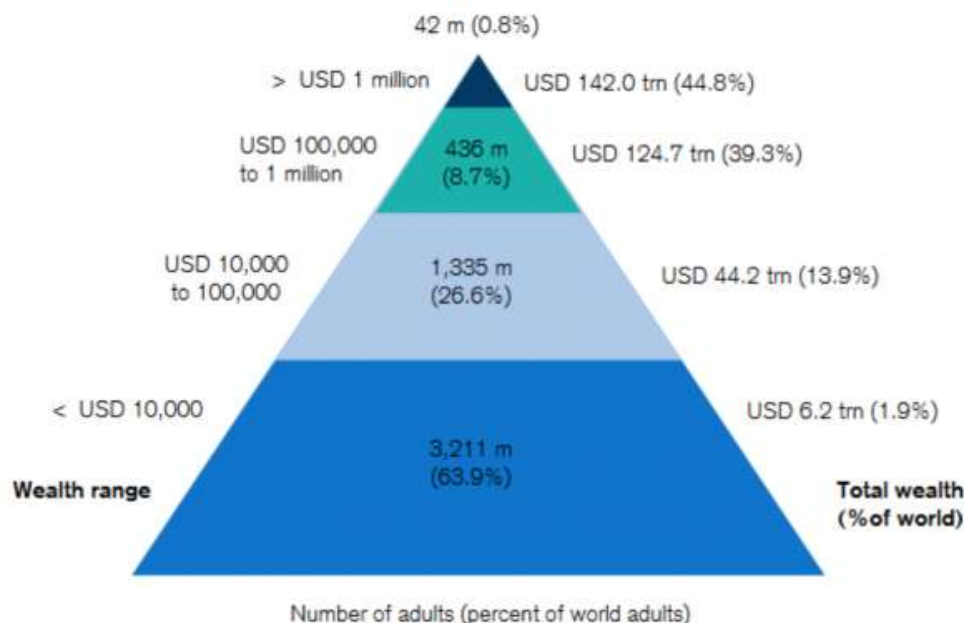
²⁹ Lenger, Alexander & Schumacher, Florian (2015), *Understanding the dynamics of global inequality, social exclusion, power shift, and structural changes*, Berlin Heidelberg, Springer Editors

³⁰ Darrel Moellendorf (2009), *Global inequality matters*, global ethics series, Christien Van Den Anker

³¹ Darrel Moellendorf (2009), *Global inequality matters*, global ethics series, Christien Van Den Anker

³² Davies, James, Lluberas, Rodrigo & Shorrocks, Anthony (2018), *Global Wealth Databook 2018*, Credit Suisse, available at: www.credit-suisse.com

Figure 1: The global wealth pyramid 2018



Source: James Davies, Rodrigo Lluberas and Anthony Shorrocks, Credit Suisse Global Wealth Databook 2018

Even if inequality between developing countries and developed ones is narrowing: “*the typical developing country had an income level about 12 percent that of the richer countries in 1960; and today it is closer to 5 percent*”³³, the assumption of convergence is difficult to be demonstrated. The core idea is that thanks either to a greater international trade or movement of factors of production - human migration or/and capital flows- or to the spread of technology, the poor can meet the rich, growing faster than the rich. De facto, Globalization has benefited only some developing countries, not erasing global inequality.

Indeed, looking at the period between 1988 and 2008, one third of the world population has had a significant increase in per capita income. This portion of population is composed by the global richest 1%, 60 million people from US, Japan, Germany, France, Italy, Spain, Brazil, Russia and South Africa, and the middle classes of the emerging market economies such as China, Egypt, India, Brazil and Indonesia. They are the main winners of globalization. Instead, the poorest 5% of the population has had an unchanged real income. This portion is composed by people in Africa, in Latin America and in post-Communist countries in Eastern Europe. They are the losers of globalization, failing in adjusting well to Globalization. Currently, income inequality continues to rise in many parts of the world. Global inequality remains greater than inequality within any individual country.

³³ Perry, Guillermo E., Arias, Omar S., López, Humberto, Maloney, William F., Servén, Luis (2006), *Poverty reduction and growth: virtuous and vicious circles*, World Bank, url: <https://openknowledge.worldbank.org/handle/10986/6997>

Thus, the composition of global inequality has completely changed from being driven by income differences within countries to be between countries: more than three fourth of global inequality is due to *between country differences*. De facto, the domination of Western countries is still strong: they are at the very top of the income distribution, reducing the possible contenders for positions at the top of income distribution. *“In other words, Western countries have pulled ahead of the rest of the world, and in only a few exceptional cases have non-Western countries been able to catch up”*³⁴. To support this affirmation, the world can be divided into five regions: Africa; Asia; Latin America and the Caribbean; transition countries of Eastern Europe and the former USSR; and Western Europe, North America and Oceania (WENAO). WENAO is the richest region. The contenders are only the countries closer to the WENAO’s income. Distant from WENAO, there are the countries of the Third world, the poor, and those of the Forth World, the poorest. Looking at data from 1960 until today, only two countries, Singapore and Hong Kong, among the contenders in 1960, have reached the richest region WENAO. While, other poorer countries worsened their position: African countries that were contenders in 1960 joined the Third World, and all African countries from Third World dropped to the Fourth one. Once joined the Fourth world is quite impossible to escape from relative poverty, as above mentioned, because of the poverty trap. During the past forty years, only two countries, Botswana and Egypt, escaped from the poverty trap, passing from the Fourth to the Third World.

Thus, even if the measurement of global inequality treats all individuals in the world, equally, regardless of the country where they live, income differences are still strictly intertwined with national borders. Regional differences are self-evident. De facto, it is still very marked the “Africanization” of poverty, and the “Westernization” of wealth. *“The world’s wealth is concentrated in the developed countries, while the developing countries face widespread poverty, overpopulation, inadequate educational and health-care systems and crippling foreign debt”*³⁵. Hence, *“greater emphasis will need to be placed on reducing inequalities in income (...) Additional efforts are needed to increase zero-tariff access for exports from least developed countries and developing countries, and assistance to least developed countries and small island developing States”*³⁶.

In this framework, Migration plays a relevant but controversial role. Indeed, as Globalization has reduced the cost of travelling and it has not erased the global inequalities, the pressure to migrate continues to increase. Possible recipient countries are increasingly more closed to immigration than ever, but uselessly: *“the governments of the rich countries, despite their fortress mentality, are fighting a losing battle because the economic incentives on the side of the out-migrants and those who can employ them in the rich countries are*

³⁴ Perry, Guillermo E., Arias, Omar S., López, Humberto, Maloney, William F., Servén, Luis (2006), *Poverty reduction and growth: virtuous and vicious circles*, World Bank, url: <https://openknowledge.worldbank.org/handle/10986/6997>

³⁵ Lenger, Alexander & Schumacher, Florian (2015), *Understanding the dynamics of global inequality, social exclusion, power shift, and structural changes*, Berlin Heidelberg, Springer Editors

³⁶ UN, Sustainable development goals platform, available at: <https://sustainabledevelopment.un.org/sdg1>

working against them”³⁷. Global inequality triggers wider migration flows, as the following chapter will explain, while, the third chapter will demonstrate how migration can be seen from a mere consequence to a solution to redress inequality.

This section has amply demonstrated that our current world is unequal, tainted by the plague of extreme poverty. For the purpose of this thesis, it is fundamental to prove that our current world can be also considered unjust, needing solutions to redress its moral disequilibrium.

1.2 A general overview of Justice: from Global Justice to International Distributive Justice

As demonstrated in the previous section, our globalized world is still characterized by a significant global and international inequality, with a large portion of world’s population living in extreme poverty conditions. *“The distribution of wealth is not determined by a careful balancing of equity-efficient trade-offs. It is not determined by reference to principles of social justice; rather, it is the result of naked power. Wealth generates power, the power that enables the ruling class to maintain that wealth”*³⁸. Thus, our world is unequal, and inequality enables the rich to dominate and exploit the poor, preserving their privileged position. It seems a never-ending problem, but, this unequal equilibrium can be broken by destabilizing phenomena such as migration that can revert the situation, as next chapters will analyze.

However, the core question is if a world dominated by inequality and exploitation can be judged as fair. ‘Is our world complaint with the principles of justice?’ This section will try to answer to this question through the illustration of the main notions relative to Global justice and Distributive justice.

1.2.1 The conceptualization of Justice

Since the classical period, Justice has occupied a central place in ethics, legal and political philosophy, that have investigated the definition of justice, through the centuries until now. ‘What is justice?’ This question has several possible answers. Broadly speaking, Justice is the result of dealing with situations in a morally right way: it is the condition of being fair and correct. Plato includes it in the four cardinal virtues of individuals, as well as recognized by the Christian Theology: prudence, courage, temperance and justice. However, it is not only an individual virtue, Aristotle outlines a universal relational justice as result of fair relations among individuals. On the same line, Roman Law, within the Institutes of Justinian, defines justice as *‘the constant and perpetual will to render to each his due’*. In fact, issues of justice arise when people can

³⁷ Branko Milanovic (2016), *Global Inequality: A New Approach for the Age of Globalization, Inequality under globalization*, Harvard University Press

³⁸ Joseph Stiglitz (2007), *Making Globalization Work*, W. W. Norton & Company

advance claims to freedom, resources, rights and so forth, that are potentially conflicting: they appeal to justice that establishes how *to render to each his due*. Thus, there should be an ‘agent dispensing justice’, either a person or an institution, whose decisions are enforceable obligations.

Hence, through the centuries, Justice has become one of the pillars of human society: Rawls describes it as “*the first virtue of social institutions*”³⁹. Indeed, justice is the impartial and consistent application of rules, at the basis of living in peace, civilly. For this reason, it is often exemplified as the rule of law: laws are the general rules that must be impartially and fairly applied within each society.

Thus, Justice is a central matter not only for individuals but also for groups, not only as a national issue, but also as an international and global challenge.

1.2.2 The conceptualization of Global Justice

In the last decades, political philosophers have focused their theorizing about justice not only within States’ borders, but also across countries, landing on the global sphere. Indeed, theories of Justice cannot ignore the contemporary context of globalization, economic integration and interdependence, and climate change alarms, to be effective and close to the reality.

Theories of Justice should adapt to the new challenges of the international scenario, delineating new approaches to justice: the International and the Global Justice. They are different branches of political philosophy: the first one focuses on State as the central entity, analysing the justice among countries; while, the second one concerns individuals, inquiring the justice among human beings. De facto, the two approaches complement each other. However, Global Justice has a wider gaze on global phenomena. It “*aims to give us an account of what justice on a global scale consists in*” addressing all the issues not forcibly interacting with State membership, but affecting individuals as human beings. Broadly speaking, an issue can be considered a Global Justice problem only when it concerns an international large-scale phenomenon, having consequences for individuals in several countries, that cannot be solved without international cooperation. Thus, it raises normative considerations “*that require agents in one State to take certain actions with respect to agents or entities in another*”, requiring the intervention and mediation of specific institutions, policies and norms.

Global Justice strives for common shared responsibilities to face global challenges through a coordinated global action. Indeed, it defines justice obligations for States as well as for “*a wider array of possible agents and organizations that might have duties as well*”⁴⁰ to solve global injustices. While international justice advocates the solely international institutions intervention, Global justice establishes that

³⁹ Rawls, John (1971), *A Theory of Justice*, Cambridge, MA: Harvard University Press, p.3

⁴⁰ Brock, Gillian (2017), *Global Justice*, The Stanford Encyclopedia of Philosophy, Spring Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2017/entries/justice-global/>

everyone is responsible and should act. Singer, for example, argues that all individuals are morally obligated to act “*using the principle that when it is in our power to prevent something bad from happening without sacrificing anything comparable, it is wrong not to prevent the bad from occurring*”⁴¹. Thus, in front of our unequal world, everyone is morally responsible for assisting needy others and for redressing global inequality, because the sacrifice of richer people is not comparable to the hardships of living in extreme poverty. Moreover, Pogge argues that “*since developed countries impose a coercive global order on the poor that foreseeably and avoidably causes great harm, they have important responsibilities to reform the global order*”⁴². De facto, the core point is that countries harming poorer countries have to redress the unjust unequal situation they contribute to create. Thus, on one side, Singer claims the individual *capacity to assist* needy others; on the other one, Pogge emphasizes the necessary developed countries’ *contributions* and duties in solving global injustices. Hence, redressing inequality and poverty is a shared common responsibility, concerning countries as well as individuals. The third chapter will illustrate in detail the current effort of the international community in the mitigation of global disparities through international transfers of resources, loans and support for micro-finance projects, speculating on possible further solutions to restructure this unjust world system.

Obviously, Pogge as well as Singer are all contemporary cosmopolitans recognizing that all human beings have equal moral worth, deserving equal consideration and help, regardless national borders. However, “*increased interest concerning issues of global justice has also coincided with enhanced interest in the place and value of nationalism*”⁴³. Indeed, nationalism is carrying increasing considerable weight as an opposite reaction to the worrying global challenges. Nationalists argue that people belong to national communities and they have responsibilities only in relation with their own country, only assisting co-nationals. They believe in special duties toward compatriots that are not shared with non-compatriots (‘Partiality objection’). They justify the different treatment inside and outside national borders with the different structure of domestic or international normative, economic, political and juridical systems. Especially, concerning the re-distributive responsibilities, they argue that egalitarian duties to compatriots are weightier than to non-compatriots because of the legal coercion at national level, absent at the international level (‘Coercion accounts’). The clash between Cosmopolitanism and Nationalism will be deeply outlined in the next chapter, as ideological basis supporting Open or Closed Borders perspectives. De facto, the different conception of ‘strangers’, of their moral worth and consideration, shapes the boundaries of our responsibilities and duties toward them and influences the definition of a just or unjust equilibrium between ‘us’ and ‘them’. The opposite ideals differently impact on the structuring of the world system: law-making, policymaking, economic agreements of all national and international institutions and organizations. In fact, being morally responsible only for co-nationals or

⁴¹ Brock, Gillian (2017), *Global Justice*, The Stanford Encyclopedia of Philosophy, Spring Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2017/entries/justice-global/>

⁴² Ibidem

⁴³ Ibidem

national issues is completely different from being morally responsible for all human beings and global challenges: the restricted or wider view over justice defines the horizon of our legitimate and morally obligatory action.

But, thinking to ignore problems beyond national borders is anachronistic: the world is so interconnected and interdependent that consequences of any emergency reverberate on everybody. As the previous paragraphs have demonstrated, inequality and poverty have “glocal” impact and effects.

Hence, given the current alarming situation for global poverty, inequality and huge migration flows, and the increasing nationalist drift, Global Justice plays a fundamental role. It calls everybody to act, sharing global responsibilities, benefits and costs in establishing a just global order. A global action is urgent given that the perpetration of extreme poverty and global inequality will continue to cause the violation of the rights of the poor, as strongly affirmed by Amartya Sen, arguing that high inequality heightens people’s sense of their own deprivation and exploitation. Indeed, poor people, living in situations of deprivation and disadvantage, having less resources and opportunities, are actually not in conditions to fulfil their rights, not living decent lives. As stated by the Universal Declaration of Human Rights: “*Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control*”⁴⁴. Thus, our world can be definitively considered unjust. Global inequality and extreme poverty must be solved: an international redistribution of resources and opportunities of life is necessary.

1.2.3 Distributive Justice: from a national to an international range

Justice can be conceived as a “*principle for assigning distributable goods of various kinds to individual people*”⁴⁵. Indeed, a theory of distributive justice identifies a metric of justice, that corresponds to the available resources to be distributed; a principle of allocation of the resources, the site of justice, such as the social, economic and political institutions, its scope and the necessary conditions to give rise to claims of justice. There are various principles of allocation and redistribution of resources that can be summed in three main approaches: *egalitarianism*, *sufficientarianism* and *prioritarianism*. The first one states the equality of treatment of people, based on the idea that all human beings are morally equal. Thus, the allocation has to be equal in results, “*requiring the equal distribution of some kind of benefit*”⁴⁶. The second one states the sufficiency of allocated resources: everyone must have *enough* welfare, resources, or opportunities. The third

⁴⁴ UNGA, Res. 219077A, 10 December 1948, *Universal declaration of Human rights* (UDHR), art. 25.1

⁴⁵ lake, Michael and Smith (2015), Patrick Taylor, *International Distributive Justice*, *The Stanford Encyclopedia of Philosophy*, Spring 2015 Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2015/entries/international-justice/>

⁴⁶ *Ibidem*

one states that “*priority should be given only to those below a certain threshold*”⁴⁷, rising more the level of resources of the worst off. All of them present some problems and discrepancies: *equity* engenders the overall levelling down of outcomes, being ineffective; *sufficiency* and *priority* require the establishment of specific thresholds, not being universal. Indeed, these two principles necessarily questions ‘How much is enough?’ ‘Who are the worst off?’. The answers can be different according to the culture, the welfare and the living conditions of each State. This thesis will sustain a compromise between sufficiency and equity, looking, on one side, at the emergency of the poorest people living in extreme conditions, without a decent level of basic goods, resources, services and opportunities; and on the other, at the high global inequality. Indeed, it will highlight how is not enough the sufficiency of guaranteeing a decent life to everybody, but also a reduction of inequality is necessary toward a more equal starting point of opportunities and resources.

Broadly speaking, *Distributive Justice* can be declined in a comparative form or non-comparative form. In the first case, the amount distributed to one person is determined in relative terms, by looking at what other contenders claim according to the principle of sharing. Instead, in the second case, the portion of the resources due to one person is established in absolute terms, according to principles not taking into account the other contenders. An example of comparative principle of sharing is *equality*: an allocation is fair only if it redistributes to anyone the same amount. The outcome is just in relation to the results of all contenders. Whereas, an example of non-comparative principle is *sufficiency*: an allocation is fair only if anyone has enough. The individual outcome of receiving enough is unrelated to the others’ outcomes. Moreover, *Distributive Justice* can be declined in a systemic and holistic form. An example is Rawls’ theory of social justice, based on the difference principle, requiring “*that social and economic inequalities be arranged to the greatest benefit of the least advantaged*”⁴⁸, establishing the absolute priority on the worst off people, rising them to the highest possible level.

Kapstein identifies four different approaches of *Distributive Justice*: the first one is about the national inequality and redistribution strategies among compatriots; the second one is about the widening international gaps, between the “North” and the “South” of the world; the third one is the cosmopolitan view, about the increasing gaps among individuals in the world; the fourth one is a proceduralist approach, focused on the fairness of redistributive rules. Thus, principles can focus either on the procedures determining how to allocate benefits and duties to contenders, nationally or internationally, or rather on the final outcomes of the allocation of the available resources. This thesis will mostly consider the second and the third approaches, trying to outline redistributive strategies.

Distributive justice often intertwines with *Economic justice*: they mutually influence and melt in normative economics theories such as the theory of inequality and poverty measurement, the theory of social

⁴⁷ lake, Michael and Smith, Patrick Taylor (2015), *International Distributive Justice*, *The Stanford Encyclopedia of Philosophy*, Spring Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2015/entries/international-justice/>

⁴⁸ Ibidem

choice, the theory of cooperative games and the theory of fair allocation. The latter is especially relevant for this thesis because it studies the criteria to define an allocation of resources as just. On one side, it must be envy-free “no individual would prefer having the bundle of another”⁴⁹; on the other side, it must be Pareto-efficient “everyone is indifferent to another allocation”⁵⁰ to be considered fair. Thus, also in economics, the normative approach and ethics can be relevant, especially for the study of allocation of resources and for the evaluation of public policies, analysing the criteria and values on which they are designed and implemented. In this respect, the thesis will evaluate the fairness of immigration policies in connection with the global unequal allocation of resources.

De facto, in our current world, principles of distributive justice are applied to social institutions, producing distributive outcomes as property or tax system. It is important to understand how States allocate resources between different categories of their own citizens and how they deal with national inequality. But, it is even more relevant to meditate on the current unequal and unjust allocation of resources at the global level. In the last decades, thanks to the increasingly relevance of Global justice, also the Distributive justice has expanded its horizon beyond the countries’ borders. *International distributive justice* focuses on the distribution of resources, as above mentioned, but at the global level. It refers to the second and third approaches, individuated by Kapstein. For the purposes of the thesis, these two approaches are the most relevant and it will be counterposed in the third chapter. Indeed, focusing on the inequality among countries has different consequences and moral concerns than focusing on the unequal allocation of resources among individuals, not taking into account neither national borders nor nationality. A different conceptualization of *Distributive justice* defines different redistributive responsibilities and actions.

Several scholars, mainly Right institutionalists as Blake, Risse, and Freeman, accept the ‘different treatment of inequality’ between the domestic and the international contexts, in line with the ‘Partiality Objection’, already mentioned. As for example, Rawls, delineating the ‘difference principle’, focuses only on inequality within the political national society; while, internationally, he strives for the inter-State fair mutual interaction, not involving any sort of distributive consideration or demand for economic justice. Indeed, Rawls and Right institutionalists justify the ‘different treatment’ on the basis of different structures of domestic State and of the international realm. In fact, nationally, the basic structure is composed by powerful and effective institutions applying principles of justice; whereas, internationally, there is not an independent global basic structure, “there are no institutions distinct from the acts and decisions of the peoples themselves”⁵¹. This institutional absence justifies the consequent absence of moral redistributing obligations, remarkably highlighting a sharp distinction between domestic and international distributive justice. In line with them,

⁴⁹ lake, Michael and Smith, Patrick Taylor (2015), *International Distributive Justice*, *The Stanford Encyclopedia of Philosophy*, Spring Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2015/entries/international-justice/>

⁵⁰ Ibidem

⁵¹ Ibidem

Nagel argues that “*the lack of an international legal system with sovereign coercive authority does not simply undermine claims of egalitarian distributive justice; it undermines all claims of justice outside the State*”⁵². Indeed, he claims that justice is necessarily indexed to coercive institutions that are present only within the nation-State framework. However, he recognizes general moral obligations to prevent people from starving, being assaulted, or murdered, as basis of a universal ‘humanitarianism’.

Instead, Left institutionalists firmly reject a strongly differentiation between international and domestic justice, rather, they claim that the two levels work on a smooth continuum. They recognize relevant distributive obligations at the international level, reflected on international institutions, structures of cooperation and interdependence, not coercion. Thus, they condemn the inequalities between the wealthy and the impoverished internationally, trying to answer to the question: “*in a world as connected as our own, is it justifiable that some have so much while others have so little?*”⁵³.

The international redistribution can be feasible through international institutions: a global system of redistribution regulating internationally transfer of resources, allocating the advantages of global trade. Beitz and Pogge both argue that the modern system of international trade and the international institutional set should be the core of international cooperation, striving for the respect of the principles of justice. For the moment, international community is engaged in projects for the socio-economic development of poorer countries, through subsidized loans and the transfer of technical know-how, information and institutional assistance, as the third chapter will illustrate in detail. However, this international action can be identified more as the execution of the ‘duty of assistance’ than a concrete redistribution. Indeed, the majority of scholars, mostly Right institutionalists, agree and converge toward the recognition of the ‘duty of assistance’. Rawls, for instance, outlines that when “*some societies are sufficiently poor or have sufficiently weak institutions that they are unable to become and remain well-ordered on their own*”⁵⁴, the others must assist them. The ‘principle of assistance’ consists in producing “*the material, human, and institutional support to help these burdened societies become minimally just*”⁵⁵, reaching the fulfilment of the *right to a standard of living adequate*⁵⁶, above mentioned. However, its limit is that once all societies are well-ordered, there is not any further obligation to distribute any kind of resources to burdened nations. In fact, if a society is well-ordered, it can decide autonomously on its domestic wealth growth and internal redistribution according to its specific political culture and local institutions. De facto, the ‘duty of assistance’ does not demand an equal distributive share among members of different polities. Thus, ‘is the duty of assistance sufficient to determine a just global distribution?’

⁵² Nagel, Thomas (2005), *The Problem of Global Justice*, Philosophy & Public Affairs, Vol.33, No.2, pp.113-147

⁵³ lake, Michael and Smith, Patrick Taylor (2015), *International Distributive Justice*, The Stanford Encyclopedia of Philosophy, Spring Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2015/entries/international-justice>

⁵⁴ Ibidem

⁵⁵ Ibidem

⁵⁶ UNGA, Res. 219077A, 10 December 1948, *Universal declaration of Human rights* (UDHR), art. 25.1

Other philosophers support a concrete international redistribution of resources, beyond the ‘duty of assistance’, as the unique fair solution for global inequality. Indeed, they strongly believe that it not sufficient to assure decent lives to all human beings to achieve a just equilibrium but they also require the reduction of inequality and the consequent economic exploitation. A substantial redistribution is just and possible. Indeed, as argued by Pogge, a program of transfers to the needy people of the world can be implemented without causing any significant hardship to the very wealthy people, in line with Singer’s requirement, above-mentioned. Moreover, reducing global inequality could mean eliminating absolute poverty. “*The fact that poverty could be eliminated by slightly reducing the wealth of the very wealthy—thereby slightly narrowing inequality—supplies a premise to the argument that the current level of inequality is unjust*”⁵⁷. Furthermore, if inequality is reduced, economic growth can be distributed more equally, and richer countries will lose the economic dominance on poorer countries in international negotiations and institutions. Thus, redistributing resources can be result in the resolution of extreme poverty, the reduction of inequality and the end of economic domination by the richer countries. However, it is a difficult task to accomplish, mostly because the current nation-State asset prevents effective global actions of redistribution. Next chapters will outline a possible alternative solution, through migration flows. Next section will highlight one of the most important obstacles to an equal global order: the institute of Citizenship.

1.3 The role of Citizenship: from allocating resources to allocating responsibilities

In the discourse over Global Inequality, Shachar recognizes the fundamental role played by citizenship as preserver of the unequal status quo: it is an obstacle to International Distributive Justice and to Global Justice. Or rather, it can cause and perpetrate inequality through the time. Next paragraphs will outline the main features of *Citizenship*, at the basis of the theory of the Birthright Lottery.

1.3.1 Citizenship

Citizenship is a high valuable entitlement in today’s world. It grants the membership to a national community, giving the access to its resources, privileges and burdens. Indeed, a *Citizen* is a “*member of a political community who enjoys the rights and assumes the duties of membership*”.

The idea of *Citizenship* is born to describe the legal status of the individual within the society, the *citizen*, in opposition to the status of *subject*. Going back to the Roman Empire, during its expansion, rights of citizenship were extended to conquered people, determining their legal status as subjected and protected by laws of the Empire. In the XVIII century, scholars as Rousseau outline the political status of the *Citizen*

⁵⁷ Darrel Moellendorf (2009), *Global inequality matters*, global ethics series, Christien Van Den Anker

differentiated from the *Subject*: “the active participation in processes of deliberation and decision-making ensures that individuals are citizens, not subjects”⁵⁸. In recent times, *Citizenship* is more linked to the conception of national identity and therefore, increasingly invoked by governments to justify their restricted policies of immigration, as the next chapter will deeply analyse.

Thus, *Citizenship* has three main dimensions: legal, political, identity. Firstly, *Citizenship* is a legal status, entailing civil, political and social rights: “the citizen is the legal person free to act according to the law and having the right to claim the law’s protection”⁵⁹. Secondly, *Citizenship* is a political status, considering the citizen as political agent, participating in a society’s political institutions. Thirdly, *Citizenship* is a distinct source of identity. The three dimensions are strictly interconnected in a mutual influence defining a marked civic, social and political identity of citizens. There are several theories about *Citizenship* that tend to focus more on one of the three dimensions. For example, the two dominant models are the republican one and the liberal one. They differ for the understanding of democracy: the first one conceives it in terms of civic self-government, more focusing on the political dimension of *Citizenship*; whereas, the second one, conceives it in terms of ability to exercise control over government, more focusing on the legal dimension of *Citizenship*. But finally, the two opposing models are de facto complementary. Each dimension cannot subsist without the others. Thus, *Citizenship* provides at the same time a set of civil, political and social rights, defining the identity and the role of the members of the polity.

The debate is still ongoing on how to fairly trace the borders of the polity. Indeed, each State can determine who is accepted as a member of its polity, granting him or her the citizenship: it is a State’ sovereign and territorial issue, respecting the right to self-determination and freedom of association, as next chapter will analyse in detail. However, this premise is being increasingly contested, highlighting how much *Citizenship* is meaningful also beyond the boundaries of the nation-state. Indeed, in the current globalized interconnected world and the increasing human migration flows, the issue of conceding *Citizenship* cannot belong only to State’s discretionary power, determining the destiny of people and constraining their freedoms. De facto, *Citizenship* plays an essential role in the perpetration of global inequality and poverty as the next paragraph will demonstrate by explaining the Birthright Lottery.

1.3.2 Birthright lottery

Citizenship can be considered as a limited and rare resource because it is allocated under the exclusive control of States. It is a high valuable resource: it grants the membership to a political community, giving

⁵⁸ Leydet, Dominique (2017), *Citizenship*, *The Stanford Encyclopedia of Philosophy*, Fall Edition, Edward N. Zalta (ed.) available at: <https://plato.stanford.edu/archives/fall2017/entries/citizenship/>

⁵⁹ Ibidem

access to resources and status. In fact, being member of a polity entails an equal share of entitlements, rights, privileges among the insiders, different from the outsiders. This conception is at the basis of the core democratic right of equal participation in the collective decision-making process.

However, the amount of wealth, privileges, rights and freedom having access to depends on the prosperity of that specific State conferring citizenship, enhancing the differences among countries. Moreover, the concession of citizenship is an unfair archaic mechanism almost exclusively based on the accidents of birth: citizenship is conferred according to the *Ius Sanguinis* and *Ius Soli*, depending on the parents' nationality or the place of birth. Thus, it enforces the perpetration of inequality by keeping the unequal distribution of resources and prospects of life, through an inheritance system. Indeed, Shachar compares the citizenship status to a property regime, analysing their several similarities. They are both regulated by estate-transmission rules, entailing rules governing the access to and control of scarce resources. They both result in an inherited intergenerational transfer of assets and privileges. In fact, the inheritance of citizenship means the intergenerational transfer of wealth and power, security and rights, freedom and opportunity only by virtue of birthright. This analogy demonstrates the moral arbitrariness of the allocation of resources and life opportunities given by the Birthright Lottery. Citizenship allows the casual unequal distribution of advantages and disadvantages between insiders and outsiders, defining and legitimizing legal and material inequalities at the international level.

Thus, Citizenship results in “*an exclusive status tied to accidents of birth and historical circumstances*”⁶⁰ laying the foundations for enduring privileges, unequal allocation of resources and divergent prospects of life for people in the global scenario.

De facto, Shachar seems to question the traditional conception of citizenship as cultural identity, political affiliation and symbolic national belonging, by mainly focusing on its economic issue: citizenship as a means to preserve a restricted access to the community's accumulated wealth and power. She defines its Gatekeeping and Opportunity-enhancing functions, based on two specular rights: the right to exclude and the right not to be excluded. Indeed, each State exercises its right to exclude by limiting the access to its citizenship, granting the automatic entitlements only to a restricted group of beneficiaries according to pre-determined principles of *Ius Soli* and *Ius Sanguinis*. Each State regulates the possible admission of outsiders, under specific conditions and always preserving its accumulation of wealth and power (gate-keeping function). Once acquired membership, it is impossible to be excluded from the common equal share of opportunities and basic conditions of citizens (opportunity-enhancing function).

The States' right to exclude, that it will be better explained in the next chapter, has recently evolved into the phenomenon of marketization of citizenship, that will be further analysed in the third chapter. With

⁶⁰ Bosniak, Linda (2011), *Citizenship in an Unequal world*, in *A discussion of the Birthright Lottery: Citizenship and Global Inequality*, Review symposium, Vol.9 no.3, pp.621-624

this definition, Shachar wants to draw the attention on the different levels of accessibility to citizenship for different people. De facto, she marks “*the re-conception of citizenship from ‘sacred’ bond to marketable ‘commodity’*”⁶¹, from identity-belonging to a purchasable commodity: “*the size of one’s wallet or bank account as a basis for swift admission, settlement and naturalization*”⁶². This new development undermines the equality principle, eroding the relational and political realm of membership definition. Indeed, turning capital investment into the core criterion for admission, settlement and naturalization causes the raising questions of fairness, justice and democratic accountability.

However, in order to mitigate the unequal distribution of resources and opportunities given by the Birthright Lottery, the solution is not erasing neither citizenship nor the national process of concession. Shachar suggests two main complementary paths, entering in the debate Open and Closed Borders perspectives that it will be progressively outlined in the next two chapters.

The first one concerns the reallocation of membership titles through more open admission policies. Supporting the free-marketers and moral egalitarians’ ideas, she advocates that free movement is more efficient than closed borders, making possible a higher competition and specialization. Moreover, she remarks that freedom of mobility is a human right, defending the principles of egalitarianism, universalism, impartiality. Thus, she stands for the Open Border perspective. The second one requires the redistribution of resources. Through migration flows, there is a direct redistribution of opportunities, by admitting poorer people to richer countries, and an indirect redistribution of resources thanks to remittances, through migrant workers who send money to home countries. This reasoning is in line with this thesis’ view and it will be further investigated in the third chapter.

But, Shachar envisages also a direct method: she hypothesizes the birthright privilege levy. That is to say, she theorizes a legal obligation for wealthier countries to redistribute the opportunities at the global level, towards low-income countries. The idea is “*taxing the more fungible aspects of recipient’ inherited membership titles without intruding into the more identity laden dimensions of bounded membership*”⁶³. Indeed, starting from the assumptions that the birthright inherited transfer violates the ‘equal starting point of opportunities’, resulting in an inefficient allocation of resources, the presented solution is progressively taxing the heirs of citizenship. She agrees with the Bentham, Mill and Smith’s ideas on the fairness of taxing the hereditary, making heirs morally and legally responsible to the betterment of people excluded for birth from the inheritance’s privileges and advantages. This mechanism “*seeks to mitigate the external distributive*

⁶¹ Sachar, Ayelet (2017), *Citizenship for sale?*, in “*The Oxford Handbook of Citizenship*”, Oxford University Press, Chapter 35, pp. 789-816

⁶² Ibidem

⁶³ Sachar, Ayelet (2009), *The Birthright Lottery: Citizenship and Global Inequality*, Harvard University Press

implications of birthright's gate-keeping operation"⁶⁴. De facto, the levy offers a continuing source of funding for improving the life prospects of those adversely affected by the Birthright Lottery.

So, she highlights the moral imperative to face inequality as "*the unequal distribution of voice and opportunity on a global scale*"⁶⁵. She suggests a realistic way to redress unbalances: the birthright privilege levy entails a transnational transfer system of knowledge, resources, services and infrastructures, as transborder contributions from wealthier to poorer countries. It consists in a global redistributive obligation to ameliorate the wellbeing of people who remain outside the community.

Finally, she admits the essentiality of the preservation of a community to make possible the governability of a country. But still, she stands for permeable borders, with more open admission rules, because she is aware of this unjust unequal world. She strives for the mitigation of the effects of the Birthright Lottery. Given that the possibility to migrate is different according to gender, social class, resources, information asymmetries and so forth; and the international community is not coordinated to face the phenomenon of migration – in terms of free movement and integration of migrants - the birthright privilege levy could be an effective direct solution.

However, some scholars don't agree with Shachar. For example, Sarah Song criticizes Sachar's remedy of not being direct but attenuated. Instead of re-organizing the global distribution of wealth and opportunity, she proposes a second-order tax system, only to preserve the citizenship as a fundamental institution. Song accuses Shachar of supporting a utopian and accommodationist pragmatic vision. She does not question at all the rules of immigration and the restrictions on movement. Song's central provocative questions are "*how far the government's immigration power can determine what rights and benefits aliens are entitled to*" and "*how far immigration law proper should be permitted to shape the rights of aliens*"⁶⁶. Moreover, moral cosmopolitans attack the Shachar's primary defense of citizenship: the priority should be the equal treatment and opportunities of life for all human beings, regardless citizenship. Finally, her solution seems to be an egoistic compromise: States help in the redistribution only in returns of indirect benefits. Indeed, they can profit, at the international level, from the reputation benefits for contributing and cooperating, and at the national one, from the increasing expenditure program thanks to the creation of a steady revenue source that is the levy.

However, she responds to the critics explaining that she can be considered as a moral cosmopolitan using a separation approach for insiders and outsiders. Indeed, her thought is in line with the Michal Walzer's

⁶⁴ Sachar, Ayelet (2009), *The Birthright Lottery: Citizenship and Global Inequality*, Harvard University Press

⁶⁵ Ibidem

⁶⁶ Song, Sarah (2011), *Rethinking Citizenship through Alienage and Birthright Privilege: Bosniak and Shachar's Critiques of Liberal Citizenship*, Article no.6 in AAVV (2011), Review Symposium, *Denaturalizing citizenship: A symposium on Linda Bosniak's The citizen and the Alien and Ayelet Shachar's The Birthright Lottery*, Issues in Legal Scholarship, Vol.9: Issue 1

‘strategy of separation’: the idea of distribution of different social goods according to multiple distributive principles - the ‘theory of complex equality’. Thus, she envisages the ‘jus nexi principle’ in favour of the insiders and the ‘birthright privilege levy’ in favour of the outsiders. That is to say, on one side, she strongly affirms the importance of the institution of citizenship, reflecting a cohesive political community; on the other side, she does not deny the global inequality but instead of justifying migration, undermining citizenship, she determines as solution a legal obligation of redistribution of resources.

Hence, the role played by citizenship is undeniable: the “*birthright access to citizenship as distributor or denier of security and opportunity*”⁶⁷ creating international inequality as well as its role of guarantor of national equality at the basis of the well-working of democracy. Citizenship cannot be cancelled. However, in the current unequal world, ‘how to morally justify a legal system of exclusion based only on natural arbitrary event of birth?’ In front of the global disparities of wealth; the unequal access to clean air and water; the different guarantees of peace, rights and freedom; the highly differentiated life prospects and human survival possibilities, ‘which are the best solutions to reduce global inequality and to establish global justice?’ ‘If duty of assistance is not enough, is redistribution of resources sufficient?’

This thesis aims to highlight the essentiality of a shared, coordinated, international action concerning not only a just redistribution of resources but also a fair management of human migration flows, as next chapters will further investigate. It is not only a matter of allocation of resources, looking at the outcomes of the global distribution, but also a matter of unequal starting points of opportunities and of allocation of responsibilities in causing and redressing global injustice.

1.3.3 Allocating responsibilities

International community is increasingly interested in institutional reform proposals for addressing global injustices. Philosophers continue to give an important contribution to policy debates with their proposals for global justice: as Thomas Pogge’s ‘Health Impact Fund’ proposal or ‘Global Resources Dividend’(GRD), or Christian Barry and Sanjay Reddy’s ‘Just Linkage’ proposal to help improve working conditions and Allan Buchanan and Robert Keohane’s institutional innovations to secure accountability in the use of military force⁶⁸. These proposals of solution will be resumed in the third chapter. The needs of reform and improvement are reflected in the new priorities of the international community, listed in the Millennium Development Goals, as already mentioned, including *Equality* and *No poverty*.

⁶⁷ Sachar, Ayelet (2009), *The Birthright Lottery: Citizenship and Global Inequality*, Harvard University Press

⁶⁸ Brock, Gillian (2017), *Global Justice*, *The Stanford Encyclopedia of Philosophy*, Spring Edition, Edward N. Zalta (ed.), available at: <https://plato.stanford.edu/archives/spr2017/entries/justice-global/>

However, even if finding a feasible and effective solution is a real challenge, that will be discussed in the next chapters, it is only the primary step. Then, it is fundamental to allocate responsibilities for the action and implementation of solutions. Indeed, claiming a redistribution of resources is useless without an allocation of responsibilities, sharing costs and possible benefits. Addressing global injustice is as a positive duty that requires both obligations to fulfil and responsibilities to share.

Indeed, Global Justice problems require remedial responsibilities from many different agents, groups, organizations and institutions, who must play a role. As Young explains, if agents participate in global actions and structures producing injustice, they have particular responsibilities to address it. The remedial responsibilities can be conceived as collective or individual, questioning how to distribute them among collective and individual agents. De facto, everyone shares the responsibility for remedying injustice but with different degrees and kinds of responsibility. Young outlines four parameters that agents can use to determine their effort, according to their limited resources and time: ‘Power’, the level of influence and powerful action; ‘Privilege’, the advantaged position; ‘Interest’ in changing oppressive structures; ‘Collective ability’, the power of groups, willing to act. Respecting these parameters, agents can determine their effort, establishing the nature of their individual contribution. The problem is that shared responsibilities require a relational action with a dual interdependence: on the one hand, the interdependence of conduct and, on the other, the interdependence of outcomes. Thus, the conduct of one State or international institution is conditional on and conducive to acts or omissions of other actors. Moreover, concerted action can achieve results that could not be realized by actors acting alone, demonstrating a moral obligation to work together. This is a basis for the international and global distribution of responsibility. However, the diffusion of responsibility “*may result in costs, in terms of the accountability of the exercise of public authority, in terms of performance of international obligations, and especially in terms of protection of the rights of injured parties*”⁶⁹.

De facto, international community, by cooperating, should find a system to redistribute global resources toward a just allocation, decreasing inequality and erasing extreme poverty. Moreover, “*justice cannot be restricted to schemes of just distribution on a global scale, but must be incorporated in a vision of just membership*”⁷⁰. Indeed, as already explained, Citizenship still plays a fundamental role in preserving global inequality: “*membership to a particular State has a significant impact on our identity, security, well-being and on the range of opportunities realistically available to us*”⁷¹. In opposition to the Shachar’s solution, the solution advocated by Benhabib for Just membership is “*recognizing the moral claim of refugees and asylees to first admittance, a regime of porous borders for immigrants, the vindication of the right of every*

⁶⁹ Nollkaemper, Andre (2018) *The duality of shared responsibility*, Contemporary Politics, Vol. 24, No.5, pp.524-544

⁷⁰ Benhabib, Seyla (2004), *The Law of Peoples, Distributive Justice and Migration*, Fordham Law Review, Vol. 72, Issue 5, Article 19, pp.1761-1786

⁷¹ Sachar, Ayelet (2009), *The Birthright Lottery: Citizenship and Global Inequality*, Harvard University Press

human being to have rights, to be a legal person with inalienable rights, regardless of the status of their political membership”.

Indeed, Migration can play a fundamental role in the reform of global and international scenario. Migration can help the redistribution of resources and the re-allocation of opportunities and possibilities for better living conditions. Thus, the attention can be shifted from redistributive policies to policies of immigration. Indeed, Pogge, for example, strives for reforming the international system, urging for both greater international distributive justice and more open borders. *“The two prescriptions are by no means incompatible; insisting on the illegitimacy of restrictive immigration policies under current conditions may be a way to put rich countries on the spot and prod them to accept their moral responsibilities towards the world’s poor”*⁷². Thus, ‘do countries have dual moral obligation to erase global poverty and allow the entrance of more immigrants?’ ‘Should Western democracies keep open borders until they honour their duties of international justice?’

Next chapters will address these questions. Next one will question the morality and the legal basis of both Open or Closed Borders perspectives, illustrating the main freedoms and rights which they are inspired to. It will outline the ongoing stagnant debate between restrictive or more open admission policies of immigration, clarifying the entities of migrant, migration, identity and borders. Instead, the third one will reframe the debate in terms of global inequality and global injustice.

⁷² Goodin, Robert, E.(1992), *Green Political Theory*, Cambridge, UK: Polity Press, p. 8

Chapter II

The debate over Migration: Open versus Closed Borders perspectives

2.1 A general overview of Human Migration until today

Migration has consistently marked human history, since its beginning. The earliest tracks go back to the Neolithic era, and afterwards, every century up to the current one is signed by migration flows. *Migration* is a generic expression referring to the movement of people from one place to another, but, reflecting several phenomena. According to its causes, means and aims, it can occur internally, within a single country, or internationally, among countries and continents; it can be temporary or permanent; forced or voluntary. The last distinction is particularly relevant to define the status of the migrant and for the purposes of this thesis.

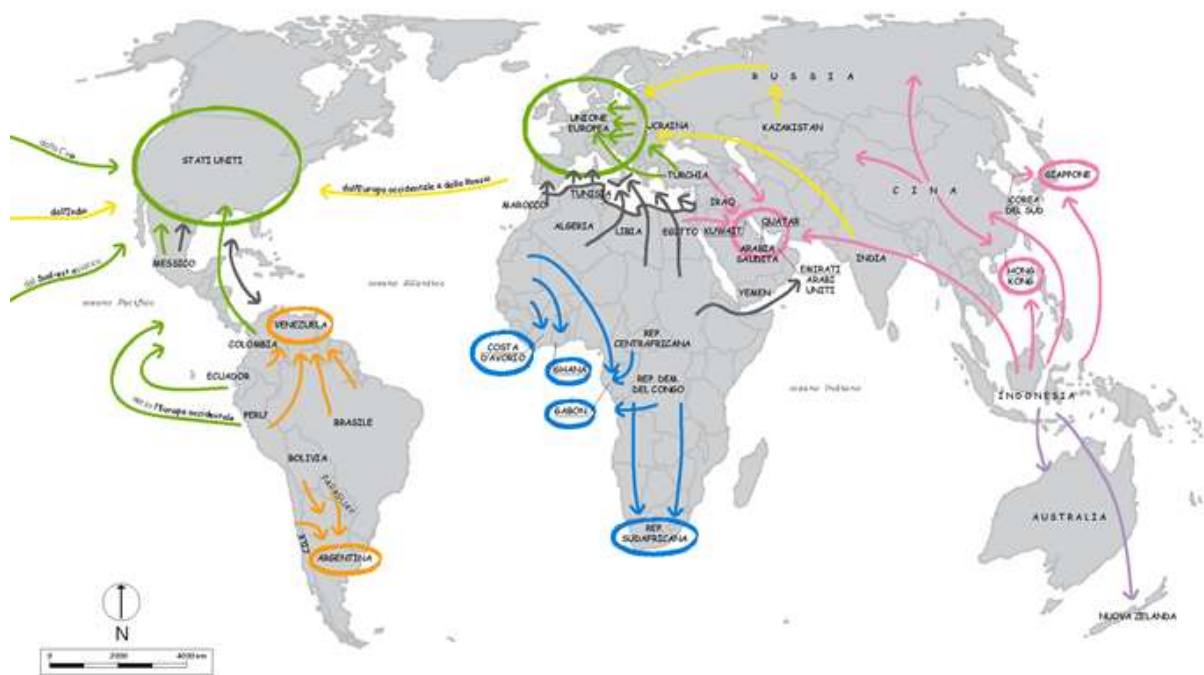
On one hand, *forced migration* is generally engendered by watershed events as wars, natural disasters and famine, when people are forced to leave their homes in need of a new safe refuge. The biggest forced migration flows are related to Colonialism, Decolonization and the two World Wars as well as the contemporary ones. Colonialism resulted in slave migrations, counting about 20 million African slaves traded by Europeans to Americans between the XVI and XIX centuries. During the Second World War, the Nazi Germany deported about 7–8 million people and the Soviet Union expelled about 9–10 million people. In the late 1940s, the division of the British India into India and Pakistan caused the flow of 14 million people moving to one or to the other part. In 1980s, 3–4 million people fled Afghanistan because of the war. The current Syrian war is causing more than 5 million refugees. It is a never-ending list. Besides wars and expansionary ambitions, migration can be engendered by non-anthropogenic causes. Natural disasters have always severely impacted on population displacement with an increasing recent trend due to the effects of the climate change. The 2010 is an emblematic year when the large-scale natural events occurred, as the earthquakes in Chile and Haiti or the significant floods in China, Columbia, Mexico, and Brazil, are responsible for the 62% of the world population displacement of that year⁷³.

On the other hand, *voluntary migration* occurs when people ‘freely’ choose to leave their living area in search for better economic and social conditions for them and their families. The earliest economic migration flows started with industrialization and urbanization, pushing people not only from the countryside to the cities, but also from one continent to another. Between 1820 and 1980, the Great Atlantic Migration involved more than 37 million Europeans who moved from Europe to North America.

⁷³ Linguère Mously Mbaye (2017), *Climate change, natural disasters, and migration. The relationship between migration and natural events is not straightforward and presents many complexities*, African Development Bank Group, Côte d’Ivoire, and IZA, Germany

Broadly speaking, *forced migration* concerns *refugees* and *internally displaced people*, while *voluntary migration*, the so-called *economic migrants*.

Human migration, *voluntary* or *forced*, has maintained a positive trend over the past decades. In 1900, 153 million individuals lived in countries other than their own as migrants, in 2000, 175 million people, in 2015, 244 million people, until today with over 258 million people around the world living outside their country of birth. These numbers consider *refugees*, *displaced people* and *migrants*: people escaping political persecution, natural disasters as well as people pursuing economic opportunities or re-joining relatives. The distribution of migrants seems to be more concentrated in Europe, Asia, North America, Africa, Latin America and Oceania. However, comparing the number of migrants with the size of the local population in each region, the shares of international migrants are higher in Oceania, North America and Europe. The principal countries of destination are the United States of America, Germany, the Russian Federation, Saudi Arabia, France, Italy; while the principal countries of departure are India, Mexico, Russian Federation, China and Bangladesh⁷⁴. The current migration flows are illustrated by the map below⁷⁵, showing the trajectories of emigrants and immigrants.



All these data demonstrate how much migration is an imperative phenomenon challenging the international scenario. Indeed, in the current globalized and interconnected world, the cross-country migration is a reality for every country. Thanks to modern transportation and technologies, migration has become easier, cheaper and faster: people move in search of jobs, education and quality of life. However, the international community is not ready to face this increasing phenomenon. The core point of the problem is the lack of a unique definition of the migrant.

⁷⁴ International Organization for Migration, *Migration Data Portal*, url: <https://migrationdataportal.org/themes>

⁷⁵ Umberto, Melotti (2016), *Flussi migratori e rotte internazionali*, Dialoghi Mediterranei, online Platform

2.2 The conceptualization of Migration and Migrants

It appears clear that human migration is a very complex and multi-faceted issue. As a consequence, the definition of *migrant* is not univocal. De facto, there is not a universal agreed definition but only several widely accepted ones. UN DESA⁷⁶ defines the migrant as “any person who has changed his or her country of usual residence, distinguishing between short-term migrants (...) and long-term migrants (...)”. However, each country specifies its own criteria to determine who is the *migrant*. This is the reason why the current debate over migration is so lively and fierce. The only certainty is the distinct status of the *refugee* that the international law defines as person having “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”⁷⁷. Thus, the *refugee* is in need of international protection against a serious threat to his life, physical integrity or freedom in his country of origin as a result of armed conflict, persecution, violence or serious public disorder.

The lack of a unique definition is reflected on the absence of a common international view on treatment and protection of migrants. Every single State can decide autonomously its own migration policy, migrant’s definition and destiny. This normative gap at the global level results in an international discontinuity in provisions and action, blocking a common and feasible solution, sharing responsibilities, costs and benefits of the international migration.

In this respect, the United Nations, has recently started pressing on countries to move toward an internationally endorsed solution. On 19 September 2016, the General Assembly adopted the “*New York Declaration for Refugees and Migrants*”, restating the Member States’ commitment to protect the human rights of all migrants, regardless of their status of *refugee*, or *displaced people* or *economic migrants*⁷⁸. The Declaration is the prelude of the two 2018 Global Compacts: a refugee Compact and a migration Compact. Indeed, in 2018, 193 UN Member States adopted the “*Global Compact for Safe, Orderly and Regular Migration*” (GCM) raising, for the first time, the discussion over migrants, not only refugees, at the global level. Indeed, it is the first inter-governmental negotiated agreement covering all dimensions of international migration in a holistic manner. The United Nations has recognized the need for a comprehensive approach to human mobility and cooperation to face the urgent global challenge: the governance of the international migration. Indeed, countries engage in “*improving cooperation on international migration*” being aware that “*Migration has been part of the human experience throughout history, and we recognize that it is a source of*

⁷⁶ UN DESA (1998), *Recommendations on Statistics of International Migration*, Economics and Social Affairs, Series M, No. 58, Rev. I, UN New York

⁷⁷ UNGA, Res 429, 28 July 1951, *Convention and protocol relating to the status of refugees*, Chap. 1, Art. 1189 UNTS 137

⁷⁸ UNGA, 19 September 2016, *New York Declaration for Refugees and Migrants*, Introduction, pt.5 “*We reaffirm and will fully protect the human rights of all refugees and migrants, regardless of status; all are rights holders. Our response will demonstrate full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law*”.

*prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance*⁷⁹”. More specifically, firstly, countries “*commit to facilitate and ensure safe, orderly and regular migration for the benefit of all (...) We commit to cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, standardized collection and exchange of relevant information, assuming collective responsibility to preserve the lives of all migrants, in accordance with international law*⁸⁰”. Secondly, they “*also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance against migrants and their families (...) We must empower migrants to become full members of our societies, highlight their positive contributions, and promote inclusion and social cohesion*”⁸¹. Indeed, the principal objectives are: to collect accurate data as basis for evidence-based policies; to minimize the obstacles preventing people to migrate, especially reducing migration vulnerabilities and enhancing flexible pathways for regular migrants; to eradicate human trafficking, managing borders in an integrated, secure manner; to ensure to immigrants full inclusion and social cohesion, decent work and integration, eliminating all forms of discrimination. The Global Compact marks a step forward by deeply stressing the necessity to strengthen the international cooperation in order to grant a safe, orderly and regular migration. It envisages a comprehensive and integrated approach, balancing two conflicting principles: on one side, the national State-sovereignty and on the other, the international responsibility-sharing. It is in line with the *2030 Agenda for Sustainable Development*, recognizing that international requires coherent and comprehensive responses “*facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*”⁸².

The only weak point is the implementation part: by providing only non-binding principles and voluntary guidelines on the treatment of migrants, decisions and actions remain in the hands of the States. The agreement requires a multi-stakeholders cooperation, but still under the guidance of States: “*We will implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross (...) recognizing the important role of State-led processes and platforms at global and regional levels in advancing the*

⁷⁹ UN, 11 July 2018, *Global Compact for Safe, Orderly and Regular Migration (GCM), OUR VISION AND GUIDING PRINCIPLES*, pt. 8

⁸⁰ UN, 11 July 2018, *Global Compact for Safe, Orderly and Regular Migration (GCM), OUR VISION AND GUIDING PRINCIPLES*, pts. 10, 24

⁸¹ UN, 11 July 2018, *Global Compact for Safe, Orderly and Regular Migration (GCM), OUR VISION AND GUIDING PRINCIPLES*, pts. 13, 15

⁸² UNGA, Res. 70/1, 25 September 2015, *Transforming our world: the 2030 Agenda for Sustainable Development*, SDG target 10.7

international dialogue on migration’⁸³. Leaving room for States’ discretionary power through State-led processes, the path for a real global common strategy is still far to be achieved.

Starting with the presumption of the international recognition and protection of the status of refugee, this thesis will not take into consideration any theory on *asylum seekers*, *refugees* and *internal displaced people*. Instead, it will focus only on the *voluntary migration*. Based on the premises of complexity, fluidity and mutability of the status of the *voluntary migrant*, this thesis aims to give light to its blurred shape. By having highlighted the current impossibility to internationally define his status and to grant an equal treatment due to the specific legal-political provisions of each country, this chapter tries to portrait the debate on migration in an ethical-moral framework. Hence, it will outline the two antithetic positions on Migration: Open or Closed Borders perspectives.

2.3 Open Borders perspective

Originally, all the nations stood in a community of land and progressively each State has vindicated its portion of territory and population, establishing its own existence and identity. Even if Earth is a common property of all human beings because “*God has given the Earth to Humankind as a common inheritance*”⁸⁴, it is divided among States, in several pieces. Thus, the common possession of the Earth does not mean *res nullius*, as stated by natural law theorists, but a common ownership, both globally shared and nationally fragmented. In this scenario, freedom of movement is hard to place: at the polar opposites the two perspectives of Closed and Open Borders.

Before exploring the normative theories and the relative arguments in favour of an Open Borders immigration perspective, it is necessary to shed light on two core points: Cosmopolitanism, only mentioned in the previous chapter, and the freedom of movement.

2.3.1 Cosmopolitanism

Throughout centuries, several versions of Cosmopolitanism followed one another with different meanings and features. They share the basic idea that all human beings are members of a single global community. Indeed, the term *Cosmopolitanism* derives from the Greek term *kosmopolitēs* that means “citizen of the world”. It was coined by Diogenes of Sinope⁸⁵, two and a half thousand years ago, in the ancient Greece,

⁸³ UNGA, Res. 73/195, 19 December 2018, *Global Compact for Safe, Orderly and Regular Migration GCM, IMPLEMENTATION*, pt. 47

⁸⁴ Grotius, Hugo (1625), *The Rights of war and peace*, Ebook edition, 2005 ed, Chap, 2

⁸⁵ “*When asked where he came from, instead of answering that he was from Sinope or Athens, the ancient Cynic is reported to have answered: I am osmopolitēs [a citizen of the world]*” Etinson, Adam D. (2010), *Cosmopolitanism: Cultural, Moral, and Political*, De Gruyter, Sovereign Justice, pp.25-46, url: <https://www.researchgate.net/publication/>

and it was adopted by Romans within their empire. Centuries later, in the Enlightenment period, it was re-evaluated by the natural law theorists as John Locke to describe human beings in the state of nature. They recognize the presence of a shared human bond since the beginning of human society, when people lived in harmony, in unity, guided by the self-preservation and the fellow-feeling values.

Broadly speaking, *Cosmopolitan perspectives* can be grouped under three wider doctrines: the moral, the political or legal, and the cultural one. From the common basic idea of a universal membership, they focus on different subjects: morality, political institutions, and cultural identity.

As regards, *Moral Cosmopolitanism*, Seneca and Stoic thinkers proposed for the first time the idea that “each of us belongs to at least two commonwealths: the local country of our birth and the universal commonwealth of reason, which includes all human beings regardless of their origin, class, or culture”⁸⁶. Indeed, as everybody possesses the divine capacity of reasoning, all the peoples belong to a unique human community as moral equals. It entails the equal moral status of all individuals, regardless of race, creed, ethnicity, origin, or geographic location. Hence, all human beings are owed equal moral consideration in lawmaking and policymaking processes, affecting anyone’s fundamental interests. Buchanan argues that the ‘Moral Equality Principle’ is at the basis of the respect of human rights⁸⁷.

Instead, as regards the *Institutional Cosmopolitanism*, Pogge delineates the social-justice cosmopolitanism. It is based on the prescription and respect of norms of social and economic justice, preserving human interests. The norms aim to protect human rights for all persons regardless of nationality⁸⁸. This perspective is intertwined with theories of global distributive justice, questioning how to fairly distribute liberties and goods among all members of the world community, as already analyzed in the first chapter.

Whereas the *Political Cosmopolitanism* strives for the creation of a world government: a supreme authority governing all citizens of the world. Anarcharsis Cloots advocates the abolition of all existing Nation-States for the construction of a single world State: all human beings as members of the same sovereign democratic body.

Finally, *Cultural Cosmopolitanism* is based on the human capacity of cultural fluidity and connection thanks to the thought, language and communication. Indeed, people can meet, converse and influence one another. It defends the pastiche of cultural identities of the world: instead of conceiving culture as a fixed scheme, rigidly determined and preserved as unchanging, it considers culture as a continuous transaction. Culture is fluid: it can be exchanged, altered or combined in idiosyncratic configurations as result of meeting of different people and experiences. “It envisions human beings not as rigidly determined products of culture, but as agents free to roam the earth and assemble (or reassemble) for themselves a unique cultural concoction

⁸⁶ Etinson, Adam D. (2010), *Cosmopolitanism: Cultural, Moral, and Political*, De Gruyter, Sovereign Justice, pp.25-46, url: <https://www.researchgate.net/publication/>

⁸⁷ Buchanan, Allen (2003), *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*, Oxford, Oxford University press, pp.80-135

⁸⁸ Thomas W.Pogge (2008), *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity press

by choice or by chance”⁸⁹. Considering the continuous cultural interchange among individuals and the indefiniteness of cultural boundaries, *Cultural Cosmopolitanism* is unavoidable in the present times. The last paragraph of this chapter will further investigate the argument.

2.3.2 Freedom of movement

The concept of *freedom of movement* goes back to the Greek society. It was considered as a personal liberty: a restricted group of people, adult and male, could go wherever they wanted. Indeed, this concept has roots in the ancient philosophy and natural law, considered as a natural right. However, only last century, it was internationally translated into a positive system of law. Indeed, it was included in the Universal Declaration of Human Rights in 1948:

Article 13: Right to freedom of movement

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country

and in the International Covenant on Civil and Political Rights in 1966:

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

From this first formal recognition, all following international charters restate its protection, finding an ever-greater response in the international scenario. Especially as regards refugees, the Geneva Convention of 1951 relating to the Status of refugees takes one step forward: besides the freedom of movement, it states the principle of non-refoulement.

Article 26. Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances

Article 33. Prohibition of expulsion or return (refoulement)

1. No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country

Instead, as regards economic migrants, only 40 years later, an ad-hoc convention was adopted: the International Convention on the Protection of the Rights of all Migrant Workers and Members of their families.

⁸⁹ Etinson, Adam D. (2010), *Cosmopolitanism: Cultural, Moral, and Political*, De Gruyter, Sovereign Justice, pp.25-46, url: <https://www.researchgate.net/publication/>

Article 8

1. Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present part of the Convention.

2. Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

Article 39

1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.

2. The rights mentioned in paragraph 1 of the present article shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

By analysing all these articles, even if they are conceived in different years and contexts, they all decline the right to freedom of movement in three manifestations. The first one is the right to freely move within a country. The second one is the right to leave any country, including one's own. The third one is the right to return to one's own country. The missing link appears obvious. International law recognizes the right to leave **any** country, but it does not recognize the specular right to enter **any** country. The complete appreciation of the freedom of movement at the international level is strictly linked to the Nation-State system and its restrictions. Hence, the freedom of movement is effectively recognized only within the national borders but not beyond them. The only exception is for *refugees* "Everyone has the right to seek and to enjoy in **other** countries asylum from persecution"⁹⁰. Indeed, refugees are subjected to a special international protection and they benefit from a symmetrical right to leave **any** country and enter **other** countries than their own. This symmetry raises from the status of refugee and it is strictly intertwined with the right of non-refoulement. States must avoid that people might return to countries where they are persecuted or subjected to serious human rights violations, and therefore, they must protect them and facilitate their entrance. Instead, for the other migrants, the right to freedom of movement is "an incomplete right, since it is not matched by a state duty of admission"⁹¹. Thus, while emigration is a fundamental element of individual liberty, immigration remains in the hands of the State's sovereignty. International law recognizes a right to exit a country, to *emigrate*, but not a right to enter, to *immigrate*.

2.3.3 The right to immigrate

Open Borders thinkers believe in a *right to immigrate* to other States: "a right people have to enter and reside in foreign States for as long as they like"⁹², concerning both temporary and permanent visits. However, they do not conceive it as an absolute right. Like the other human freedom rights, the *human right to immigrate*

⁹⁰ UNGA, Res. 219077A, 10 December 1948, *Universal declaration of Human rights* (UDHR), art. 14

⁹¹ Mcadam, Jane (2011), *An Intellectual History Of Freedom Of Movement In International Law: The Right To Leave As A Personal Liberty*, Melbourne Journal of International Law, Vol. 12

⁹² Oberman, Kieran (2016), *Immigration as a Human Right* in Fine, Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press, pag.34

can be restricted in certain extreme circumstances: if it causes severe social costs. Indeed, limiting cosmopolitan ideals within boundaries require a legitimate reason: inclusion or exclusion must be subjected to a moral justification. Hence, essentially, States cannot deny the access to foreigners, preventing them from enjoying land and resources within their borders, without any legitimate justification. Indeed, it is not a matter of evading property rights, not recognizing national sovereignty: Kant asserts the respect of property as well as of existing communities. But, even if States can revendicate their own territory and resources, the a priori and unjustified denial of access to foreigners is morally unjust. If foreigners enter peacefully without threatening other people's life, without disrespecting or destructing communities' order and security, 'how can States legitimately deny the access?'

Kant justifies State's moral openness with the concept of *Universal Hospitality*⁹³. Hospitality is a right belonging to all human beings, asserting the right not to be treated as enemy entering the land of another country. This concept is one of the pillars of the Kant's perpetual Peace among States. Indeed, he is the first outlining a *Cosmopolitan Law*, ruling the relation between persons and foreign States "the Cosmopolitan right"- besides "the right of a State", ruling the relations between individuals and State and "the right of Nations", ruling relations among States -. Kant's right of Hospitality is nowadays incorporated within the right of non-refoulement and protection of refugees. However, it is not universal and generalized as conceived by Kant: it is conditional to the status of refugee. "*The universal right to hospitality which is due to every human person imposes upon us an imperfect moral duty to help and offer shelter to those whose life, limb and well-being are endangered*"⁹⁴. Thus, nowadays, States have not the legal obligation to accept the other migrants: people whose *life, limb and well-being* are not endangered. But, from the moral point of view, 'is there a *right to immigrate*?' 'Or rather, have States the moral right to prevent people from crossing their borders?'

By answering these questions, scholars take position toward Open or Closed Borders perspectives. Thinkers of Open Borders perspective have justified their response in defence of States' moral right to hospitality and of individuals' *right to immigrate* with many arguments.

Libertarians strive for the maximization of political freedom and autonomy, especially freedom of choice and individual judgement. They support that immigration controls are incoherent with liberal philosophy. Freedom of movement is both an essential liberty and a prerequisite for other freedoms. However, people are free to leave one country but not to enter another one. It is a constrained freedom. According to Cole "*immigration should be brought under the same international legal framework as emigration, creating a fundamental right to freedom of international movement*"⁹⁵.

⁹³ Kant, Immanuel (1797), *The Metaphysics of Morals*, Cambridge Texts in the History of Philosophy, Cambridge University Press, Ebook ed. 2013

⁹⁴ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.36

⁹⁵ Wellman Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, *Introduction*, p.7

Democrats strive for the commitment to democratic principles and the moral equality of humanity. They underline how the State's exclusive immigration control is doubly disrespectful of individual rights: vis-à-vis both insiders and outsiders. Indeed, they cannot justify the differentiation of treatment both between insiders and outsiders and between accepted and denied non-citizens. Abizadeh claims that democratic principles are incompatible with a State's right to unilaterally exclude outsiders. In fact, the procedure of control of immigration implies the use of coercive force to prevent unwelcome immigrants from entering States' territory that is morally illegitimate for two reasons. On one side, it is illegitimate because it is used against people that are not dangerous or enemies of the State. On the other side, coercion is legitimate only if approved by a democratic body, that should include in this case both insiders and outsiders: "*A State's regime of border control could only acquire legitimacy if there were cosmopolitan democratic institutions*"⁹⁶. Thus, Democrats do not recognize a State's moral right to exclusion or to migration controls, through the use of coercive force, because it disclaims democratic principles. Hence, they advocate for a *moral right to immigrate*.

Instead, Carens distinguishes "*the question of who ought to have the authority to determine a policy from the question of whether a given policy is morally acceptable*"⁹⁷. The first question is easily solved recognizing that State is entitled to the power to control immigration. However, he challenges the utility and the fairness of State's power to admit or exclude non-citizens. Indeed, on one side, he outlines the conditionality of freedoms and rights: "*a commitment to equal moral worth may not require us to treat people identically in every way, but it does require us to respect basic human freedoms. People should be free to pursue their own projects and to make their own choices about how they live their lives so long as this does not interfere with the legitimate claims of other individuals to do likewise*"⁹⁸. It means that there must be a balancing of people's rights and freedoms: "*sometimes, for the sake of competing moral values, a human right can justifiably be curtailed*"⁹⁹. On the other side, he firmly claims that conventional immigration controls *improperly limit the freedom of non-citizens* who are not jeopardizing the basic rights of *citizens*. It means that non-citizens' rights are unjustly limited, even if citizens' freedoms are not endangered. 'Are citizens' rights morally more relevant than non-citizens' ones?' Even if considering that there must always be a balancing of rights of different people, he finally questions "*would a right to freedom of movement limit collective self-determination more than other human freedoms?*"¹⁰⁰.

⁹⁶ Miller, David (2016), *Strangers in Our Midst: The Political Philosophy of Immigration*, Cambridge, Massachusetts: Harvard University Press, p. 72

⁹⁷ Carens, Joseph H. (2014), *An overview of the ethics of immigration*, *Critical Review of International Social and Political Philosophy*, Vol. 17, No.5, p.539

⁹⁸ Carens, Joseph H. (2014), *An overview of the ethics of immigration*, *Critical Review of International Social and Political Philosophy*, Vol. 17, No.5, p.557

⁹⁹ Straehle, Christine (2018), *Justice in migration*, *Canadian Journal of Philosophy*, Vol. 48, No.2, pp. 245-265, 2018

¹⁰⁰ Carens, Joseph H. (2016) *The ethics of immigration revisited: Response to Brock, Fabre, Risse and Song*, *Journal of Applied Philosophy*, Vol.33, No.4

Along the same line, Benhabib outlines the so-called ‘Paradox of democratic legitimacy’. A democratic State should bind its own will to the respect of human rights of all human beings. Moreover, the democratic rule conceives that all members are bearers of human rights that must be respected and preserved because they are citizens of the same community, constituting a democratic body. Thus, there is a dichotomy of human rights - citizens’ rights. De facto, despite democratic principles recognize the equal moral worth of human beings, States will place citizens’ rights above foreigners’ ones. Citizens are entitled to the *Right to have rights*. The paradox consists in the unbalanced treatment of insiders and outsiders, allowed by the excuse of State’s national sovereignty over its population, not toward everybody. The only solution could be the *demise of Westphalian model of State relations* as advocated by Hannah Arendt in favor of a world democratic entity governing the citizens of the world. De facto, ‘how to justify the Westphalian model in the era of Globalization?’ It is an anachronistic model considering the increasing internationalization of communication, information, technology, cultural networks, transnational actors: “*Territoriality as an anachronistic delimitation of material functions and cultural identities*”¹⁰¹. Moreover, State sovereignty is no longer the ultimate arbiter of the destiny of citizens: international norms overwhelm national decisions.

Egalitarians move the attention from the equal moral worth to the equal access of opportunities as resources, experiences and standards of living. Indeed, the country of birth can determine the one’s life prospects and Citizenship acts as a feudal privilege: an inherited status. Luck egalitarians believe in justice that requires to correct all inequalities due to luck or misfortune. But there are many ways to fulfil the duties of distributive justice. It will be deeply investigated in the following chapter.

De facto, it is possible to categorize all these theories in three main strategies claiming the *Right to immigrate*: Direct, Instrumental and Cantilever strategies. The direct strategy claims the *right to immigrate* as a proper right in itself. Therefore, it must be accorded the same weight of other basic freedoms and human rights. Thus, when States trade-off the *freedom to immigrate* against other values, deciding to restrict it in name of other interests, they must overcome it with another fundamental human right to be morally legitimate. The instrumental strategy recognizes the *right to immigrate* as necessary means to preserve other human rights. Consequently, it is instrumental to other basic liberties, as freedom of movement, association, expression, belief, work and so forth, to award them the same level of protection within national borders as well as across them. Indeed, Oberman recognizes the *right to immigrate* as a mean to make people to pursue the full range of existing life options and satisfy their essential interests, political and personal. Indeed, “*if people have essential interests in being able to access life options available in foreign states, then they have a right to immigrate to those states. One cannot access options available within a state if one is denied access to its territory*”¹⁰². The Cantilever strategy strives for the recognition of the *right to immigrate* as extension of the

¹⁰¹ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.5

¹⁰² Oberman, Kieran (2016), *Immigration as a Human Right* in Fine, Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press, pag.38

national *freedom of movement*. As Joseph Carens notes: “*Every reason why one might want to move within a State may also be a reason for moving between States*”¹⁰³. At the national level, people need freedom of movement to make personal decisions, engage in political and social life, as well as it should be at the international level. Otherwise, Closed Borders would constrain political activity, restricting the free exchange of ideas and movement of people.

Summing up all the presented theories, all Open Borders scholars converge on the Cosmopolitan ideals and on the recognition of a *right to immigrate*. However, each of them mitigates the absolutist nature in favour of a conditional one. Thus, the *right to immigrate* is a fundamental right but can be constrained for a moral ethical political justification. Dummett¹⁰⁴, for instance, acknowledges two legitimate justifications for limiting immigration: the population density and the cultural substitution. Lea Ypi, instead, defends the *general principle in migration*, which says that “*if restrictions on freedom of movement could ever be justified, such restrictions ought to take equal account of justice in immigration and justice in emigration*”¹⁰⁵. Hence, a legitimate reason for limiting immigration is a legitimate reason for limiting emigration. Moreover, in front of the obstacles of the reality, they mitigate their theories toward a weak version of Cosmopolitanism. They admit that it is impossible to eliminate partiality and to enforce an equal treatment without any preferences for both know and unknow people, citizens and foreigners. They believe that it is more feasible to stand for an equal consideration, instead of an equal treatment of human beings. It means considering that individual and collective actions have implications for everybody. Consequently, States must take into account that their policies have impact on both citizens and those outside their borders. The weak Cosmopolitanism encourages States to a global humanitarianism, taking care of the destiny of both citizens and foreigners solving the limits of national sovereignty. Hence, despite the unequal treatment between citizens and non-citizens, that is unavoidable, States have a legal obligation toward their citizens but also a moral obligation towards people beyond their borders. This moral responsibility can be translated into two different views.

On one hand, it can be considered as a shared responsibility. According to the division of moral labor, if everyone in the world has a special concern for closer people, treating differently the others, all over the world, everybody has a particular responsibility to look after. Every human being has an equal consideration and the equal treatment can be achieved distributing responsibilities, as briefly mentioned at the end of the previous chapter. However, this perspective has two limits. On one side, the way of understanding of responsibilities is subjective and people can act and react in different manners. On the other, the assumption that each person in the world has the same opportunity to be afforded special treatment by someone is improbable.

¹⁰³ Carens, Joseph (2013), *The Ethics of Immigration*, Oxford University press, p. 239

¹⁰⁴ Dummett, Michael (2001), *On Immigration and Refugees*, London and New York, Routledge

¹⁰⁵ Wellman, Christopher Heath (2016), *Freedom of Movement and the Rights to Enter and Exit* in Fine, Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press, pag.95

On the other hand, it can be considered as an associative obligation: a moral obligation that derives from the relations among people. However, human relationships are multidimensional, and it is difficult to distinguish which generates special obligations. Broadly speaking, there are three possible types of relation within a society: an inclusive scheme of economic cooperation; or a political-legal scheme or a cultural scheme. Thus, special obligations can derive from economic cooperation, association of equal citizens within a community and a strong cultural identity. Expanding the same discourse beyond national borders, States owe obligations toward all human beings, not toward other political communities' members, non-citizens people. The difference between the two, as already explained with the 'Democratic paradox', is the distinction between the proper human rights and the societal rights: the first concerns the respect of equal worth of all human beings, giving the opportunity to leave decent lives, meeting their basic needs; the second concerns the right of citizenship, to participate to a full social and political life. States must accomplish their moral obligation in the first conception, not in the second. They must ensure that all human beings have material means to live a decent life, but they can choose how and to who granting their citizenship. The open question is: 'which is the threshold to define a *decent life*?' 'Can the right to migrate be a requirement to live a decent life or rather, can it be a solution to guarantee a *decent life* to everybody?' These questions will be answered in the next chapter.

As a conclusion of this section, Open Borders perspective strives for a *freedom of movement* at the international level, raising immigration at the same level of emigration. It conceives exceptions and limits to the *right to immigrate* only if morally legitimate, framing the possibility of migration controls as last resort. Thus, it recognizes and condemns all the unjustified immigration restrictions as human rights violations. States must take care of all human beings, looking over national concepts of *Identity* and *Borders*.

2.4 The conceptualization of Identity and Borders

The issue of identity has its roots in the traditional philosophy and psychology, moving on two tracks: on one side, the Freud's studies about individual identity; on the other side, the Erikson's theories about social and collective identity. Indeed, *Identity* is how each human being conceives himself or herself as he or she exists and lives. In parallel, *Identity* is also with which context each human being identifies himself or herself, his or her sense of belonging to a group, community or society. Hence, *Identity* is the self-view of the person that derives from both the reflexive activity of self-categorization and from the identification within groups in terms of interpersonal interactions, membership and roles. The connection between the two tracks of identity is the *cultural identity*. In fact, it is the individual manifestation of the set of norms, values, traditions and customs of the collectivity. *Culture* is the evolutive heritage of both the individual and of the groups which he or she belongs to.

Thus, the concept of *Identity* is both an individual and collective issue defining the people within a group as a distinctive entity from the *others*. De facto, defining the *Identity* of a group is tracing the *Borders*

between insiders and outsiders in accordance with the *culture* they share. However, tracing borders is not an easy task: “*Boundaries define some as members, others as aliens*”¹⁰⁶. Thus, *Identity* triggers several questions: ‘who can be considered member of the community?’ ‘Which are the criteria defining borders between membership or exclusion?’ As already explained in the first chapter, membership is determined by citizenship, that triggers many problems of fairness, equality and morality.

Hence, the conceptualization of *Identity* triggers the establishment of *Borders* as a fence around the *members* of the community, leaving the *aliens* outside. The third chapter will mention all the fences of our current world. They are the visible proof of a policy of immigration inspired to the Closed Borders perspective.

2.5 Closed Borders perspective

Closed borders theorists defend the State’s right of self-preservation, maintaining the unity and integrity of its constituent elements: territory and population. In short, they recognize in the immigration flows a menace for the national identity, welfare and security. Indeed, even if it is clear the importance of *Freedom of movement* as human right, “*reconciling the individual right, as an expression of personal liberty, with the interests of States has been — and remains — the challenge*”¹⁰⁷. Indeed, they prefer to preserve *National Identity*, *Freedom of association* and *the right of self-determination* of the collectivity at the costs of the individual interests in the international migration.

2.5.1 Nation and Nationalism

Framing the concept of *Identity* within national borders, *National identity* comes up. It refers to “*the identity of the citizens of a country with their own country’s historical and cultural traditions, moral values, ideals, beliefs, national sovereignty, and so on*”¹⁰⁸. It is the manifestation of the sense of belonging to a specific political community - usually, a State - sharing a common identity, the *Nation*. Indeed, it is one of the double strands of the Nation-State system. The concept of *national identity* is the result of the development of modern *nationalism*.

Nationalism is an ideology that gave birth to a socio-political movement, struggling for the defence of the *Nation*. It was born in the XVIII century with the French Revolution and it has strengthened its meaning in all the following wars for independence and self-determination until today. In the past three centuries, there

¹⁰⁶ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.1

¹⁰⁷ Mcadam, Jane (2011), *An Intellectual History Of Freedom Of Movement In International Law: The Right To Leave As A Personal Liberty*, Melbourne Journal of International Law, Vol 12

¹⁰⁸ Turner, David & Liu, Qiang (2018), *Identity and national identity*, educational Philosophy and Theory Journal, Vol. 50, Issue 12

was an increasing national awakening that caused not only heroic deeds for the political independence but also cruel and violent ethnic cleansing, mass murder and expulsion of ethnic minorities. *Nationalism* is strictly intertwined with the territorial rights and national territory that should be defended from the outsiders. Indeed, “*national identity becomes meaningful only through the contrast with others*”¹⁰⁹: the outsiders can condition and transform the identity of the ingroup. Hence, the State, in order to preserve the *national identity*, must define the limits of ‘permissible diversity’. It must draw the boundaries of the community, dividing members from the *others*. Indeed, “*through membership, State controls the synchronic and diachronic identity of the Nation*”¹¹⁰. This means that State must decide how to deal with migration, raising the issue of admittance and integration or exclusion and expulsion of immigrants.

The core point is that State claims the power to control migration in the name of the protection of *National Identity*. It builds its prerogative on two pillars: the *freedom of association* and the *right to self-determination*, deriving a *right to exclude*.

2.5.2 Freedom of association and the right of self-determination

Freedom of association is one of the basic human rights: “*Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety*”¹¹¹. Rawls and Rawlsians highlight the necessity of this basic liberty in the political framework to make possible to develop and exercise the *two moral powers*: a sense of justice and a conception of the good. John Stuart Mill goes further defending the *freedom of association* as the core pillar of individual freedom. Indeed, human beings have the freedom to shape their own lives according to their tastes and aims in line with their interests, by engaging in different ‘experiments in living’ and by choosing the society most acceptable to them. Moreover, according to the Hohfeldian conceptual apparatus for rights and freedoms, *freedom of association* implies that: people have the moral or legal *permission* not the duty to associate or dissociate with other people; people have a moral or legal *claim-right* against others interfering with their sphere of action to associate or dissociate; people have the legal *power* to alter their associative status in relation to other people; people might have a moral or legal *immunity* against other people exercising their rights to association or dissociation in ways that would alter their associative status. This Hohfeldian apparatus, de facto, assesses three specific rights: the right to not associate or exit, the right to organizational autonomy and the right to

¹⁰⁹ Turner, David & Liu, Qiang (2018), *Identity and national identity*, educational Philosophy and Theory Journal, Vol. 50, Issue 12

¹¹⁰ Benhabib, Seyla (2011), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.18

¹¹¹ UNGA, Res. 2200A (XXI), 16 December 1966, *International Covenant on Civil and Political Rights* (ICCPR), art. 22 par.1-2

exclude. The latter is relevant for the debate about immigration. Indeed, the individuals' associative freedoms are the basis for the States' *right to exclude* outsiders from their national territory.

Linked to the *freedom of association*, the *right to self-determination* fills in the blanks. Indeed, besides the individual associative rights, people can freely determine their own destiny in two directions: on one side, by choosing freely their political status, pursuing their economic, social and cultural development; on the other side, by constituting themselves in a State or in other forms of association with an existing State. It is recognized in the international law, for example, the UN Charter mentions it in its purposes¹¹²:

Article 1

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”

And in its conditions for the international economic and social cooperation¹¹³:

Article 55

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;*
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and*
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”*

Thus, it is recognized as one of the requirements to maintain friendly relations among States and one of the conditions for the economic and social cooperation at the international level. As well as, it is embodied in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights:

Article 1

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Thus, it is recognized as a fundamental human right and it is an essential condition for the enjoyment of other human rights and freedoms: civil, political, economic, social or cultural ones. De facto, the *right of self-determination* is a “*right of process (not of outcome) belonging to peoples and not to states or governments*”¹¹⁴. This means that it is a process that can result in many different outcomes, depending on contexts, needs and interests of concerned parties.

De facto, both the *Freedom of association* and *right to self-determination* are the pillars supporting an exclusive discretionary power of States: the right to exclude.

¹¹² UN, 24 October 1945, *Charter of United Nations*, 1 UNTS XVI, Chap. I Art.1 par.2, available at : <https://legal.un.org/repertory/>

¹¹³ UN, 24 October 1945, *Charter of United Nations*, 1 UNTS XVI, Chap.IX, Art.55, available at: <https://legal.un.org/repertory/>

¹¹⁴ UNPO (2017), *Self-determination*, Online Article, 21 September 2017, url: <https://unpo.org/article/4957>

2.5.3 *The right to exclude*

Our world is ruled through the modern Nation-State system: “*dominant and unified political authority whose jurisdiction over a clearly marked piece of territory is supreme*”¹¹⁵. The Westphalian model is based on one side, on the national citizenship, regulating membership or exclusion, as already explained in the first chapter; on the other, on the national sovereignty. It implies a supreme power of the State over a territory and a population. Territory is geographically defined by physical or imaginary borders historically traced. Population is harder to define. It is the political-social community living within State’s borders. However, population is continuously modifying in its size and composition and migration flows are one of the agents of change. Thus, many questions have been already raised: ‘who can be considered as member of the community?’ ‘Who decides about membership or exclusion?’

The *right to exclude* is linked to the *freedom of association*: the members’ personal autonomy as well as the group’s autonomy to decide who can be member, who cannot. At the national level, State vindicates the power of conceding membership firstly by admitting foreigners, secondly by bestowing citizenship. It can freely design its own criteria of decision, provided that based on non-discriminatory practices, transparent and justiciable. It can also decide to sell its membership, as already explained with the phenomenon of marketization of citizenship, and it can select the newcomers, as next chapter will deeply analyse. De facto, State has the right to exclude foreigners from being part of its population. However, the open question is if State’s right to exclude is legitimate and morally acceptable.

Many scholars, as Wellman, defend the legitimate State’s right to exclude outsiders, claiming that States are “*morally entitled to unilaterally design and enforce their own immigration policies*”¹¹⁶. Wellman relies on three core premises “*legitimate states are entitled to political self-determination, freedom of association as an integral component of self-determination and freedom of association entitles one to not associate with others*”¹¹⁷. This means that State legitimately decides who is member of its community and who remains outside. Indeed, it would lose a crucial portion of its self-determination power without the possibility to refuse associating with individuals. The core point of Wellman’s analysis is that *individual freedom of association* is strictly intertwined with *collective political self-determination*. In fact, people as well as States can refuse relations with other people or with foreign countries, enjoying a sphere of self-determination. State’s autonomy in rejecting the association with foreigners is an extension of the individual associative autonomy. Both result in the possibility not to associate and to exclude. De facto, controlling

¹¹⁵ Benhabib, Seyla (2011), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.4

¹¹⁶ Wellman, Christopher Heath (2015), *In Defense of the Right to Exclude* in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, p.14

¹¹⁷ Wellman, Christopher Heath (2015), *In Defense of the Right to Exclude* in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, p.14

immigration is also leaving to the people the power to decide policies, controlling the membership to their political community.

Wellman recognizes the *right to exclude* as morally acceptable thanks to the ‘consequentialist concerns’: State can exclude foreigners for the preservation of the economic, political and cultural status quo. In line with this concept, the liberal nationalist approach claims that State is justified in controlling immigration because it is essential to preserve its distinctive cultural identity. Thus, Closed Borders thinkers judge the *right to exclude* as morally acceptable in light of the reasons why States need to control immigration flows. They believe that an uncontrolled entry would have significant costs. In brief, there are three main reasons why States and their citizens may have a legitimate interest in controlling immigration: population size, composition of the citizen body itself and cultural integrity. Firstly, an increasing number of people residing within State’s borders triggers increasing targets for employment, housebuilding, infrastructures and the supply of public services as health and education. Hence, immigration flows will press on the feasibility and efficiency of States’ policies for population in terms of order, security and welfare. Secondly, the composition of the citizen body changes depending on the migration flows, triggering greater or lesser political complexity and variety. This means an incremental challenge for democracies that must balance many rival ethnic and religious groups. Moreover, the possibility to determine who can be admitted in the citizen body, defining its future membership frame, can be considered an essential part of self-determining action. As Sarah Song claims: the “*democratic commitment to collective self-determination entails at least the right to control immigration*”¹¹⁸. Thirdly, immigration controls are necessary for social cohesion and cultural integrity. Indeed, migration flows triggers cultural shifts: they might marginalize the prevailing culture of the hosting country, radically transforming the culture of the majority into the one of the minorities. Moreover, social and cultural cohesion make liberal democracies work better. Indeed, people trust one another and in a mutual identification they are willing to sacrifice to sustain the equitable democratic welfare State. The multiethnicity and cultural division reduce inter-personal trust and in political institutions, endangering the provision of common goods.

Hence, sovereign States enjoy a moral dominion over their internal matters benefiting from a margin of discretion and autonomy to deal with them, including migration flows. State sovereignty is naturally enforced into State’s control of borders and territory. Indeed, State’s territorial jurisdiction is translated in right to control the movement of people and goods and the control and use of resources of the territory.

Closed Borders thinkers accept and sustain the ethical asymmetry between the *right to emigrate* and *immigrate*. Or rather they recognize the former and they deny the latter. Indeed, in defence of the *freedom of association* and of the *right of self-determination*, they claim the *right to exclude*: “*Freedom of association*

¹¹⁸ Song, Sarah (2016), *The Significance of Territorial Presence and the Rights of Immigrants* in Fine, Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press

requires a right of emigration and requires a right to exclude outsiders from immigration”¹¹⁹, not recognizing a right to immigrate. In fact, Miller demonstrates as the three strategies to defend the *right to immigrate* all fail. The direct strategy of considering the *right to immigrate* as a proper right in itself fails not finding an essential general interest to defend but only a particular individual one. Indeed, assuming that in every country there is a range of opportunities that is adequate to meet the generic human needs, only specific interests can push people to move to another country. However, as already demonstrated in the first chapter, this assumption is improbable because of the current conditions of global poverty and global inequality. In response to Oberman, once individuated a range of life options guaranteeing a decent life, the fulfilment of other life options is not enough to justify migration. The instrumental strategy does not demonstrate that this right is necessary to benefit from other human rights. On the contrary, other human rights can be endangered with an unrestricted right to migrate. Finally, the cantilever strategy, striving for the recognition of the same level of freedom of movement both nationally and internationally, fails in front of the several contexts and obstacles of the reality. Indeed, there are too many differences between domestic and international framework: for example, States have policy instruments that they use to control internal migration that they cannot use in the international case. De facto, according to Closed Borders defenders, none of the three strategies works, denying the recognition of a *right to immigrate*. As a consequence, States must have wide discretion to decide who admit, justifying the controls of migration as legitimate.

Moreover, Miller, in reply to the Abizadeh’s argument of coercion, claims that the use of coercive force must not be justified if it prevents extremely negative consequences. Furthermore, not all measures for controlling migration flows can be considered coercion: coercion and prevention must be distinguished. Indeed, Miller conceives the *right to exclude* as not a form of coercion, but prevention.

However, the *right to exclude* is not conceived as absolute. It is deontological fair: legitimate State may choose not to associate with foreigners as long as this refusal does not violate or disrespect the basic human rights of those foreigners. Hence, Miller firmly suggests “a number of procedural safeguards must be put in place to ensure that human rights are not violated, either directly by the receiving state, or indirectly by sending immigrants to places where their rights are forfeit”¹²⁰. Human rights must be considered in defining national criteria of selection of immigrants, defining *asylum seekers*, *refugees* or *economic migrants*. An immigration policy can be considered just and morally legitimate if it is human rights compliant not a free-for-all policy immigration.

All Closed Borders thinkers converge toward the recognition of the *right to exclude* to respect the fulfilment of both the *freedom of association* and *self-determination* of the people. At the international level, they converge toward the *Indirect Cosmopolitanism*. It means that on one side, State exercises the *right to*

¹¹⁹ Cole, Phillip (2015), *Wellman on Freedom of Association* in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, p.237

¹²⁰ Miller, David (2016), *Is There a Human Right to Immigrate?* In Fine Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press, pag.30

exclude, choosing who can enter and immigrate to its territory and on the other side it commits in building international institutions to improve standard of living of poorer countries. In this way, it can indirectly help people in need without the moral obligation to admit them within its borders. This perspective is in line with the ‘duty of assistance’, not requiring further engagement in redistribution of resources, opportunities and people. It will be further investigated in the next chapter. Moreover, “*States will be able and willing to undertake this task only if their domestic economies cultures and political environments are safe and secure*”¹²¹ thanks to the migration controls, avoiding unwanted immigration.

2.6 Open versus Closed Borders perspectives

The debate over Open and Closed perspectives is still ongoing and in search for a conclusion. The core point is the difficulty in balancing two rights: “*whether States have a unilateral right to control membership, and whether individuals enjoy a fundamental right to freedom of international movement*”¹²². The equilibrium between the *right to exclude* and the *right to immigrate* is still missing.

Many political philosophers have taken side with one or the other perspective preferring the States’ interests over individual freedoms of movement or vice versa. On one side, State’s sovereignty over territory and population legitimates the controls over borders and migration flows, to preserve its own interests and the citizens’ well-being. On the other side, the individual freedom of movement within and across borders preserves the individual prerogative to be free to exit or to enter any country, to emigrate and to immigrate. Respecting the freedom of association and the right to self-determination, States are not morally obligated to admit foreigners and concede membership. Considering the cosmopolitanism and the freedom of movement, people as moral equals must be free to pursue their interests in any country, meeting their life options. Both perspectives present strengths and deficiencies. Both of them if conceived in the absolute terms collide with the obstacles of the reality.

As already mentioned, Open Borders thinkers crash against the Westphalian Nation-State system, they accept the possibility of a constrained *right to immigrate* in extreme circumstances. As well as they admit the impossibility of erasing partiality in treatment of people, preferring the equal consideration principle to the equal treatment one. Thus, they converge toward a Weak Cosmopolitanism and conditional form of *the right to immigrate*.

¹²¹ Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online

¹²² Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, p.7

Closed Borders thinkers, instead, firmly defend the national sovereignty, preserving the fulfilment of the freedom of association and of self-determination, outlining a *right to exclude*. However, it is conditional to the compliance of human rights, defining the admittance of *refugees* and *asylum seekers* as an exception.

De facto, they balance the moral universalism with the ethical particularism, differentiating morality and legality, from morality and functionality. Indeed, they do not conclude with a ‘one takes all approach’: a just immigration policy should be developed according to the society’s exigences and goals. Thus, if a generalization is not possible: ‘is it wrong to talk about ethics of immigration?’

Broadly speaking immigration and membership, through citizenship, can be considered only as political issues not moral ones. The conclusion could be that it is only a question of respect of self-determination and national sovereignty, as supported by Closed Borders thinkers, leaving the margin of appreciation to States. However, Migration implies the ethics of movement and freedom of choice of the individual: the possibilities of human beings to move across the world and to decide to reside outside their native country. The issue calls into question the very legitimacy and morality of migration practices and policies controlling the movement of people, their choice to emigrate and to immigrate. As for the current international norms, only *refugees* are protected and favoured in their movement across borders. ‘What about the *economic migrants*?’ ‘Even if their lives are not endangered: is it fair that they cannot freely choice to improve their standards of living moving from one country to another?’

The only conclusion reached at the end of this chapter is that it is a matter of balancing rights: citizens’ ones and foreigners’ ones. ‘Is it morally legitimate that the rights and interests of insiders outweigh those of outsiders?’ States are legally entitled to treat their own citizens differently from foreigners to preserve their well-being. But they are also morally responsible for all human beings, for the respect of fundamental rights and the guarantee of a decent life. Thus, it appears all a matter of scale of priorities, inspired to Nationalism or Cosmopolitanism, preferring the right to exclude or the right to migrate.

However, the reality is more complex than the ideal positions and it needs solutions. Indeed, as deeply analysed by the first chapter, our world is unequal and unjust, characterized by high inequality, extreme poverty and increasing migration flows. Leaving countries to find their own ad-hoc solution is not tracing a moral fair and efficient response to the current global injustice. In fact, ‘Is the *right to exclude* a morally responsible answer to people in economic need, considering our unequal world?’

Thus, next chapter will re-interpret the debate of Open or Closed Borders perspectives, through the lenses of the distributive justice, demonstrating how migration can be an effective solution for current global inequality. Indeed, by underlining the costs and benefits triggered by immigration in hosting and sending countries, it will outline different strategies of redistribution and of migration management.

The last paragraph is devoted to a reasoning on cultural identity, trying to answer to a recurrent question of our current rich societies: ‘Is immigration likely to harm the existing members?’

2.6.1 Integration and Pluralism: Multiculturalism

As already mentioned, Culture is a shared set of values and beliefs that society should embody and pursue building up a strong national identity, linked to the history and traditions of the native-born citizens. Culture is the main source of identity of individuals who recognize themselves as members of the society. States try to defend and preserve cultural homogeneity and integrity of their population, to favour a strong social cohesion for the well-working of the society. However, Culture as well as national identity are not fixed but a cluster of tendencies and values, periodically redefined in the light of present needs and future aspirations: “*Cultures live and grow, change and sometimes wither away; they amalgamate with other cultures, or they adapt themselves to geographical or demographic necessity*”¹²³. Indeed, the current globalized world heavily impacts on national cultures, making them meet, mix and evolve. Our societies are becoming more and more multicultural.

Multiculturalism is the political ideal protecting the cultural pluralism within each society. But, it does not refer to a “melting pot” of different cultures that are gradually all assimilate to the dominant culture. It strives for the respect of minority groups’ cultures: they can maintain their distinctive collective identities and practices, their ‘group-differentiated rights’, as called by Will Kymlicka. Multiculturalism has been used for decades to describe the moral and political claims of marginalized groups: it is the ‘politics of difference’ and ‘the politics of recognition’ endeavouring to find a dialogue between the dominant and the marginalized cultures¹²⁴. Thus, Multiculturalism implies pluralism and cultural heterogeneity that constitute a real challenge for democratic societies. Indeed, they have to deal with rival religious or ethnic groups, generating periodic frictions with the dominant national culture. Assuming that preserving cultural integrity in our globalized world is nowadays impossible, ‘how to measure and to deal with the cultural heterogeneity?’

The degree of homogeneity of the public culture of the society depends on the degree of convergence of the individual private cultures. Indeed, every single citizen cultivates his or her own private culture. With immigration flows, the admittance of people with completely different identities and cultures causes an increasing cultural heterogeneity. Heterogeneity jeopardizes cultural integrity, essential for social cohesion and social trust, at the basis of the well-functioning of democratic societies. Moreover, the cultures of the newcomers are perceived as a menace for the culture of the majority. In fact, immigration flows trigger the

¹²³ Waldron, Jeremy (1992), *Superseding Historic Injustice*, Ethics, Vol. 103, No. 1, *JSTOR*, pp. 4–28

¹²⁴ Song, Sarah (2017), *Multiculturalism*, The Stanford Encyclopedia of Philosophy, Spring Edition, Edward N. Zalta, url: <https://plato.stanford.edu/archives/spr2017/multiculturalism>

fear of cultural shifts and sudden changes of the status quo of the society, potentially damaging native-born citizens. Dummett, for example, claims that all nations have the right not to be ‘submerged’ by invading cultures. Even if complete submergence and substitution are unlikely to occur, citizens may still have an interest in resisting to the cultural change. This is one of the reasons why the debate over immigration is so fierce in current societies and in the national political scenarios, where xenophobia is increasingly widespread.

However, the claim about the significance of culture is nowadays misunderstood. Complete cultural homogeneity is unachievable, even if believed as desirable. In our globalized world, the clash, mixing and fusion of different cultures are unavoidable. Thus, the only solution is deal with diversity, remembering that people belong to a unique identity: human beings among other human beings, as stated by Carens and by the Greek Cosmopolitanism. It is obvious that everyone has his or her own language, religious belief, values and traditions, defining his or her own identity. The solution is not eliminating differences but having another approach in front of them: *“to approach one’s cultural traditions not as brute and non-negotiable aspects of their identity – worth practicing simply because they are yours – but as norms and practices funded by an array of reasons that are open to interrogation”*¹²⁵. With a rational attitude towards the others’ cultural beliefs, norms and practices, it is possible to accept the modern conditions of an emerging global community.

Hence, the issue is currently framed in a wrong way: the problem is not the diversity of cultures but the process of integration of newcomers in the hosting society. Indeed, integration can help dealing with different cultures and identities creating a bridge between newcomers and native-born citizens.

Integration is hard to uniquely define because it can be described from different points of view: social, civic and cultural. The social integration consists in the interaction in social contexts of different people. For example, Anderson studied the segregation in the United States, underlying how the social integration between white and blacks was difficult because of the space differentiation in public buildings and services, creating two parallel societies. Instead, interaction and communication create awareness of the diversity, respect and acceptance of it and finally, friendly relations among different people. Whereas, the civic integration is the share of the set of norms and principles ruling political and social life. For example, liberal societies strive for making newcomers aware of liberal principles, especially if they come from authoritarian contexts. Finally, cultural integration is the share of a common culture.

Integration can happen in different ways. It can be imposed to people, limiting liberties, trying to erase their previous identity with the new one. Or rather, it can be progressively reached through State’s policies against discrimination and clustering, favouring for example a mixed urbanization. It is a gradual process, time and resources consuming, but it is essential. Indeed, integration is necessary to allow immigrants to identify with the society of the host country. Approaching to the national identity, creating a feeling of likeness and

¹²⁵ Waldron, Jeremy (1992), *Superseding Historic Injustice*, Ethics, Vol. 103, No. 1, *JSTOR*, pp. 4–28

belonging, immigrants are closer to the new society, more available to help and support it. Integration is a basic solution for the problems of collective action in democratic societies. Indeed, it is the gradually process of awareness of immigrants of the importance of the public culture of the society, pushing them to cooperate. De facto, “immigration should be regarded as a two-way street, in which immigrants who are treated fairly by the society, they join in turn recognize obligations to contribute to that society and to help it to function effectively as democracy”¹²⁶. Moreover, “if we say that immigrants should attempt to integrate socially, civically and culturally, we must say at the same time that they have a right to be included on equal terms in economic and political life and benefit equally from the services provided by the welfare state”¹²⁷. However, it is not as simple as it seems. The process to acquire citizenship and the relative rights and duties is in the hands of States that nationally establish norms and practices. Each country has its own criteria of selection and of granting of citizenship. Some countries, for instance, have created *integration contracts*: newcomers must take part in language and culture courses, taking a final exam, determining the possibility to remain or not in the host country. Other countries have increasingly engendered the phenomenon of marketization of citizenship. But, the criteria of selection of would-be-immigrants for admittance, settlement and membership can be morally questionable, as next chapter will further investigate. Kukathas, for example, highlights how States outline welcome and wanted migrants, based on their occupational skills, or exceptional talent or their bank account. Whereas, Sarah Fine underlines a racial tendency in the decision of entrance or denial. She claims that “race, racism, and racial and ethnic discrimination are embedded in the history of migration, in public responses to immigrants, in the apparatus of immigration controls, and in migration flows”¹²⁸. The possible discriminatory criteria applied to immigration controls overshadow the already unstable moral basis of their legitimacy.

Hence, Integration is a progressive costly process that should end with the concession of citizenship. However, it does not mean assimilation. There must be a reciprocal respect: majority and minorities should respect one another. Habermas recognizes that the conflict between different communities is not unsolvable because communities are the result of continuous renegotiation of common shared values. The awareness of the changeable character of cultural identity makes possible not to impose one group’s values upon other individuals who do not share them. Moreover, considering communitarian identity as the result of cultural, social or religious commitments that are the *sources of normativity*¹²⁹, the confrontation of different communities triggers their evolution. Communities progressively become more mutual tolerant.

¹²⁶ Miller, David (2016), *Strangers in Our Midst: The Political Philosophy of Immigration*, Cambridge, Massachusetts : Harvard University Press, p.112

¹²⁷ Miller, David (2016), *Strangers in Our Midst: The Political Philosophy of Immigration*, Cambridge, Massachusetts : Harvard University Press, p.150

¹²⁸ Fine, Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press

¹²⁹ Kaul, Volker (2011), *Multiculturalism and the challenge of pluralism*, University of Salerno, Italy Philosophy and Social Criticism, Vol. 37, No.4, psc.sagepub.com, p. 506

This paragraph has demonstrated that even if immigration can threaten a State's culture, the immigration controls are not the only solution. On the contrary, they can imply more moral discrepancies and injustices than it seems. Thus, the State can alternatively adopt other means to protect its culture as encouraging a fair integration process of immigrants within its society. De facto, it is impossible to stop globalization and cultural changing, the only practicable way is *"to respect the claims of diverse democratic communities, including their distinctive cultural, legal and constitutional self-understandings, while strengthening their commitment to emerging norms of cosmopolitical justice"*¹³⁰ as claimed by Benhabib. Afterall, *"defining the identity of the democratic people is an ongoing process"*¹³¹.

¹³⁰ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.3

¹³¹ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, p.21

Chapter III

Re-Interpreting the debate over Migration through the lenses of Global Inequality

3.1 A general overview of Migration through the lenses of Global Inequality

The current national and global, economic and socio-political institutions cause and shape migration flows by perpetrating an uneven distribution of resources and opportunities among countries. Indeed, on the one hand, goods and conditions of life are distributed unevenly across geographical territories and the access to better or worse resources and prospects of life depends only on morally arbitrary facts such as place of birth, nationality and citizenship. As already explained in the first chapter, the role of citizenship is determinant in defining the formal and material inequalities among countries. Citizenship is both a formal and substantial status, entitling citizens to a number of benefits and opportunities: “*citizenship in Western democracies is the modern equivalent of feudal privilege – an inherited status that greatly enhances one-s life chances*”¹³². Indeed, being born in an affluent State in Europe or North America is like being born into the Medieval nobility, whereas, being born in a poor country in Asia or Africa is like being born into the Medieval peasantry. De facto, there is an arbitrary involuntary membership to each political community that determines essential inequalities: “*we do not deserve to have been born into a particular society*”¹³³. In fact, as already outlined in the first chapter, the current global scenario can be summarized as unequal and unjust world, that, despite the advent of globalization and the generalized economic development and growth, is still characterized by the extreme poverty and high inequality. Thus, the distribution of the initial opportunities and resources among people at the global level is unequal, differently determined by the country of birth and the Birthright Lottery.

On the other hand, international inequality is kept high and stable, perpetrated through the time by States that coercively administer their borders and the concession of citizenship. Indeed, they control migration flows: in the name of the freedom of association and of the right to self-determination, States appropriate the power to decide access, admittance and integration of would-be immigrants, defending a national right to exclude them according to discretionary criteria. Limiting human migration means preserve the status quo, the unequal distribution of wealth, reflected in different allocation of people and resources at the global level, finally preventing people from seeking better lives. Hence, the open question is whether migration limitation and controls are morally just: “*the reason why borders and the movement of people across them stand in need of normative scrutiny is that they constitute a visible expression of a profoundly unequal distribution of*

¹³² Carens, Joseph (1987), *Aliens and Citizens: the case for Open Borders*, Review of Politics 49, pp.251-273

¹³³ Nagel, Thomas (2005), *The Problem of Global Justice*, Philosophy & Public Affairs, Vol.33, No.2, pp.113-147

spatially-differentiated opportunities”¹³⁴. De facto, political theorists writing on migration and distributive justice, question “*whether it is possible to have a global theory of justice in migration*”¹³⁵ taking into account the high inequality and extreme poverty, proper of our current world. Indeed, the second chapter has outlined the ongoing stagnant debate between proponents of Open Borders and of Closed Borders theories, disagreeing on the priorities of global justice: the rights of citizens or the rights of migrants and human being in general; cosmopolitan or national perspective; the right to exclude based on the freedom of association and self-determination or the right to migrate based on the freedom of movement, at national and international level. Instead, this third chapter will review the same debate from another perspective. By considering the unequal unjust world, migration flows acquire a new light: “*assuming that main reasons for migratory movements are economic*”¹³⁶ the border-crossing movements can be framed within the context of world economic interdependencies. Thus, migration reflects not only the international freedom of movement but also the opportunity to redress global inequality and global injustice. Indeed, in this global scenario of arbitrary native inequalities, “*freedom of movement is essential for equality of opportunity*”¹³⁷, and migration can compensate the initial unequal allocation. By guaranteeing at the international level the “*freedom of movement would contribute to a reduction of political, social and economic inequalities*”¹³⁸.

This chapter will therefore focus on the disagreement between Closed Borders and Open Borders defenders on the scope and nature of international distributive justice and on the different role recognized to migration flows. Hence, this chapter will correlate the first and the second chapters, questioning how to assure an equal moral worth, fair treatment and equal consideration of people, regardless the place of birth or citizenship. It will interrogate on the fairness of immigration policies and their restrictive criteria analysing them through the lenses of the distributive justice.

Thus, firstly, it will outline the two antithetic perspectives on Migration Open versus Closed Borders through the lenses of global inequality, trying to understand whether restrictions and controls on incoming migrants can be justified and considered just, taking into account a fair distribution of responsibilities, costs and benefits between hosting and sending countries. It will claim the need for a balance “*between the right of citizens in receiving societies to benefit from the public goods guaranteed by their collective institutions and the right of individuals to move freely across borders in search of better life opportunities*”¹³⁹.

¹³⁴ Ypi Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

¹³⁵ Ibidem

¹³⁶ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press

¹³⁷ Ypi Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

¹³⁸ Ibidem

¹³⁹ Ibidem

Secondly, it will envisage the Open and Closed solutions to global inequality, to reach a global just order. The chapter as well as all the thesis strives for a justice that is possible at the global level, even if a global government is missing, finding out different strategies of redistribution and of migration management.

Finally, it will answer to the open questions of the previous chapters. Indeed, the first chapter concludes with the assertion that a just world is a global scenario where everybody lives a decent life, erasing extreme poverty and drastically reducing global inequality. The second chapter ends stating that countries are legally responsible for their own citizens and morally responsible for all human beings, for the respect of fundamental rights and the guarantee of a decent life. Both of them do not take side in the debate Open and Closed Borders, but they highlight the need for a balance between the right to immigrate and the right to exclude, between citizens' and migrants' rights and necessities. Both of them leave room for further discussion whether the right to migrate can be a requirement to live a decent life or rather, it can be a solution to guarantee a decent life to everybody. Thus, this third chapter will try to answer to the main question of the thesis: 'Can migration be an effective solution for current global inequality and poverty?'

3.2 Closed Borders perspective considering Global Inequality

National borders can be differently managed: the first case is the completely open borders, without any administrative processes to cross borders; the second case is lightly controlled borders, anyone may enter providing the appropriate documents according to administrative and bureaucratic procedures; the third case is controlled borders, with strict selection criteria to be admitted; the fourth case is completely closed borders, where no one is allowed to immigrate¹⁴⁰. This last case is anachronistic in the current globalized times, but North Korea is an example. Closed Borders scholars sustain the third case and they justify their position with the necessity to defend the freedom of association and the right to self-determination of each State as a political community with the power to select the eligible members. They strongly claim the right of each legitimate State to exclude outsiders. One current striking example of immigration controls is the US immigration law, reflecting the view of sovereignty and absolute power to exclude immigrants, through border vigilantism and stringent categories of inadmissibility. Another strategy to constrain immigration flows is creating obstacles for the naturalization of non-citizens by elaborating a long complex bureaucratic procedure for the concession of citizenship. In addition, some States choose to restrict the access to public benefits and assistance, to the welfare system, deterring immigrants' willingness to move to these countries.

De facto, hosting countries can choose to admit or reject the entrance of would-be immigrants, prioritizing citizens' rights over immigrants' ones. From the distributive justice perspective, scholars consider

¹⁴⁰ Landesman, Bruce (2016), *Restricting Immigration Fairly* in Cudd, Ann E. & Lee, Win-Chiat (2016), *Citizenship and Immigration - Borders, Migration and Political Membership in a Global Age*, Editors Springer International Publishing Switzerland, Chapter 15

the costs and benefits of both hosting and sending countries, of both citizens and newcomers, sustaining that limiting migration is beneficial for everyone.

This section will outline the arguments supporting the Closed Borders perspective, meant as borders controls and immigration constraints. Firstly, it will analyse why the Immigration controls are necessary for the well-functioning of the hosting society. Secondly, it will examine how the State's right to exclude indirectly implies a right to select would-be migrants, resulting in a differentiated immigration according to States' discretionary criteria. Thirdly, it will conclude demonstrating the benefits of immigration constraints through the explanation of the phenomenon of the marketization of citizenship and of the brain drain.

3.2.1 The right to exclude: the necessity for Immigration controls

Closed Borders scholars claim the necessity for Immigration controls for many different reasons based on 'consequentialist concerns': they justify the right to exclude considering the negative impact of immigration flows on the economic, culture, political status quo of the hosting country.

As already mentioned in the previous chapter, limiting immigration is necessary for the well-functioning of Democracy. Indeed, according to the liberal nationalist approach, the controls of immigration are necessary to preserve the cohesion of the nation-state. Immigration flows can undermine the national political culture and its constitutional principles because "*Immigration tends to increase ethnic and religious diversity in a host society*¹⁴¹" and a "*culturally divided society without a source of unity to hold its constituent groups together would be unlikely to support a democratic welfare state*"¹⁴². Indeed, increasing diversity is decreasing social trust and the feeling of belonging that push people to sacrifice, the social cohesion at the basis of the contribution to the social welfare system, undermining the realization of policies involving economic redistribution. Thus, excluding outsiders is fundamental to preserve the system of identification, trust and sacrifice, pillar of a democratic regime.

Moreover, controlling immigration means securing the safety of citizens. Indeed, starting with 9/11, the international terrorism is increasingly threatening countries all over the world and immigration is considered a potential substantial way for foreign terrorists. Tightening immigration controls is essential to enforce security: immigrants are seen as a threat for national security. Finally, "*both citizens and immigrants are subjected to security regimes in an attempt to control international movement*"¹⁴³, reducing the practice of the freedom of movement for everybody. In addition, Rawls highlights the importance of the preservation

¹⁴¹ Song, Sarah (2017), *Immigration and national identity* in AAVV (2017), Review Symposium, *Strangers in Our Midst: The Political Philosophy of Immigration*, European Consortium for Political Research. 1680-4333/18

¹⁴² Miller, David (2008), *Immigrants, Nations and Citizenship*, the Journal of Political Philosophy, Vol.16, No.4, pp.378

¹⁴³ Cole, Phillip (2015), *Consequentialist Concern* in Wellman, Christopher Heath & Cole, Phillip (2015) *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 14

of national borders because of the tragedy of the commons. Indeed, guaranteeing the protection of national borders is necessary to delimit a sovereign agent engaged in the provisions of public goods and the preservation of common resources. Otherwise, in absence of a defined political community responsible for maintaining and preserving its own common territory and resources, managing the collective action of individuals, each individual user can act for his or her own self-interest, against the common good of all the community, spoiling or depleting the shared resources.

Furthermore, from a cost-benefits perspective, constraining immigration is necessary because a massive influx of newcomers hurts the national economy of the host country. Indeed, once admitted, immigrants start the process of integration and naturalization, requiring the new citizenship. As “*citizenship in modern democracies is not merely a formal status, it entitles newcomers to a number of substantive benefits and social opportunities which bring the State to incur significant costs of both admission and integration*”¹⁴⁴. Thus, newcomers weight in on the domestic economy that can support only a certain number of poor people, through the distribution of State’s benefits and services as health insurance, public housing, public education, financial allowances and so forth. Immigration causes an “*overall drain of public finances*”¹⁴⁵, because common thinking is that immigrants consume more government services than they contribute through tax revenues¹⁴⁶. In fact, “*newcomers tend to compete with the domestic poor for a range of welfare provisions such as housing, childcare, educational support, hospital beds, access to healthcare facilities*”¹⁴⁷, engendering unavoidable socio-economic tensions between local poor and new ones. Hence, limiting immigration grants supporting the national welfare system, guaranteeing high level of public services coverage for a smaller portion of citizens. Moreover, Sumption and Somerville claim that immigration has a negative impact on the most economically vulnerable workers within the labor market. Indeed, the competition between immigrants and citizens concerns not only the welfare system, but also the labor market. Immigrants compete in manual occupations with local workers without specific skills, who have not the possibility to move to more communication-intensive jobs. De facto, immigrants increase the number of people who are poor and disadvantaged, engendering a decline in salaries and an increase in internal income inequality. Hence, from a distributive justice perspective, the main focus should be to not harm the worst-off of the society and to tackle the unjust economic system exploiting the worst-off. Benefits and costs of citizens, especially the worst-off are prioritized over the Immigrants’ ones.

Hence, “*liberal nation-states have reasons to consider immigration restrictions on the basis of preventing crime and epidemics, promoting security, ensuring economic wellbeing and maintaining*

¹⁴⁴ Ypi, Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

¹⁴⁵ Cole, Phillip (2015), *Consequentialist Concern in Wellman, Christopher Heath & Cole, Phillip (2015), Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 12

¹⁴⁶ Peters, Margaret E. (2015), *Open trade, Closed Borders, immigration in the Era of Globalization*, World Politics 67, No.1, pp.114-154

¹⁴⁷ Ypi, Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

stability”¹⁴⁸: migration controls are necessary and legitimately justified by economic, socio-political and safety concerns. Miller claims a qualified right for liberal democracies to set their own immigration policy in two main ways: State has the duty to accept refugees as per international law; while, State can decide to refuse economic migrants giving good reasons for the refusal. Thus, legitimate States have a discretionary power to adopt immigration policies, determining who can enter among the would-be immigrants. De facto, they decide admission criteria and selection priorities that next paragraph will outline in detail.

3.2.2 From the right to exclude to the ‘right to select’

As argued by Closed Borders defenders, States can legitimately constrain and control immigration flows according to their own criteria, as called by the ex-French President Sarkozy the ‘immigration choisie’. However, there is an insuperable limit of their discretionary power: the policies must be both legally defensible, respecting the rules of the legal system, and morally defensible, respecting human rights. For example, “*States cannot exclude on the basis of race, ethnicity or religion in selecting immigrants*”¹⁴⁹. Immigration policies cannot discriminate people, neither would be immigrants nor citizens. Indeed, Blake highlights how choosing arbitrary characteristics as race, gender, religion or nationality, to admit or exclude would-be immigrants are racist or disrespectful criteria, that applied also internally to insiders means “*treating a portion of citizens as second-class people*”¹⁵⁰. Miller recognizes that giving racial, ethnic or religious reasons of exclusion is disrespectful, failing to give ‘relevant reasons’ for refusing entry. Criteria of selection must be legitimately justifiable: “*selection by race or national background is unjustifiable, since these attributes cannot be linked (except by wholly spurious reasoning) to any goals that a democratic state might legitimately wish to pursue*”¹⁵¹. However, a policy of prioritising groups of people, particular ethnic and religious identities constituting a core part of the national identity, is a legitimate prerogative favouring the national self-determination. Indeed, ethnic or religious favouritism, not discrimination, aims to maintain the national identity.

Thus, criteria of selection for admission or refusal must pursue a legitimate aim. Looking at the international history, in the XX century, immigration flows were managed according to the nationality: national act or law against one specific national origin as the Chinese Exclusion Act in the US or the German laws against Polish immigrants. After the WWII, the national criteria were delegitimized because

¹⁴⁸ Landesman, Bruce (2016), *Restricting Immigration Fairly*, in Cudd, Ann E. & Lee, Win-Chiat, *Citizenship and Immigration - Borders, Migration and Political Membership in a Global Age*, Editors Springer International Publishing Switzerland, Chapter 15

¹⁴⁹ Brunch, Elizabeth M.(2007-2008), *Open or Closed: Balancing Border Policy with human rights*, Kentucky Law Journal, Vol.96, pp.197-229

¹⁵⁰ Wellman, Christopher Heath (2015), *Selection criteria*, in Wellman, Christopher Heath & Cole, Phillip (2015) *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online

¹⁵¹ Miller, David (2016), *Strangers in Our Midst: The Political Philosophy of Immigration*, Cambridge, Massachusetts: Harvard University Press

discriminatory and it was replaced by the skill requirements: “*States regulate entry by controlling access to their labor markets*”¹⁵². Indeed, the core point is that immigration is strictly intertwined with international trade. While in the XIX century, borders were open for human migration flows but not for goods and capitals, with high trade tariffs; since the end of the Second World War, the international scenario has been increasingly influenced and shaped by a general open trade of goods, capital and services, but at the same time, by increasingly restricted immigration. The explanation is that in XIX, with the industrial revolution, countries needed workforce; while from the second half of XX until today, countries are becoming more high skilled economies, restricting immigration flows because of the increasing use of ‘labour-saving’ technology. Looking at the economic national structure and the relative migration policy, it is possible to distinguish four main categories of country: the settler States as Argentina, Brazil, Australia, Canada, US, that are land abundant States; European liberal democracies as Germany, France, Netherlands, UK, Switzerland that are capital abundant countries; the export-oriented industrializers as Hong Kong, Japan, Singapore, Taiwan, South Korea, that orient their markets on export; and the rentier states as Kuwait and Saudi Arabia. According to their economic situation, States create a self-identity, conceiving themselves as an immigrant-State or not. Indeed, in line with the Stolper-Samuelson theorem, borders openness through the movement of people, goods, or capitals benefits the abundant factor of production, hurting the scarce factor. Trade and immigration policies depends on the composition of firms, if labour or high-skill intensive, with consequent need of low-skilled or high-skilled immigrants: “*closure to trade leads to greater production for low-skill labour-intensive goods, driving up the demand for low-skill labor and leading to pressure from firms for increased immigration*”¹⁵³ while “*openness to trade subjects those same labour-intensive firms to increased competition, leading them to close their doors or become more high-skill intensive or need to restrict immigration again*”¹⁵⁴. Thus, the Skill-specific criterion considers both the skills of would-be immigrants and the needs of the possible host-society: “*establishing the criteria of admission we should take into account the potential of migrants for economic contribution so that any impact of admission and integration on the welfare state is compensated by the benefits immigrants bring to the host-society*”¹⁵⁵. This criterion is culturally neutral, avoiding discrimination, and it benefits equally both citizens and immigrants, by combining the claims of incoming migrants with the concerns of existing members. Another example could be admitting people according to social categories such as class or gender, creating a sort of legal classifications: convention refugees, family class immigrants, guest workers, unskilled workers until the “illegal” immigrants, determining a different nature of visas. This classification contributes to define migrants’ destiny: wages, social protections, residence. The moral problem is that methods of selection are impartial whatever criterium they are based on cultural fit, language knowledge, economic impact or family reunification. Selection criteria always imply the different

¹⁵² Peters, Margaret E.(2015), *Open trade, Closed Borders, immigration in the Era of Globalization*, World Politics 67, No.1, pp.114-154

¹⁵³ Ibidem

¹⁵⁴ Ibidem

¹⁵⁵ Ypi Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

treatment among would-be immigrants: by extending more rights and opportunities to professionals than to unskilled workers. Different selection criteria could be considered one of the “*ways in which states and their influential members exercise power over other domestic and foreign populations*”¹⁵⁶. Indeed, in the case of immigrations controls an individual, the would-be migrant, is put at the mercy of the decisions of others, national functionaries, interfering with his or her destiny. The intensity of domination depends on the level of arbitrariness and discretion States benefit in exercising their right to exclude: the margin of appreciation determining who is the wanted and welcomed immigrant.

The criteria of selection are increasingly oriented toward the ‘merit’: States want to include the ‘best and brightest’, the most interesting people for innovation and prosperity. This tendency has engendered the phenomenon of the Marketization of Citizenship in the hosting countries, and the problem of Brain Drain in the sending countries.

3.2.3 The benefits of controlling Migration

The phenomenon of marketization of citizenship consists in a differentiated accessibility to citizenship for non-citizens: States confer membership only in return of benefits, either in returns of money or in returns of high valuable human capital. Indeed, the so-called high value migrants are rich people or individuals with exceptional success in sciences, arts, sport, from academics to artists, from athletes to IT innovators. They are wanted and welcomed people, reflecting “*a vision of an ideal citizen who is creative and contributory, who has been able to maximize her talent and turn herself into a ‘net benefit’ for the country*”¹⁵⁷. These would-be immigrants have an easy pass. Indeed, in the global race for talent and wealth, countries create talent-for-citizenship exchange and citizenship for sale programmes: providing a tailored-made exclusive quickly gateways to legally acquire citizenship. Instead, for poor people, States grant even more tightly controls, cumulative gates, restrictions and denial of access to citizenship. De facto, countries try to attract the most valuable immigrants. Two main arguments support the marketization of citizenship. Firstly, assuming that the market is the best place promoting individual choice and allocative efficiency, considering citizenship as a commodity would offer a better sorting and pricing mechanism. “*Entry visas, residency permits, and naturalization certificates should be traded as any other scarce and valuable good*”¹⁵⁸. Secondly, the revenue from the sale of citizenship can constitute a tangible economic benefit for governments, especially for small economies.

¹⁵⁶ Sager, Alex (2012), *The implications of migration theory for distributive justice*, Portland State University

¹⁵⁷ Fine, Sarah & Ypi, Lea (2016), *The Ethics of Movement and Membership*, Oxford university Press

¹⁵⁸ Sachar, Ayelet (2017), *Citizenship for sale?*, in Shachar, Ayelet, Bauböck, Rainer, Bloemraad, Irene & Vink, Maarten (2017), *The Oxford Handbook of Citizenship*, Oxford University Press, Chapter 35, pp. 789-816

There are many examples: the United States or the United Kingdom have offered residence rights in exchange for investment in the 1980s and the 1990s, the Caribbean islands of Saint Kitts and Nevis were the first to offer citizenship rights in exchange for investment. Currently, the most striking examples are Australia with the premium visa or the EU Member States with the Citizenship by investment (CBI) or Residency by investment (RBI) schemes. Indeed, most of them have incentives in place to attract foreign investment from non-EU nationals, through “*specific policies developed by countries seeking to attract wealthy people to become residents or citizens*”¹⁵⁹. Indeed, the “*Citizenship by investment (CBI) or Residency by investment (RBI) schemes, known as 'golden passports' and 'golden visas', providing access to residency or citizenship in exchange for investment and via a clear process*”¹⁶⁰. The most attracted candidates for these schemes are wealthy citizens from China, Turkey, Russia, the Middle East and Central Asian countries. In the last ten years, Bulgaria, Cyprus and Malta have offered de facto the EU citizenship, creating a political and economic debate at the European Level. Especially Malta directly puts the passport up for sale: in 2013, it elaborated the Individual Investor Programme (IIP), a programme offering citizenship in exchange for €650 000. This new legislative initiative triggered many controversies: the possible erosion of security and integrity of the EU internal market; increased discrimination and a decreased trust in the European institutions, devaluating the moral EU citizenship value. According to the Henley & Partners/Kochenov quality of nationality index (QNI)¹⁶¹, in 2018, the EU Citizenship was ranked in the top 30 most desirable citizenships around the world for the entitlements it provides. Another important example is the swapping of citizenship of Olympic athletes obtained via the principle of *jus talenti*. It is an increasing strategically motivated practice¹⁶².

However, “*the intrusion of market logic into the sovereign act of defining 'who belongs' raises significant justice and equality concerns*”¹⁶³. As already mentioned in the first chapter, Shachar condemns the re-conception of citizenship, turning capital investment into the core criterion for admission, settlement and naturalization causes the raising questions of fairness, justice and democratic accountability. The core problem is that the possibility to acquire citizenship buying it, overcome all the other more legitimate criteria, listed above: citizenship based on “*the heft of the wallets bypassing standard residency, linguistic proficiency, and related civic-integration requirements*”¹⁶⁴. Bearing in mind that citizenship grants a legal status as formal

¹⁵⁹ Scherrer, Amandine & Thirion, Elodie (2018), *Citizenship by Investment (CBI) and Residency by Investment (RBI) schemes in the EU State of play, issues and impacts*, EPRS, European Parliamentary Research Service

¹⁶⁰ Ibidem

¹⁶¹ The Henley & Partners/Kochenov quality of nationality index (QNI) is an index “*exploring the various factors that make one nationality better than another in terms of legal status, economic strength, human development, peace and stability, as well as visa-free travel and the ability to settle and work abroad without undertaking cumbersome formalities*”, Scherrer, Amandine & Thirion Elodie (2018), *Citizenship by Investment (CBI) and Residency by Investment (RBI) schemes in the EU State of play, issues and impacts*, EPRS | European Parliamentary Research Service

¹⁶² Jansen, Joost, Oonk, Gijsbert & Engbersen, Godfried (2018), *Nationality swapping in the Olympic field: towards the marketization of citizenship?*, *Citizenship Studies*, 22:5, 523-539

¹⁶³ Sachar, Ayelet (2018), *The marketization of citizenship in an Age of Restrictionism*, *Ethics & International Affairs*, Vol. 32, No.1, pp. 3-13

¹⁶⁴ Ibidem

expression of membership in a polity, defining equal rights and exercise of political life for members, it should be not considered a mere commodity.

Another important argument supporting borders strict controls is that restricted immigration avoids the phenomenon of Brain drain. This term refers to the emigration of highly educated and skilled people from the States of origin, usually developing poor countries, to wealthy States, focusing on “*the possible negative consequences for people in poor states when rich states admit highly educated and professionally trained migrants from these poor states*”¹⁶⁵. Indeed, emigrants by leaving their countries hoping to benefit from better opportunities in foreign countries, harm the prospects of life of people remaining in poorer countries. The core idea is that “*emigrates contribute to an avoidable human rights deficit among the world’s poor*”¹⁶⁶. Indeed, people remaining in the countries of origin are the worst-off, not having the resources to leave. A developing country depleted of its best ‘brains’ is even poorer. Wealthy countries, in the race for the best and brightest, attract qualified professionals from developing countries, harming those left behind. Recent data show that “*currently, the 23.5 percent of immigrants in the world have a high level of education*”¹⁶⁷. In addition, many studies show that poorer is the country, higher is the percentage of emigrants among the highest skilled and educated people, attracted by the richest countries. Indeed, from some data of the last decade, Canada, United States, Australia and Great Britain have the highest percentages of high skilled immigrants: respectively the 70%, 42%, 49%, 48% are the high educated immigrants out of all the admitted foreign people. At the same time, from poorer countries as Cote d’Ivoire, Benin, Burundi, Syria, the percentages of high skilled and educated emigrants are respectively the 5%, the 7%, 16% and 19% of the total pre-migration population; whereas the percentages of the low skilled and educated emigrants are nearly below zero, demonstrating that truly needy people cannot afford emigration¹⁶⁸.

Thus, Wellman claims that wealthy countries can legitimately admit skilled immigrants, subtracting ‘brains’ to poor countries, only if they compensate the countries of origin for their loss of human capital. Or rather, wealthy countries should restrict immigration, giving priority to the least skilled among the would-be immigrants because their departure have no harmful effect in their countries of origin.

Hence, “*we should actually try to keep people from emigrating (by denying them a place to go) because they represent a valuable resource to their country of origin*”¹⁶⁹.

¹⁶⁵ Carens, Joseph (2016), *The ethics of immigration revisited: Response to Brock, Fabre, Risse and Song*, Journal of Applied Philosophy, Vol.33, No.4

¹⁶⁶ Wellman, Christopher Heath (2015), *Selection Criteria*, in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 9

¹⁶⁷ Peters, Margaret E. (2015), *Open trade, Closed Borders, immigration in the Era of Globalization*, World Politics 67, No.1, pp.114-154

¹⁶⁸ Brücker H., Capuano, S. and Marfouk, A. (2013), *Education, gender and international migration: insights from a panel-dataset 1980-2010*, mimeo, data from The IAB brain-drain data available at: <https://www.iab.de/en/daten/iab-brain-drain-data.aspx>

¹⁶⁹ Carens, Joseph (1987), *Aliens and Citizens: the case for Open Borders*”, Review of Politics 49, pp.251-273

3.3 Open Borders perspective considering Global Inequality

As the second chapter deeply explains, the right to immigrate protects the freedom of movement at the international level, highlighting its moral and instrumental value. Indeed, on one side, the international freedom of movement is a value in-itself, defending the equal moral consideration of all human beings, without any discrimination; on the other side, enjoying mobility across countries opens the possibility to pursue multiple life options and access to better conditions and opportunities of life.

In addition, this section will demonstrate that, by considering our unequal and unjust world, the migration flows can be interpreted through the lenses of international distributive justice as a means to redress global disparities. Indeed, our world is deeply marked by the Birthright Lottery, determining the conditions and opportunities of life at the birth; by nationality, citizenship and national borders dividing the poorer from the richer; and by migration restrictions in name of national sovereignty and freedom of association, preventing the change of this unequal status quo. As explained in the first chapter, “*Citizenship in Western liberal democracies is the modern equivalent to feudal privilege- an inherited status that greatly enhances one’s life chances*”¹⁷⁰ and as stated by Thomas Nagel “*Being rich or poor is given by the accident of birth*”¹⁷¹. Thus, restrictive measures in the concession of citizenship and constrained immigration flows are hard to morally justify: the poverty is not a fault, the wealthy is not a merit, it is all about luck and the perpetration of this arbitrary unequal status quo is unfair.

Open borders can be considered as a way to break the unequal equilibrium assisting the world’s poor to escape from their undeserved poverty, extending the benefits of membership and the access to better conditions of life and social welfare. Indeed, “*In a world of severe inequality like our own, millions risk their lives crossing borders without authorization in search of better life prospects, often learning all too quickly that they are unwanted and unwelcome in their host countries*”¹⁷², ‘how to consider morally legitimate a discretionary power of immigration limitation, based on a system defining differentiated prospects of life according to arbitrary facts?’

In our globalized unequal and unjust world, redistributive justice cannot be restricted within national borders, as suggested by Thomas Pogge and Charles Beitz, it must go beyond them, going further than Rawls’ view. In order to be morally legitimate and just, current policies must avoid to worsen discrimination, differentiation and inequality, in resources and opportunities, but, rather, they must commit in the resolution of global disparities. Hence, Open Borders defenders are moved by ‘egalitarian principles’, not

¹⁷⁰ Carens, Joseph (1987) *Aliens and Citizens: the case for Open Borders*”, Review of Politics 49, pp.251-273

¹⁷¹ Nagel, Thomas (2005), *The Problem of Global Justice*, Philosophy & Public Affairs, Vol.33, No.2, pp.113-147

¹⁷² Sachar, Ayelet (2017), *Citizenship for sale?*, in “*The Oxford Handbook of Citizenship*”, Oxford University Press, Chapter 35, pp. 789-816

‘consequentialist concerns’: “*existing global inequalities mandate that borders be porous*”¹⁷³ to redress the unjust birthright lottery and the unfair global order of domination and exploitation.

Immigration is beneficial, not harmful: it is seen as a resource not a menace for the hosting country. Indeed, this section will outline the arguments supporting the Open Borders perspective, demonstrating that the benefits of immigration overcome the costs. Firstly, it will illustrate the costs of immigration controls, confuting all Closed Borders arguments. Secondly, it will examine the counter-productivity of immigration controls, harming both citizens and migrants, and it will focus on moral problems linked to the commodification of membership. Thirdly, it will outline the benefits of migration for both hosting and sending countries, mentioning, on one side, the market profits and, on the other, the positive effects of remittances.

3.3.1 The right to immigrate: the costs of Immigration controls

Open Borders scholars condemn immigration controls for many different reasons based on democratic, liberal, egalitarian and economic arguments contrasting all the Closed Borders consequentialist concerns. They claim the international right to immigrate’s priority over the national right to exclude, showing the costs of immigration constraints.

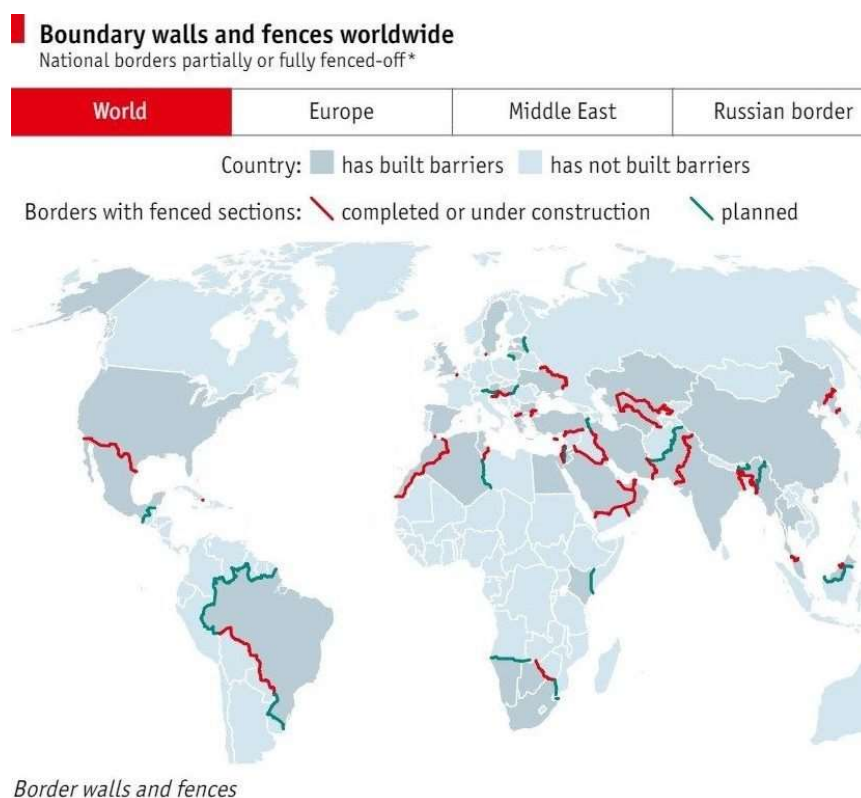
Firstly, Closed Borders defenders claim the necessity of immigration controls to preserve cultural identity integrity and social cohesion; while, Open Borders proponents provide opposite explanations. Indeed, as regards the cultural identity integrity, in the current globalized world, pluralism and cultural variety are unavoidable. As already explained in the previous chapter, it is impossible to define a unique cultural identity in the current Heraclitean pluralism made of multiple identifications and affiliations. Thus, in front of immigration flows, limiting immigration for cultural preservation is useless and costly. Indeed, actions toward multiculturalism and integration are more efficient and less costly in the long term than nationalism and refusal of diversity. In line with Benhabib’s thought, “*multicultural challenge posed to political liberalism by the influx of new immigrant groups lead to a deepening and widening of the schedule of rights in liberal democracies*” but “*the rights of others do not threaten the project of political liberalism; quite to the contrary, they transform it toward a more inclusionary, dynamic, and deliberative democratic project*”¹⁷⁴. Hence, immigration flows are not a threat for democratic regime and its well-functioning as long as the society works for integration, respect and democratic differentiated representation. Moreover, as regards social cohesion as precondition of the social trust and the well-functioning of the welfare system, Pevinick reverses the assumption. “*The support for welfare state depends primarily on features of institutions for collection and*

¹⁷³ Wellman, Christopher Heath (2015), *The Egalitarian Case for Open Borders*, in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 2, p.58

¹⁷⁴ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press

distribution rather than on the features of the population”¹⁷⁵ because welfare institutions are responsible for shaping a community of shared identity, not the converse. The current crisis of public welfare institutions is due to internal factors, not to the challenge of immigration. Thus, in order to assure social trust and social cohesion, politicians should improve welfare institutions, not voting for a restrictive immigration policy.

Secondly, Closed Borders scholars justify the essentiality of immigration controls for the national security, to contrast the threat of international terrorism. However, two counterarguments are possible. On one side, limiting legal immigration does not mean stopping illegal one, that is more likely to be the way for terrorists or criminals. On the other side, limiting immigration is not arresting the entrance to all foreigners, all possible threats to national security: immigration constraints do not concern tourists, or students, or temporary workers. The core problem is continuing to consider immigration as the “*functional equivalent of war*”¹⁷⁶ building fences, walls, detention camps. Looking at the map below¹⁷⁷, it appears evident how it is still the most preferred practice to defend borders: according to Elisabeth Vallet, there are more than 40 thousand kilometres of walls and fences in the current world.



Some examples of physical militarized borders for security purposes are the fence between Botswana and Zimbabwe, or the wall between South Africa and Mozambique, or between Kenya and Somalia, or the Israeli-Palestinian wall, or between North and South Korea. Some examples of walls as attempt to stop immigration

¹⁷⁵ Cole, Phillip (2015), *Consequentialist Concern* in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 14, p. 270

¹⁷⁶ Brunch, Elizabeth M.(2007-2008), *Open or Closed: Balacing Border Policy with human rights*, Kentucky Law Journal, Vol.96, pp.197-229

¹⁷⁷ Vallet, Elisabeth (2014), *Borders, Fences and Walls: State of Insecurity?*, Ashgate, 1 edition

flows, in Europe, the fences between Greece and Turkey, Hungary and Serbia, Austria and Slovenia, Russia and Norway and the wall of Calais, 4 meters high; in the American continent, the famous American-Mexican wall to block immigrants from Latin America to the USA. The reaction of closeness has huge financial costs and it increases the physical risk of illegal entry because “*it appears that the policies of closure may have been counter-productive*” *incentivizing illegal immigration*”¹⁷⁸.

Thirdly, Closed Borders thinkers affirm that immigrants constitute an economic burden on national welfare system and that they compete with local poor for services, facilities and job. Open Borders thinkers admit that in the short-term immigration flows can create instabilities in the socio-economic equilibrium of the hosting country. However, in the long term, they highlight how the benefits granted by immigration overcome the costs, as the last paragraph of this section will explain in detail. Moreover, many studies demonstrate that restricting immigration would generate economic inefficiency and political tyranny.

On one hand, the economic inefficiency is generated by immigration limitation because it prevents a free competitiveness on the marketplace, limiting the human potential for growth and preventing wealthy countries to share their privileged position with outsiders, worsening the inequality of global wealth distribution. Thus, Closed Borders engender a net loss of national economic development and an exacerbation of global unjust allocation of resources: “*Border enforcement prevents people from accessing opportunities in receiving countries; it also actively shapes the opportunities of people in other territories*”¹⁷⁹.

On the other hand, immigration constraints undermine the liberal democratic asset, engendering the fear for a political tyranny. Indeed, according to Liberalism, all human beings should be treated as free and equal moral persons, and the liberal State must defend their human rights and fundamental freedoms. Open Borders thinkers question if immigration constraints violate people’s right to liberty and if the selection criteria, choosing who is admitted and who is excluded, means failing to treat them as equals. Indeed, it is evident that immigration constraints limit the individual liberty meant as the right “*to make fundamental decisions about one’s own life, the right to live anywhere, to pursue opportunities to improve life*”¹⁸⁰. Immigration restrictions limit the freedom of movement of people who want to emigrate and immigrate, indirectly interfering with the guarantee of other liberal freedoms as freedom of association or occupational choice, producing high social and liberal costs. One possible corrective solution can be that “*immigration restrictions and exclusions are justified only when they are for morally sound reasons compatible with the equality of all persons*”¹⁸¹. However, restrictions cannot be easily justified by “*reasons compatible with equality*” in a world shaped by the citizenship privileges and the birthright inequality. Even taking into account

¹⁷⁸ Brunch, Elizabeth M.(2007-2008), *Open or Closed: Balancing Border Policy with human rights*, Kentucky Law Journal, Vol.96, pp.197-229

¹⁷⁹ Sager, Alex (2012), *The implications of migration theory for distributive justice*, Portland State University

¹⁸⁰ Ladesman, Bruce (2016), *Restricting Immigration Fairly* in Cudd, Ann E. & Lee, Win-Chiat (2016), *Citizenship and Immigration - Borders, Migration and Political Membership in a Global Age*, Editors Springer International Publishing Switzerland, Chapter 15

¹⁸¹ Ibidem

the countries' partiality objection, sustaining the legitimate different treatment between citizens and outsiders, the 'Cosmopolitan Premise' demonstrates that systematically disadvantaging a group of people is unjust. Indeed, current international institutional order tends to disadvantage people on the basis of involuntary national citizenship or place of birth, treating people unequally and unfairly. As equality principle requires to treat all individuals as equals, owing equal consideration and respect, immigration constraints violate both the concept of liberty and equality. Hence, as highlighted by Carens, "*policy of open borders is the only morally acceptable position for someone committed to liberal democratic values*"¹⁸². Liberalism and immigration restrictions are two positions that cannot coexist: "*either immigration restrictions are justified, or liberalism is, but not both*"¹⁸³.

Another cost concerns the use of coercion in immigration controls. Borders can be considered as coercive institutions of international law, marking the limits of national authority. When States restrict immigration, they authorize national officials to use force to prevent foreigners from entering or residing without authorization. As Carens denounces "*Borders have guards and the guards have guns*"¹⁸⁴ usually used against ordinary, peaceful people, looking for better opportunities for a decent, secure life for themselves and their families. Moreover, according to the democratic theory, the use of coercion supposes a justification to all individuals subject to it. As Samuel Scheffler claims "*Coercion always requires justification*", and "*given the status of individuals as free and equal, the establishment of coercive institutions poses a special justificatory problem*"¹⁸⁵. As the "*coercion is never a one-sided process*"¹⁸⁶, States' coercion is legitimate only when everyone accepts it, democratically, as claimed by Abizadeh in the previous chapter. However, the "*current status of international borders cannot be justified, because they constitute ongoing institutions of international law that systematically disadvantage those who are, by birth and involuntarily, citizens of less affluent nations*"¹⁸⁷ and would-be immigrants are excluded in deciding the legitimacy of the coercive measures used against them. "*Since citizenship is an unchosen status, it is unjust to subject citizens to the coercive laws of any particular state without granting them freedom of movement*"¹⁸⁸.

Hence, a restrictive immigration policy implies many costs in terms of ineffectiveness for the cultural purposes, of counter-productivity for the security purposes, of economic inefficiency and of destabilization of the liberal and democratic pillars. Nationalism, walls and fences as militarized borders, the use of coercion,

¹⁸² Song, Sarah (2017), *Immigration and national identity* in AAVV (2017), Review Symposium, *Strangers in Our Midst: The Political Philosophy of Immigration*, European Consortium for Political Research. 1680-4333/18

¹⁸³ Freiman, Christopher & Hidalgo, Javier (2016), *Liberalism or immigration restrictions, but not both*, Journal of ethics & social philosophy, Vol. 10, No. 2, url: www.jesp.org

¹⁸⁴ Carens, Joseph (1987), *Aliens and Citizens: the case for Open Borders*", Review of Politics 49, pp.251-273

¹⁸⁵ Freiman, Christopher & Hidalgo, Javier (2016), *Liberalism or immigration restrictions, but not both*, Journal of ethics & social philosophy, Vol. 10, No. 2, url: www.jesp.org

¹⁸⁶ Ypi Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

¹⁸⁷ Cavallero, Eric and Al (2006), *An immigration-pressure model of global distributive justice* Harvard University, USA politics, philosophy & economics, SAGE Publications Ltd London Thousand Oaks, CA and New Delhi

¹⁸⁸ Ypi Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

economic losses and global inequality are enough reasons to argue that the costs of Closed Borders overcome the benefits.

3.3.2 *Denouncing the commodification of membership*

Open Borders thinkers condemn the commodification of citizenship, re-establishing the importance of its morality and political value.

Indeed, they judge the phenomenon of marketization of citizenship as unjust. Indeed, it is a way to capitalize global inequality, worsening it. In fact, it allows richer people around the world to buy ‘best citizenships’, granting them an easier, faster and greater access to privileged status and entitlements than poorer people. Thus, the commodification of citizenship exacerbates inequalities: it is unfair and morally unjustifiable. Moreover, it undermines the political value of being a ‘citizen’. Indeed, citizenship means acquiring the membership to a political community, with the relative rights and duties, and economic, socio-political entitlements. Citizens, as member of the political community, should be committed to the democratic and liberal principles and be engaged within the society. However, the intrusion of the market logic in the political sphere generates instability: selling citizenship does not guarantee the democratic and reciprocal commitment of who can afford it. Thus, the solution is to partially restate the fundamental role of the ‘jus nexi principle’: an essential link that holds a political community and shapes the common identity of citizens, not excluding the possibility of integration of diversity. Therefore, even if citizenship can be sold, its moral and political values cannot be bought.

Moreover, Open Borders scholars denounce the current institution of citizenship as a perpetrator of global inequality and injustice, through generations. As already explained in the first chapter, citizenship can be considered as a feudal privilege, an inherited favoured status granting resources, opportunities and conditions of life, differentiated according to the place of birth. “*Citizenship status and privileges, which are simply based upon territorially defined birthright, are no less arbitrary than one's skin colour and other genetic endowments*”¹⁸⁹. Thus, from the global distributive justice perspective, citizenship as it is currently conceived is unjust.

In the current nation-state system, granting citizenship to strangers remain a State’s prerogative that cannot be changed. However, being aware of the unequal unjust world, States should move toward the extension of the concession of citizenship to immigrants, in order to make a step toward a fairer equilibrium. For example, Carens urges liberal democracies to elaborate policies as compatible as possible with the vision of a world without borders, inspired to the moral and legal cosmopolitanism. As already illustrated in the previous chapter, the moral cosmopolitanism requires that “*every human being has a global stature as an*

¹⁸⁹ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press

ultimate unit of moral concern”¹⁹⁰ and the legal cosmopolitanism believes in “*a concrete political ideal of a global order under which all persons have equivalent legal rights and duties, that is, are fellow citizens of a universal republic*”¹⁹¹. In line with him, Pogge strives for a set of institutionalized global basic rules moving toward a more cosmopolitan world order in the legal sense. Shachar advocates a reallocation of membership titles through more open admission policies and a redistribution of resources, allowing migration flows and remittances. In addition, she suggests the birthright privilege levy as direct and efficient solution, as already illustrated in the first chapter. Also, new legal channels for immigration can be created to prevent illegal entry, to respect immigrants’ human rights and to assure their physical safety towards a ‘non-dominating international legal order’¹⁹². Indeed, migrants are in a vulnerable position: they look for greater economic opportunity in the host country, they need a legal protection in order not to be discriminated or exploited. Finally, liberal egalitarians suggest an ‘inclusivist’ solution, advocating fairly open borders and speedy integration process for immigrants. Hence, the solution for a just moral equilibrium is not erasing the boundaries of the liberal state, eliminating the institution of citizenship, but, elaborating fairer policies of admission and inclusion. The current conventional schemes of citizenship rights are insufficient to establish genuine equality and fair treatment of immigrants. Thus, in addition, States can elaborate a new “*set of special rights specifically aimed at recognising and facilitating access and integration of newcomers*”¹⁹³.

The current asset is unjust, and the world needs a corrective solution, in the meanwhile, starting from the liberal and democratic premises, Carens and others conclude that “*we have an obligation to open our borders much more fully than we do now*”¹⁹⁴.

3.3.3 The benefits of Migration

Closed borders thinkers consider immigration flows only as a burden for the hosting society, not as an economic, cultural and social resource: “*an overemphasis on closure and enforcement ignores the potential opportunities and benefits of open immigration, in both the short-term and long-term and both domestically and globally*”¹⁹⁵.

¹⁹⁰ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press

¹⁹¹ Ibidem

¹⁹² Rochel, Johan (2013), *Attracting the Best and Brightest: A Republican Account of EU Immigration Law*, Working version, url: <https://www.academia.edu/>

¹⁹³ Ottonelli, Valeria & Torresi, Tiziana (2012), *Inclusivist Egalitarian Liberalism and Temporary Migration: A Dilemma*, Philosophy, Università di Genova and Politics, University of Oxford, *The Journal of Political Philosophy*, Vol. 20, No. 2, pp. 202–224

¹⁹⁴ Carens, Joseph (1987), *Aliens and Citizens: the case for Open Borders*”, *Review of Politics* 49, pp.251-273

¹⁹⁵ Brunch, Elizabeth M.(2007-2008), *Open or Closed: Balacing Border Policy with human rights*, *Kentucky Law Journal*, Vol.96, pp.197-229

Firstly, Open Borders thinkers confute Rawls' concern about the tragedy of the commons, because immigrants do not represent the economic burden on national economic and welfare systems as Closed Borders defenders sustain. On the contrary, migration has such a positive economic impact that “*could offset Rawls's exclusive reliance upon the tragedy of the commons perspective*”¹⁹⁶. Being immigrants does not mean being free riders: in many hosting countries the income taxes paid by immigrants help to finance national welfare budget. For example, in Italy, the 2,4 million of immigrant workers pay more than 10 billion yearly of taxes, considering that they are the 8.5% of the population, they contribute for the 2% of total tax income¹⁹⁷. Moreover, the definition of common goods concerns the notion of collective ownership, that refers to the property collectively owned by people as human beings, not as citizens. In fact, in line with Locke's definition, property rights belong to each individual person as a natural right: it is not an entitlement of citizenship. Thus, State can legitimately exercise its power of coercion over its land and resources, for the enforcement of laws and rights within its territory, equally protecting the rights of both citizens and noncitizens. Hence, the preservation of ‘commons’ is not a legitimate justification for prohibiting people from entering the national territory.

Open Borders proponents demonstrate theoretically and empirically that immigration flows are economic beneficial for both sending and hosting States, for poor developing countries as well as for rich developed countries. In fact, as regards sending countries, the biggest gains in terms of development and poverty-reduction are due to the international movement of workers, that contribute to economic development of poorer countries, as revealed by Pecoud and Guchteneire¹⁹⁸. Instead, as regards receiving countries, “*several States benefit from immigration contribution, especially when the integration of new members in the domestic labour market represents the only source of compensation for population ageing and domestic decline in fertility rates*”¹⁹⁹.

Indeed, from the market perspective, “*open and fairly porous borders which enable the free movement of peoples, goods and services across State boundaries are highly beneficial to the functioning of free market economies*”²⁰⁰ and some “*studies in 1980s suggested that removing immigration controls could more than double the world economy*”²⁰¹. Indeed, according to classical and neoclassical economists, free mobility of capital and labor is essential to the maximization of overall economic gains because the flows of capital and labor increase economic efficiency, allowing the best possible allocation of goods, resources and people. In fact, also from the labour-market perspective, migration flows are beneficial. As explained by Phillippe

¹⁹⁶ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press

¹⁹⁷ Carlo Andrea Finotto (2018), *Immigrati: il rapporto costi-benefici è positivo per l'Italia. Ecco perché*, Sole24Ore, 4 luglio 2018, Data based on Istat and Mef reports

¹⁹⁸ Pécoud, Guchteneire (2007), *Migration without borders. Essays on the Free Movement of People*, Hb Published

¹⁹⁹ Ypi Lea (2008), *Justice in Migration: A Closed borders Utopia?*, The Journal of Political Philosophy, Vol.16, No.4, pp.391-418

²⁰⁰ Benhabib, Seyla (2004), *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press

²⁰¹ Cole, Phillip (2015), *Consequentialist Concern in Wellman, Christopher Heath & Cole, Phillip (2015), Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 14

Legrain, migrant workers fill the jobs needed by hosting countries, especially within the ‘three D’ sectors: dirty, dangerous, and demeaning jobs. Immigrants earn in terms of wage and opportunities more than working in their countries of origin. De facto, in line with an utilitarian perspective, both locals and immigrants maximize their utility. Local unskilled workers, damaged for the higher competition with immigrants, can be compensated by the greater wealth and efficiency gains created. Hence, the best immigration policy from a utilitarian perspective is the one maximizing overall economic gains, both citizens’ and immigrants’ gains, not recognizing any privileged positions nor priorities to citizens. However, some scholars condemn the creation of segregated markets, triggering exploitation of newcomers ‘forced’ by the needy condition to accept low paid jobs, treated as workers not equal to the rest of the population. But this problem can be addressed through more equal and fair labour laws, not through a restrictive immigration policy.

Beyond economic surplus, immigration flows have a positive impact also from the cultural point of view. Indeed, newcomers introduce new ideas, arts, customs, cuisine, expertise enriching the culture of the hosting country. They expand the existing culture, not erasing it as Closed Borders supporters are afraid of. Immigration is a key ingredient for the dynamicity of societies and of the world: people’s beliefs, habits, knowledge can progress toward human evolution.

Hence, “*without any doubt, in the age of globalization migration has an immense influence on the macro-level as it became a crucial element of the world economy*”²⁰² and it has a core role in shaping the present and the future of the international scenario.

3.4 Open versus Closed Borders perspectives: the solution for Distributive Justice

This final section will try to address the problem ‘how to redress the current unequal world?’. An ‘Equal Division’ of global resources is quite impossible to achieve: “*each of the n human beings alive at any moment can claim $1/n$ share of the Earth’s resources as their private property*”²⁰³. However, as stated by Harry Frankfurt, the final purpose is not that everyone has the same amount of resources but that everyone has ‘enough’ “*if everyone had enough, it would be of no moral consequences whether some had more than others*”²⁰⁴. The open question is how to determine ‘enough’. This thesis will assume that ‘enough’ results in the respect of human rights and the guarantee of a decent life, satisfying basic needs and solving economic deprivation. However, it will strive for going beyond the mere duty of assistance, concerning only the relief of others’ suffering, in favour of the duties of justice, concerning also a fair allocation of liberty and

²⁰² Lenger, Alexander & Schumacher, Florian (2015), *Understanding the dynamics of global inequality, social exclusion, power shift, and structural changes*, Berlin Heidelberg, Springer Editors

²⁰³ Miller, David (2016), *Strangers in Our Midst: The Political Philosophy of Immigration*, Cambridge, Massachusetts: Harvard University Press, p.43

²⁰⁴ Frankfurt, Harry (1987), *Equality as a Moral Ideal*, Ethics Journal, Vol. 98, No. 1, pp. 21-43

resources²⁰⁵. Indeed, the current global injustice stands in the high disparity of starting points: few people own the majority of global resources, not sharing their wealthy heritage with the poorer rest of world population.

In addition, in this situation of uneven distribution, there is also a relational disequilibrium between richer countries, in a dominant position, and poorer ones, in an oppressed position. This situation engenders migration flows: “*international migration occurs because powerful actors promote economic globalization at the expense of much of the world’s population*”²⁰⁶ and “*liberal freedoms for some are protected by the destruction of the freedoms of others*”²⁰⁷.

Hence, “*starting from the clear assumption that the international system unjustly harms people at the global level*”²⁰⁸ and that the differentiated starting points of resources, opportunities and power is only due on luck, the current unjust situation must be redressed. Bearing in mind all the arguments supporting Open or Closed Borders perspectives, the current world needs an effective redistributive solution for global inequality to reach global justice. There can be several strategies to manage global inequality and countries have to choose their best remedial action to fulfil their responsibilities in redressing global disparities. In light of the costs and benefits of immigration flows and immigration controls and the role played by human migration from the cultural economic, socio-political points of view, Open and Closed Borders scholars determine two different strategies of global redistribution.

Thus, this section will firstly outline the Closed Borders solution: the international transfer of resources, aid and assistance. Then, it will secondly oppose the Open Borders solution: an expansionary immigration policy, leaving people free to move and to access to better conditions of life. Finally, it will describe the current engagement of international community in the reduction of global inequality, speculating on possible reforms of domestic policies and international institutions.

3.4.1 Redistribution and Closed Borders

Closed borders defenders support immigration constraints notwithstanding our current unequal unjust world, because they claim that it is impossible to admit all needy foreigners into the rich countries for a question of proportion: one third of the population lives in extreme poverty conditions in wide regions of the

²⁰⁵ AAVV (2017), Review Symposium, *Strangers in Our Midst: The Political Philosophy of Immigration*, European Consortium for Political Research. 1680-4333/18

²⁰⁶ Pogge, Thomas (1997), *Migration and Poverty*, ResearchGate2009

²⁰⁷ Cole, Phillip (2015), *Consequentialist Concern* in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 14

²⁰⁸ Pogge, Thomas (1997), *Migration and Poverty*, ResearchGate2009

world. Indeed, looking at the map below²⁰⁹ referring to the different levels of Wealth in the world, people living in all the wider ‘lighter’ areas cannot physically move and settle into the smaller ‘darker’ areas.



Source: James Davies, Rodrigo Lluberas and Anthony Shorrocks, Credit Suisse Global Wealth Databook 2018

Thus, they firmly claim that it is impossible to protect all who live under dreadful conditions through immigration admission and integration: “*for every person we can persuade some rich country to admit, there will be hundreds, if not thousands, left in desperate need*”²¹⁰. Immigration and emigration are not efficient solutions.

Moreover, they highlight how people who can migrate to richer hosting countries are usually not the worst-off of the countries of origin, rather, the upper-middle classes, the ‘elites’. Thus, admitting more immigrants does not mean to help the truly needy people.

Hence, from these two assumptions, in order to redress global injustice, they identify other solutions as alternative options to Open Borders perspective. They recognize a ‘duty to assist burdened societies’, as called by Rawls, appointing liberal democracies moral obligations toward poorer societies through economic aid and assistance, not through an expansionary immigration policy. In a world of great economic disparities, undeniable cause of migrations, the international aid and assistance to disadvantaged societies can help to reduce the pressure of migratory movements on richer societies. Thus, the international transfer of resources assumes the role of double resolver: on one side, it makes the world less unequal; on the other side, it justifies restrictive immigration policies. As Rawls's perspective would suggest “*nations who engage in foreign aid to those countries or regions of the world which are senders, could impose a harsher regime of migration, such as to minimize entry into their societies*”²¹¹.

²⁰⁹ Davies, James, Lluberas, Rodrigo & Shorrocks, Anthony (2018), *Global Wealth Databook 2018*, Credit Suisse, url: www.credit-suisse.com

²¹⁰ Pogge, Thomas W, *Migration and Poverty*, ResearchGate2009, 1997

²¹¹ Benhabib, Seyla, *The Rights of Others: Aliens, Residents, and Citizens*, Cambridge University Press, 2011

The plan of international redistribution is feasible and efficient because “*despite the huge number of the global poor, it would be quite possible to improve their conditions decisively, if the rich countries were willing to make a concerted effort*” because “*1% of the income of the richest fifth is nearly four times the income of the poorest fifth of humankind*”²¹². Moreover, considering the PPP, illustrated in the first chapter, the necessary amount of resources to redistribute to solve global poverty is much less demanding than it seems.

However, even though “*the total amount of money that the poorest are lacking toward being able to satisfy their basic needs is exceedingly small*”²¹³, the international transfer of resources faces some problems. Firstly, there are the costs of redistribution: the transaction costs, the targeting costs and the corruption costs. Indeed, moving huge capitals at the global levels incurs in intermediary costs as exchange rate conversions, and the wages of people involved in managing the redistribution. Moreover, transferring money to other countries will help all the locals, both needy and not needy people. Finally, in many developing countries, the political and social scenario is still managed by corrupted people, who can undermine a real redistribution in favour of the worst off.

Secondly, there is the problem of collecting funds. They suggest to act on two fronts: on one hand, the official development aid, managed by international organisms as the World Bank or the International Monetary Fund, as the last paragraph will illustrate; on the other, the support to non-governmental organizations helping poor people. In addition, they outline a third way: to oblige governments of rich countries to raise funds through the general tax revenue as the Tobin Tax or the Global Resources Dividend (GRD). The first one is half-per-cent tax on currency transactions to discourage currency speculation. It has a double effect: it enables governments and central banks to adapt their monetary policy to domestic economic conditions, without any distortions of the economic reality due to speculations; it is useful to eradicate poverty because the revenues of this tax are re-invested for this purpose. Instead the second one is a proportional tax paid directly by States when they use or sell their national resources and territory. The assumption at the basis of this tax is that all human beings, not only citizens, are owner of all-natural resources.

Thirdly, there is the distribution question and how to share the collected funds. The solution to transfer money directly to governments of poorer countries is ineffective because of the corruption and the political instability of the majority of developing countries. Thus, they suggest maintaining a competitive allocation: they funds are transferred where they are most effectively used for eradicating global poverty, creating incentive effects. “*The rules for disbursement of funds must be designed so as to stimulate a worldwide peaceful competition in poverty eradication*”²¹⁴. The funds must be fairly and effectively used in recipient countries, engendering the most favourable human development projections for the worst-off countries: supporting the governments for economic growth, political stability, cultural integrity. Eligible countries for

²¹² Pogge, Thomas (1997), *Migration and Poverty*, ResearchGate2009, 1997

²¹³ Ibidem

²¹⁴ Ibidem

the aid must demonstrate to protect human rights, the rule of law, free and fair elections, and low level of corruption index. The ultimate goal is immigration-pressure equilibrium (IPE): it is reached when two countries have the same proportion of individuals with the preference to migrate to the other one. Thus, “*the duty is discharged only when systematic disadvantage ends*”²¹⁵.

Despite all these possible problems and questions to address, Closed Borders scholars remain convinced that international aid and redistribution of resources towards poorer countries is more efficient than admitting poorer people in wealthy countries. De facto, they recognize to the most favoured countries, on one hand, the legitimate discretionary power to exclude would-be immigrants: “*each State should have broad discretion under international law to grant or deny entry to immigration seekers*”²¹⁶; on the other hand, when the most favoured countries are under an excessive immigration pressure, they are legally obligated to engage in development assistance for countries of origin of the migrations flows.

3.4.2 Redistribution through Open borders

Open Borders thinkers firmly believe in the role played by migration as fundamental right recognized to all human beings to choose and shape their own life, family, job, residence and future. Despite all the arguments in favour of the legitimate power of each sovereign State in defining membership, citizenship, admission or rejection, they deny the moral legitimacy of the State’s right to exclude would-be migrants because of its role in the perpetration of global inequality. Indeed, the enforcement of border restrictions systematically disadvantage and harm some people, benefitting others. Current institutions, instead of determining the requirements for a just world by equally assigning responsibility, costs and benefits, are responsible for a global structural injustice. Thus, Open Borders thinkers consider the Closed Borders scholars’ solution of the international redistribution of resources only a partial solution: “*Distributive justice concerns not only outcomes or opportunities*”²¹⁷ but also systemic problems. In fact, if the allocation of goods and opportunities, of costs and benefits is unfair, it is due to the power structures allowing injustice. Indeed, they accuse the international institutional asset of tolerating the unequal allocation of global resources and the consequent economic exploitation and domination: they point the finger at each State that, through its own migration policy, shapes social and economic opportunities of people both inside and outside its borders. Indeed, immigration constraints on one side prevent poorer people from relocating to areas with better opportunities, accessing to more goods and services; on the other one, they assure the preservation of economic and social prosperity of richer people. Thus, migration policies are part of the problem of global inequality: a

²¹⁵ Cavallero, Eric and Al (2006), *An immigration-pressure model of global distributive justice* Harvard University, USA politics, philosophy & economics, SAGE Publications Ltd London Thousand Oaks, CA and New Delhi

²¹⁶ Ibidem

²¹⁷ Sager, Alex (2012), *The implications of migration theory for distributive justice*, Portland State University

redistributive solution cannot refer only to an international transfer of resources, but it must also include human migration flows. Moral obligations to redress global inequality through the international aid and assistance is insufficient if States and international institutions have also contributed to the condition of global injustice, playing a harmful causal role. Hence, they strongly strive for “*a complete theory of distributive justice and migration will locate migration policy as a component in global and national economic, social and political institutions*”²¹⁸.

An example of migration theory is the ‘standard distributive framework’ theory, explaining migration as effect of the international inequality: people migrate because they are attracted by higher expected wages and opportunities. However, it does not clarify why some regions are wealthier than others. While, the ‘world systems’ theory explains migration as effect of the global economic system where powerful States defend their own interests, preserving their continued economic and political dominance. This theory clarifies the causes of global inequality: the unequal allocations of opportunities is not an arbitrary natural fact but the result of State’ actions in foreign policy. Thus, migration occurs when the global basic structure is unjust and institutions actively promote inequality between regions, benefitting some, disadvantaging others. Instead, the migration ‘dual labor market’ theory explains migration through the exploited foreign labor. Indeed, migrants are recruited to occupy the DDD jobs at the bottom of the social hierarchy and both employers and consumers benefit from this cheaper workforce.

De facto, each theory tends to emphasize some facts, excluding others. All theories necessarily simplify the world. However, there are some core common beliefs.

Firstly, they recognize that the international economic aid and assistance can result useless and ineffective especially if it is the only action for global inequality resolution. Indeed, according to Peter Bauer and Milton Friedman, the international transfer of resources incurs in many counter-productive problems: “*foreign aid is bad for development because it subsidizes inefficient economic policies and strengthens the hand of corrupt elites*”²¹⁹. Resources are not sufficient, also local structures of recipient countries must be helped to change and to improve, becoming fairer.

Secondly, Open Borders thinkers question the morality of the discrimination among needy people: “*protecting one person from being killed by an attacker is not, in general, morally more important than protecting another form drowning*”²²⁰ nevertheless, refugees are internationally legally protected and welcomed, while economic migrants are seen as a national threat, controlled and mostly rejected. Thus, they

²¹⁸ Sager, Alex (2012), *The implications of migration theory for distributive justice*, Portland State University

²¹⁹ Cavallero, Eric and Al (2006), *An immigration-pressure model of global distributive justice* Harvard University, USA politics, philosophy & economics, SAGE Publications Ltd London Thousand Oaks, CA and New Delhi

²²⁰ Pogge, Thomas (1997), *Migration and Poverty*, ResearchGate2009

conclude that the legal differentiation of treatment between refugees and economic migrants is unjust, and they want to find out a pattern to redress this legal vacuum.

Thirdly, they look at the causes and features of migration flows: economic migrants are very often motivated by the global distribution of poverty and inequality of opportunity. They highlight how migration is usually linked to historical background: people migrate to places where they have a connection such as a colonial past or family members. Knowing why migration occurs is necessary to determine distributive justice requirements and agents' moral duties.

Fourthly, they agree on the fact that the global migration crisis is unsolved not because of the lack of resources to resolve it, but, because of the lack of coordinated resolute effort. It is a tragic collective action problem. However, global poverty requires an urgent intervention as shared remedial responsibility of the entire international community because extreme poverty of some countries is not only due to endogenous factors, such as bad governance or corruption, but also and especially to the global political and economic order. Transferring money is not enough, because poverty traps²²¹ cannot be escaped without intervention of economic, socio-political assistance.

All the agents in the international scenario, States, international organizations and civil society, can intervene in two different ways to redress the current unjust situation: global inequality perpetrated by the arbitrariness of the Birthright Lottery and the international economic system.

In the short term, national borders could be opened to allow full right to migrate, allowing individuals to move freely among States, acquiring the access to better conditions of life. Indeed, people from poorer countries can move to the richer ones, improving their lives and redressing their disadvantage initial position given by the accident of birth. Moreover, they can help poor people remained in the countries of origin through remittances, as the next paragraph will briefly mention. Thus, an open borders policy can be considered as a way to rectify global inequality. Re-stating that the international freedom of movement is a basic right as well as supporting the moral equality and equal opportunity among individuals, cosmopolitan egalitarians advocate that States have a moral duty to open their borders to needy immigrants. States choosing immigration constraints, refusing economic migrants, are not morally justified. The idea is that Open Borders policy is based on an instrumental and moral principles: every migration policy triggers consequences in the distribution of opportunities on a regional and global scale. Thus, it is an essential means to achieve global distributive justice: firstly, by protecting the worst off; secondly, by admitting them without any discrimination or

²²¹ “The poverty-traps literature emphasizes insufficient asset holdings (including human capital), thresholds in the returns to those assets, fixed costs of productive transitions, and limited access to credit or insurance among the poor as main determinants of their inability to take advantage of growth opportunities” Perry, Guillermo E., Arias, Omar S., López, Humberto, Maloney, William F., Servén, Luis (2006), *Poverty reduction and growth: virtuous and vicious circles*, World Bank, url: <https://openknowledge.worldbank.org/handle/10986/6997>

exploitation forms, assuring an easy access to goods, services and citizenship; finally, by promoting better living conditions in the poorer countries through international transfer of resources as well as technical knowledge and legal assistance, and through the remittances of admitted immigrants. De facto, an Open Borders policy is “*a way to help the world’s poor to escape their undeserved poverty*”²²², leaving to each individual the freedom to choose in which society he or she will live, work and establish.

Instead, in the long term, it is necessary to overcome the deadlock between Open Borders and Closed Borders perspectives, between more expansionary and more restrictive immigration policies in favour of a real global distributive justice. The international community should commit in institutional reforms toward a global, egalitarian redistributive regime to equalize opportunities across international borders. Indeed, firstly, agents can engage in the reforms of international and global institutions to allow that the new “*institutions of international law should not systematically disadvantage anyone on the basis of involuntary national citizenship or national origin*”²²³. Secondly, they can create “*a centrally organized body can evaluate the problem from a global perspective, it can then assign manageable pieces to each of the powerful states*”²²⁴. Pogge, for example, suggests a set of institutionalized global basic rules, and in the long run the creation of a world-state. Perhaps that the world-state is an utopia, but reforming the system of global cooperation is surely more feasible: establishing the rules distributing obligations as well as benefits, clearly identifying agents, roles and duties. For instance, the current world economy, managed by important global institutions as the WTO, the WB and IMF, or the treaty associations such GATT and NAFTA, fails to be a perfect system of cooperation. It can be improved applying global redistributive principle as the Rawl’s difference principle, as suggested by Beitz. Finally, countries can commit themselves to a just membership scheme rethinking the institution of citizenship. Some scholars strive for the global citizenship, extending its usual democratic liberal entitlements to the regional and global levels. Global democrats believe in a multi-layered, global democratic order in which no single layer is dominant. The new possible global equilibrium will need global regulatory regimes ruling common areas - like peace and security, human rights, the environment, trade and finances - and a set of global institutions ensuring the application of these rules.

However, all these solutions need time to establish new rules and to transform them in new customs. Changing minds and traditions takes years, decades, centuries. In the meanwhile, the best efficient and fastest solution is a regime of porous borders for immigrants, with fairer procedures favouring the concession of citizenship and naturalization of newcomers.

²²² Carens, Joseph H. (1987) *Aliens and Citizens: the case for Open Borders*”, Review of Politics 49, pp.251-273

²²³ Cavallero, Eric and Al (2006), *An immigration-pressure model of global distributive justice* Harvard University, USA politics, philosophy & economics, SAGE Publications Ltd London Thousand Oaks, CA and New Delhi

²²⁴ Wellman, Christopher Heath (2015) *Toward an International Institution with Authority over Immigration* in Wellman, Christopher Heath & Cole, Phillip (2015), *Debating the ethics of immigration: is there a right to exclude?*, Oxford Scholarship online, Chapter 7

3.4.3 Current redistributive effort

The current engagement of international community in the mitigation of global inequality can be resumed in the international aid managed by the international economic organisms, and in the flux of remittances.

Firstly, the current redistributive system at the international level consists in bilateral and voluntary contributions from rich countries to poor ones. Thanks to the daily work of international institutions as the World Bank (WB) or the International Monetary Fund (IMF), and mechanisms of global governance, especially the UN's contribution through UN Development Program (UNDP) and other agencies, the international community has made the alleviation of poverty and the promotion of development its primary goals. With the adoption of the Millennium Development Goals (MDGs), the focus on poverty has sharpened significantly in UN field activities. In the recent decades, it has reached important results.

For example, one of the core aims of the World Bank is the alleviation of poverty through lending and advisory activities, assisting countries both to accelerate their economic growth and to reduce their level of domestic poverty *“promoting sustained economic growth to generate income-earning opportunities for the poor by encouraging the use of labour, the poor's most abundant asset; and improving poor people's access to social services such as education and primary health care so that they can take advantage of these opportunities”*²²⁵. Indeed, the World Bank Group, including the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA), has increasingly allocated its lending programs to low-income countries, as it appears clear in the list below of the ‘Top country borrowers’ of 2019²²⁶. The Bank has helped many developing countries, such as Brazil, Indonesia, Mexico, Nigeria, Kenya, and Thailand²²⁷, reaching important results in the decrease of poverty and economic growth.

TABLE 19 IBRD TOP COUNTRY BORROWERS,
MILLIONS OF DOLLARS

COUNTRY	COMMITMENTS	COUNTRY	COMMITMENTS
India	3,024	China	1,330
Indonesia	1,950	Morocco	1,255
Jordan	1,591	Turkey	1,113
Egypt, Arab Republic of	1,500	Ukraine	950
Argentina	1,391	Colombia	930

However, it is clear that the transfer of income is not a permanent and efficient solution. The Bank has directed its action also toward the resolution of problems of unemployment, unequal income distribution, and

²²⁵ World Bank (1993), *Information Briefs #K.01.4-93*, Washington DC, url: <http://www.documents.worldbank.org/>

²²⁶ World Bank (2019), *Ending Poverty, Investing in Opportunity*, Annual Report 2019, pag.84

²²⁷ World Bank (1985), *Focus on Poverty*, Report 8950, Washington DC, url: <http://www.documents.worldbank.org/>

the causes of the absolute poverty, distinguishing its activity in several themes having a positive impact on different sectors, as it is understandable in the Table 18²²⁸, below.

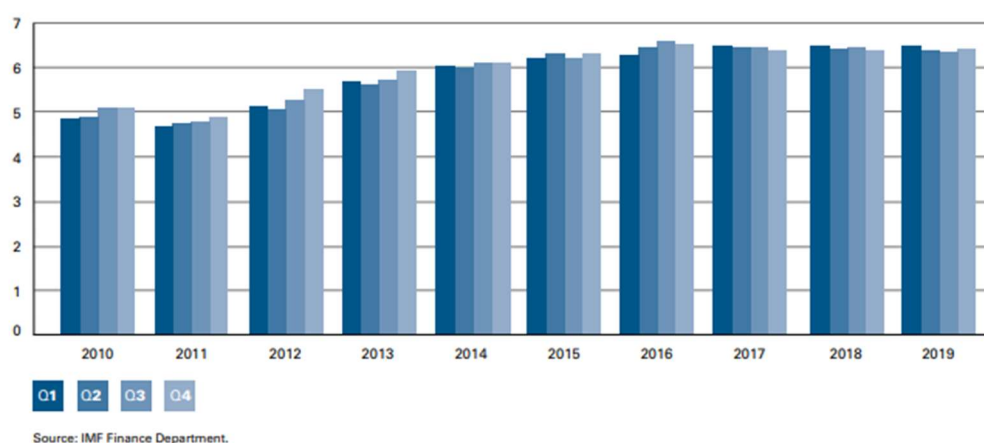
TABLE 18 IBRD COMMITMENTS BY THEME, FISCAL 2018-19
MILLIONS OF DOLLARS

THEME	FY18	FY19
Economic Policy	1,124	1,363
Environment and Natural Resources Management	10,409	8,514
Finance	2,501	3,546
Human Development and Gender	6,641	7,227
Private Sector Development	4,945	4,438
Public Sector Management	1,353	2,912
Social Development and Protection	2,844	2,453
Urban and Rural Development	8,593	6,511

Note: As of fiscal 2017, new theme categories have replaced the previous taxonomy as part of an internal data modernization effort. Because lending commitments for individual operations can be applied to multiple theme categories, figures organized by theme do not add up to fiscal year commitment totals, and therefore should not be summed. Past fiscal year theme data have been remapped but not revised according to the new methodology. As they are no longer directly comparable, historical data are not included here. Please visit projects.worldbank.org/theme for more information on changes.

Another example is the IMF's activity that in the decades has increasingly intensified the support for low-income countries (LICs), as it can be seen in the table below²²⁹.

Figure 2.3
Concessional loans outstanding, FY2010-19
(Billions of SDRs)



The IMF has especially engaged in the implementation of the Poverty Reduction and Growth Facility (PRGF) program, providing concessional arrangements, tailored to LICs' needs: loans at a fixed interest rate of 0.5 percent, with repayment 5 years and a half after the disbursement, with a maturity of 10 years. Moreover, it has relaunched the program on a broad-based participatory process between IMF and local governments to make it more effective and successful: borrower can decide with IMF the debt-repayment schedule and the necessary structural adjustments, drafting the Poverty Reduction Strategy Paper (PRSP).

²²⁸ World Bank (2019), *Ending Poverty, Investing in Opportunity*, Annual Report 2019, pag.84

²²⁹ International Monetary Fund (2019), *Our Connected world, Annual Report 2019*, available at: <https://www.imf.org/external/pubs/ft/ar/2019/eng/assets/pdf/imf-annual-report-2019.pdf>

The UN Development Programme (UNDP) and other agencies reach higher effective results thanks to their work very closely with national authorities to develop policies, legislation and programs together, defining needs, costs and steps for the social and economic development.

However, despite some successful examples, there are still many lacks and obstacles to face. The 2000 of the Millennium Development Goals (MDGs) were started with “*the aim of drastically improving basic development indicators for poverty and hunger, education, health, and gender equity for the world’s poor by the year 2015*”²³⁰ but they have failed, “*questioning the capacity and the appropriateness of existing global governance approaches to the tackling of poverty and inequality*”²³¹. Moreover, the UN’s effectiveness of international aid and assistance is often questioned because of its too many agencies competing for few resources, often used in an uncoordinated and wasteful manner. Actually, the success or the failure depends case by case: “*in some places, the UN family does a competent job in a reasonably well-coordinated fashion. In some others, it does not*”²³². In addition, the WTO’s activity is often questioned: it has an unbalanced structure favouring the richest and the most powerful countries, undermining the ability of developing or failing States to become democratically well-ordered²³³.

The system of international aid can be improved and expanded, involving not only international organizations and countries, but also the NGO community, the private sector, and other non-state actors. One of the possible strategies to improve aid effectiveness can be the expansion of the Microlending, channelling the resources “*through local or international nongovernmental organizations, or directly invested in human capital through education and expertise-building programs directed entirely by the fund administration or contracted to private firms*”²³⁴. It assures that the economic aid is productively invested, rather than being consumed in the public sector. Another possibility, beyond the usual systemic redistribution through international organizations, the creation of international taxes as the Tobin Tax, to encourage the progressive transfers from richer households to poorer. Or the definition of new international economic rules protecting human rights, incentivizing economic social improvements and reducing poor developing countries. As for instance, the ‘Just Linkage’ proposal elaborated by Barry and Reddy, enhancing international trade only with countries meeting higher standards of labor and wages, avoiding exploitation. Moreover, by improving the level of transparency and accountability of international organizations’ activities in addressing global poverty and inequality, can improve their reliability and effectiveness, maintaining high successful standards²³⁵.

²³⁰ Clapp, Jennifer & Wilkinson, Rorden (2010), *Global Governance, Poverty and Inequality*, New York, Routledge Global Institutions

²³¹ Ibidem

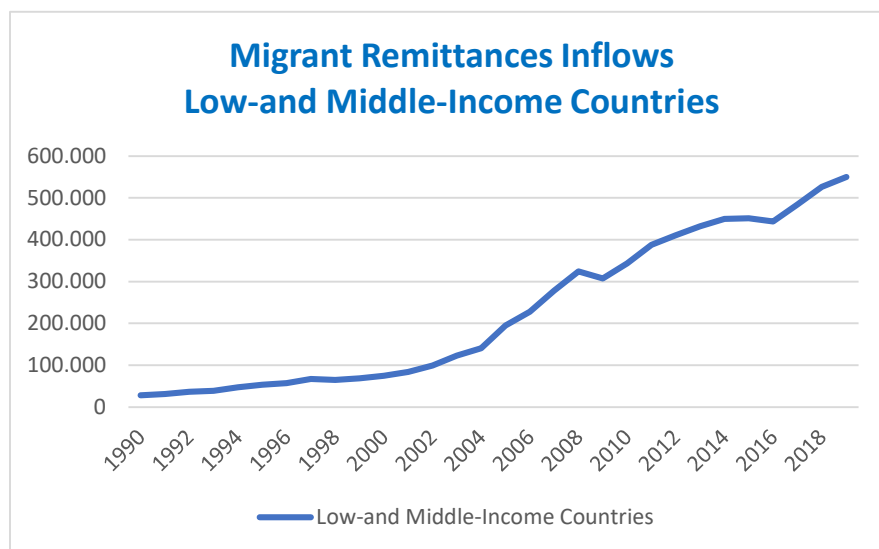
²³² Ibidem

²³³ lake, Michael and Smith, Patrick Taylor, *International Distributive Justice, The Stanford Encyclopedia of Philosophy*, Spring 2015 Edition, Edward N. Zalta (ed.)

²³⁴ Cavallero, Eric and Al (2006), *An immigration-pressure model of global distributive justice* Harvard University, USA politics, philosophy & economics, SAGE Publications Ltd London Thousand Oaks, CA and New Delhi

²³⁵ Clapp, Jennifer & Wilkinson, Rorden (2010), *Global Governance, Poverty and Inequality*, New York, Routledge Global Institutions

Secondly, remittances play a fundamental role in the global inequality reduction: they are the ‘repatriated earnings of emigrant workers’. They “*constitute a significant source of household income that improves the livelihoods of families and communities through investments in education, health, sanitation, housing and infrastructure*”²³⁶. In the last decades, remittances have risen exponentially, as it appears evident in the chart below²³⁷.



Sending countries can benefit a lot from emigration, despite the ‘brain drain’ phenomenon, thanks to remittances: “*remittances can improve the well-being of family members left behind and boost the economies of receiving countries*”²³⁸. Indeed, these monetary inflows in sending societies “*can facilitate the accumulation of human capital by making possible improved sanitary conditions, healthier life styles, proper healthcare, and greater educational attainment*” and “*can ease the credit constraints of unbanked households in poor rural areas, facilitate asset accumulation and business investments, promote financial literacy, and reduce poverty*”²³⁹. Remittances are less volatile and more reliable than other sources of foreign exchange, as the foreign direct investment (FDI) or the official development aid through IMF’s or WB’s lending activity. For some countries, they constitute a substantial part of their GDP, as represented in the table below²⁴⁰.

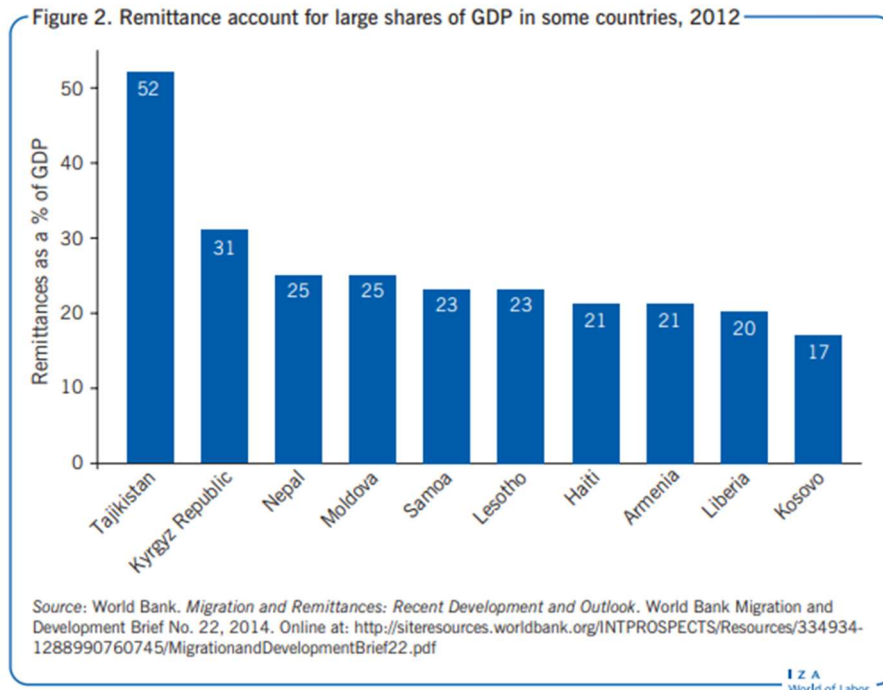
²³⁶ McAuliffe, Marie & Ruhs, Martin (2018), *World Migration Report 2018*, International Organization for Migration, University of Oxford

²³⁷ World Bank (April 2019), staff calculation based on data from IMF Balance of Payments Statistics database and data releases from central banks, national statistical agencies, and World Bank country desks

²³⁸ Amuedo-Dorantes, Catalina (2014), *The good and the bad in remittance flows Remittances have the potential to lift up developing economies*, IZA World of Labor

²³⁹ Ibidem

²⁴⁰ Ibidem



De facto, migration can really “contribute to inclusive and sustainable economic growth and development in both home and host communities”²⁴¹, if supported by appropriate policies. As theoretically and empirically demonstrated by this chapter, immigration can be a good means to redress global inequality, being morally and economically beneficial. However, the current engagement of international community is only focused on the international aid, as illustrated, while immigration policies are more and more restrictive. Indeed, from US to Europe, people are concerned by immigration flows and they are afraid of being threatened and harmed from the economic, cultural, security and identity points of view. Politicians are increasingly exploiting people’s fears to obtain support and votes: from Trump in the USA, to Rasmussen in Denmark, Hollande in France, Orbán in Hungary, Kurz in Austria or Salvini in Italy are all supporters of nationalist and populist ideals. Policy makers are more interested in opinion of electors than in economic benefits or ethical concerns: “policymakers will find it less costly to allow firms to close than to face the anti-immigration backlash”²⁴².

Thus, the world needs a radical change of direction: “affluent countries can afford to be more humane than they have been with respect to both immigration and aid”²⁴³.

²⁴¹ UN (2017), *International Migration Report 2017*, Highlights, New York, available at: <https://www.un.org/en/development/desa/population/migration/publications>

²⁴² Peters, Margaret E.(2015), *Open trade, Closed Borders, immigration in the Era of Globalization*, World Politics 67, No.1, pp.114-154

²⁴³ Ladesman, Bruce (2016), *Restricting Immigration Fairly*, in Cudd, Ann E. & Lee, Win-Chiat (2016), *Citizenship and Immigration - Borders, Migration and Political Membership in a Global Age*, Editors Springer International Publishing Switzerland, Chapter 15

Conclusion

“*Choosing voluntarily doesn't mean choosing freely: immigrants migrate to survive*”²⁴⁴. This sentence perfectly resumes the interpretation of migration of this thesis. Indeed, it has deeply investigated this current global challenge, focusing only on economic migrants, the so-called voluntary migration, not considering the forced one. However, it has underlined how the current global order triggers migration flows, because of its globalized, unequal and unfair equilibrium. Even if people choose to migrate, not being forced by persecution, wars or natural disasters, they take this decision in the hope of finding better conditions of life in the hosting countries and of gaining access to services, resources and opportunities they miss in their countries of origin. They are indirectly pushed to migrate by their disadvantage position and socio-economic status in the international scenario. Thus, the thesis has relied on two intertwined pillars: on one side, global inequality and its unsuccessful international management can engender migration flows; on the other side, migration is not only a consequence but also a redistributive solution for global inequality. Hence, the thesis aimed to demonstrate the essentiality of migration's role in today's world in redressing global injustice.

Indeed, it has contributed to the existing literature on migration by providing an exhaustive picture of this challenging phenomenon, giving a comprehensive idea of its principles, features, theoretical perspectives as well as national policies of immigration. In three main steps, it has investigated the current unequal status quo, the stagnant debate over Closed or Open Borders perspectives and the same debate interpreted through the lenses of distributive justice.

Firstly, it has focused on the phenomena of Globalization, Global Poverty and Global Inequality that have contributed to shape the current unequal and unjust status quo, made of global disparities in terms of wealth as well as of access to clean air and water; of different guarantees of peace, rights and freedom; of highly differentiated life prospects and human survival possibilities. It has highlighted the role of the institute of citizenship as perpetrator and keeper of this unfair global situation; and of the birthright lottery, dividing people according to the accident of birth. Thus, the birthright lottery determines unequal starting positions, enabling the rich to dominate and to exploit the poor, preserving their privileged position. But, this unequal equilibrium can be broken by a destabilizing phenomenon such as migration that can revert the situation. Thus, this thesis has questioned the morality and legal basis of both Closed and Open Borders policies.

Secondly, it has outlined the ongoing stagnant debate between Closed or Open Borders perspectives, sustaining more restrictive or more open admission policies of immigration. It has clarified the entities of migrant, migration, identity and borders as basis for the comprehension of the two opposite positions: on one

²⁴⁴ Li, Dahlia (2020), *Are immigrants really so unworthy?*, The Daily Californian, January 31, 2020

side, Nationalism, freedom of association and right to exclude; on the other, Cosmopolitanism, freedom of movement and right to immigrate. Open Borders perspective strives for a freedom of movement at the international level, raising immigration at the same level of legal protection of emigration, conceiving limits only if morally legitimated. Instead, Closed borders perspective defends the State's right of self-preservation, maintaining the unity and integrity of its constituent elements, considering immigration flows as a menace for the national identity, welfare and security. De facto, a theoretical equilibrium is impossible to find: countries are legally responsible for their own citizens and morally responsible for all human beings, for the respect of fundamental rights and the guarantee of a decent life. The only possibility seems leaving countries to find their own ad-hoc solution, according to their own balance between citizens' and migrants' rights and interests. However, this condition does not imply a moral fair and efficient response to the current global injustice.

Thirdly, it has reframed the same debate in terms of global inequality and global injustice, answering to the core question of this thesis: 'Can migration be an effective solution for current global inequality and poverty?'. De facto, it has correlated the first and the second chapters, questioning how to assure an equal moral worth, fair treatment and equal consideration of people, regardless their place of birth or citizenship, by individuating migration as resolute phenomenon. Indeed, it has outlined the costs and benefits of migration flows for both sending and hosting countries, demonstrating how migration is not an economic burden but a precious resource from economic, political and cultural points of view. Thus, it has interrogated on the fairness of immigration policies and their restrictive criteria, showing their moral inadmissibility for their perpetration of global inequality and injustice. Finally, it has examined the current solutions to reduce poverty, discharging the international duty of assistance. However, it has argued the necessity to go further, striving for a redistribution not only of resources but also of privileges and opportunities: on the one hand, by favouring migration flows, admission and integration processes; and on the other hand, by restructuring the global institutional apparatus toward a fairer equilibrium.

Indeed, the thesis has shown, that as "*membership to a particular State has a significant impact on our identity, security, well-being and on the range of opportunities realistically available to us*"²⁴⁵ favouring migration is the best solution to reform the global and international scenario. It helps the redistribution of resources and the re-allocation of opportunities, redressing the unequal equilibrium of domination and exploitation.

Moreover, it has highlighted the essentiality of a shared, coordinated, international action concerning not only a just redistribution of resources but also a fair management of human migration flows. As global justice strives for common responsibilities to face global challenges through a coordinated global action, in front of our unequal world, everyone is morally responsible for assisting needy others and for redressing global inequality.

²⁴⁵ Sachar, Ayelet (2009), *The Birthright Lottery: Citizenship and Global Inequality*, Harvard University Press

However, our newspapers reflect only the deep sense of insecurity for the massive influx of strangers, representing cultural diversity, working competitors and a threat for our wealthy societies. This anxiety results in xenophobic reactions: the perception of national culture and identity in danger is reflected in political choices for stricter migration constraints.

Thus, “*In a world of severe inequality like our own, millions risk their lives crossing borders without authorization in search of better life prospects, often learning all too quickly that they are unwanted and unwelcome in their host countries*”²⁴⁶. “*These are the people who are often most in need of assistance*”²⁴⁷ but they are *unwanted and unwelcome* in our frightened wealthy societies. They *risk their lives crossing borders without authorization* and they die trying to migrate. For example, the Mediterranean route is the riskiest and with the highest mortality rate: from 2014 to 2019, 15000 migrants died in Mediterranean Sea²⁴⁸.

However, “*our history is not our destiny—choices of policies and institutions can lead to major improvements*”²⁴⁹ engaging “*to cooperate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, standardized collection and exchange of relevant information, assuming collective responsibility to preserve the lives of all migrants, in accordance with international law*”²⁵⁰.

Even if “*free migration may not be immediately achievable, it is a goal toward which we should strive*”²⁵¹ and “*we have an obligation to open our borders much more fully than we do now*”²⁵². The world should redress global inequality erasing the barriers to mobility, that protect unjust arbitrary privileges. By committing to Open Borders perspective is not abandoning the Nation state system or national sovereignty but restoring the effectiveness of liberal democratic principles for everybody, reaffirming the global shared commitment to duties of justice. The core problem of current global institutions is that “*they are not collectively enacted and coercively imposed in the name of all individuals whose lives they affect; and they do not ask for the kind of authorization by individuals that carries with it a responsibility to treat all those individuals in some sense equally*”²⁵³ because they act only in name of States and their mutual interests. The new direction should be asking ‘what is owed to individuals’²⁵⁴, as human beings, adopting an equal moral consideration of them,

²⁴⁶ Sachar, Ayelet (2017), *Citizenship for sale?*, in Shachar, Ayelet, Bauböck, Rainer, Bloemraad, Irene and Vink, Maarten (2017) *The Oxford Handbook of Citizenship*, Oxford University Press, Chapter 35, pp. 789-816

²⁴⁷ McAuliffe, Marie & Ruhs, Martin (2018), *World Migration Report 2018*, International Organization for Migration, University of Oxford

²⁴⁸ Amnesty International (2019), *La strage silenziosa dei rifugiati nel Mar Mediterraneo: le nostre colpe*, November 5, 2019

²⁴⁹ Perry, Guillermo E., Arias, Omar S., López, Humberto, Maloney, William F., Servén, Luis (2006), *Poverty reduction and growth: virtuous and vicious circles*, World Bank, url: <https://openknowledge.worldbank.org/handle/10986/6997>

²⁵⁰ UN, 11 July 2018, *Global Compact for Safe, Orderly and Regular Migration (GCM), OUR VISION AND GUIDING PRINCIPLES*, pts. 10, 24

²⁵¹ Carens, Joseph (1987), *Aliens and Citizens: the case for Open Borders*”, *Review of Politics* 49, pp.251-273

²⁵² *Ibidem*

²⁵³ Nagel, Thomas (2005), *The Problem of Global Justice*, *Philosophy & Public Affairs*, Vol.33, No.2, pp.113-147

²⁵⁴ Carens, Joseph (2005), *On Belonging: What We Owe People Who Stay*, *Boston Review*, Vol.30, No.3-4, pp.16-19

engaging beyond the 'duty of assistance', for the establishment of more equal starting points of resources and opportunities. The world must commit for an enduring global justice.

Summary

The master thesis “*Open or Closed Borders: the redistributive role of Migration in an Unequal World*” draws an exhaustive picture of human migration, framed within today’s global scenario. Indeed, as indicated by the title, it illustrates the topical debate on the management of borders and immigrants, highlighting the essential role played by migration flows in the current unequal and unjust world. In fact, this thesis tries to shed light on the complex phenomenon of migration and on the blurred entity of the ‘voluntary migrant’, examining all the related economic, socio-political, moral and cultural issues.

Today, 272 million people around the world live outside their country of birth. They are refugees, displaced people and economic migrants, who are people escaping political persecution, wars, natural disasters as well as people pursuing better economic opportunities. In fact, migration is engendered by different factors, but, essentially, it is an inherent trait of human nature that has deeply marked human history, since its beginning. From the Neolithic era until today, it has recurrently represented a destabilizing challenge for local and regional equilibria. Today it is perceived as a global threat, undermining the national economic and welfare systems, the national culture and identity, the security and the public order of the hosting societies. Indeed, people of hosting societies are frightened of immigrants that can undermine their culture, their traditions, their habits, their possibilities to work and to benefit of public services. Newspapers daily reflect the deep sense of insecurity and the widespread anxiety within population for this massive influx of ‘strangers’, that can lead to individual xenophobic reactions and to national policies for stricter migration constraints. In fact, countries of destination react defending their borders, controlling and rejecting the increasing flux of needy migrants, in order to preserve their internal status quo and wealth. Moreover, politicians tend to instrumentalize the fear of the unknown and of the diversity, for electoral purposes. Thus, populisms and nationalisms are raising their consent as well as they are raising ‘walls’: the Donald Trump’s idea of the wall along the American-Mexican border; or the Australia’s policy of placing immigrants and refugees in off-shore camps; or the Hungarian, Austrian or Italian willingness to construct fences or to close seaports. Currently, there are more than 40 thousand kilometres of walls and fences in the world for security and migration purposes.

This thesis tries to change perspective on migration flows: immigrants do not migrate to encroach new territories, but for necessity. Indeed, the ‘economic migrant’, even if categorized as a ‘voluntary migrant’, is indirectly ‘forced’ to migrate because of the current global high inequality. Starting from the assumption that “*Choosing voluntarily doesn’t mean choosing freely: immigrants migrate to survive*” (Dahlia Li, 2020), in the current globalized unequal world, migration flows are unavoidable and considering them as the ‘functional equivalent of war’, reacting with the construction of fences, walls or detention camps, is therefore costly and counterproductive. Thus, the thesis finds its way into the current international debate on the management of

migration flows, questioning the moral legitimacy of Open or Closed Borders policies, examined through the lenses of global inequality.

The thesis' core aim is to change popular mind about migration flows: immigrants are not a burden or a threat for wealthy countries, but an enriching resource for hosting societies and a necessary piece to construct global justice. Indeed, in three chapters, this thesis strives for demonstrating that migration flows play a fundamental redistributive role, reducing extreme poverty and mitigating the global disparities.

The first chapter illustrates the current global scenario, heavily marked by globalization, extreme poverty and global inequality.

Globalization has progressively drawn a scenario of mutual dependence of world's economies, cultures, and populations. The world is so interconnected that "*local happenings are shaped by events occurring many miles away and vice versa*" (Giddens, Anthony 1990). Globalization is considered a controversial phenomenon: on one side, it has triggered a global economic growth, reducing absolute poverty; on the other, it has favoured the creation of 'glocal' disparities by emphasizing a global stratification and exploitation. Thus, it has discriminated winners and losers, unevenly allocating the profits and the costs of its economic, social and technological development. Hence, the global framework is thickly connected but still fragmented in many unequal pieces: the nation-states. This institutional apparatus prevents an equal global distribution of welfare and well-being, prioritizing national interests over international benefits. As a consequence, extreme poverty and high inequality still characterize our world.

Nearly the 13% of the world's population currently lives in extreme poverty, with less than 1.90\$ a day, lacking clean water, adequate nutrition, access to health care or public education and minimal resources to live a decent life. Indeed, poverty is a multi-faceted concept, composed by several dimensions, not only economic but also social, political and cultural factors that correlate to define what it is and how it should be measured. Thus, it is also relevant to consider that over 1 billion people in the developing world are chronically undernourished; one-half of the population of the developing countries lack the access to proper healthy conditions, proper sanitation and social protection. In addition, poverty is a challenge difficult to overcome because "*poverty in itself prevents taking actions that would facilitate the exit from poverty*" (Guillermo E. Perry & Al. 2006) engendering a vicious circle: the poverty trap. Poor countries can escape from it only thanks to both national and international interventions. Despite the increase of global income, thanks to globalization, the rate of reduction of poverty is decelerating and the global inequality has increased. New industrialized countries have risen, such as the BRICS, whereas, other countries in Africa, Southeast Asia, and Latin America have experimented an exacerbation of poverty and inequality.

The current situation of global inequality is alarming: the world's wealth and income are highly unequally divided. The richest 2% of the world's population owns over half of the world's wealth, while the poorest 50% owns only 1% of that wealth. Moreover, also inequality is a globalized phenomenon, that triggers global and local effects on social differentiation and stratification at national, international and global levels. Indeed, even if the measurement of global inequality treats equally all individuals in the world, regardless of the country where they live, income differences are still strictly intertwined with national borders. In fact, the domination of Western countries is still evident: they are at the very top of the income distribution, delineating a 'Westernization' of wealth and an 'Africanization' of poverty.

National borders still trace the boundaries between wealthy and poor societies, because of institute of citizenship. Indeed, citizenship is a high valuable entitlement in today's world, granting the membership to a national community, and giving the access to its resources, privileges and burdens. However, the amount of wealth, privileges, rights and freedom having access to depends on the prosperity of that specific State conferring citizenship, enhancing the substantial differences among countries. Moreover, the concession of citizenship depends on an archaic mechanism based on the *Ius Sanguinis* and/or the *Ius Soli*, comparable to an inheritance system. De facto, the institute of citizenship, thanks to its Gatekeeping and Opportunity-enhancing functions, lays the foundations for enduring privileges, allocated according to the arbitrary accident of birth. This 'Birthright Lottery' plays an essential role in the perpetration of global inequality and poverty, preserving the unequal arbitrary distribution of resources and life opportunities.

At the end of the first chapter, the reader becomes deeply aware of the profound injustice of our globalized world, where people are born poor or rich by accident and they cannot easily change their destiny: national borders, national citizenship and national interests close their path, restricting their chances to access to better conditions of life through migration. In a world where inequality enables the rich to dominate and to exploit the poor, preserving their privileged position, migration can act as a destabilizing phenomenon to revert the situation.

Thus, the second chapter questions the morality and the legal basis of both Open or Closed Borders perspectives, illustrating the main freedoms and rights which they are inspired to. It outlines the ongoing stagnant debate between restrictive or more open admission policies of immigration, clarifying the entities of migrant, migration, identity and borders. Indeed, one of the main problems preventing a global action in the management of migration flows is the lack of a unique definition of the 'economic migrant'. There is not a universal agreed definition and each country specifies its own criteria to determine who is the migrant, deciding autonomously its own migration policy. This normative gap at the global level results in an international discontinuity in provisions and action, blocking a common and feasible solution, sharing responsibilities, costs and benefits of the international migration.

Closed borders thinkers, from a nationalist perspective, defend the freedom of association of local citizens, and, by extension, the legitimate State's 'right to exclude'. Thus, each country can decide who are the members of its population, living in its territory and benefitting from its own resources and services. Closed borders theorists justify this 'right to exclude' with the State's right of self-preservation, exercising national sovereignty to maintain the unity and integrity of its constituent elements: territory and population. In short, they recognize in immigration flows a menace for the national identity, welfare and security. Hence, States are legitimate in excluding and selecting foreigners as long as this constraints do not violate or disrespect human rights.

While, Open Borders defenders, from a Cosmopolitan perspective, advocate the complete appreciation of the freedom of movement at both national and international level, in front of the current international legal protection referring only to the 'right to emigrate', but 'not to immigrate'. Open Borders theorists justify a 'right to immigrate' with the equal moral treatment of every human being and by liberal democratic arguments. Indeed, they denounce that immigration controls are incoherent with liberalism, constraining freedoms of foreigners as well as of locals. In addition, they argue that immigration controls are disrespectful of individual rights and of the democratic principles, considering the use of the coercion, not democratically dictated. Finally, they highlight the 'Paradox of democratic legitimacy' and the partiality of States toward their own citizens. Indeed, even if every democratic State must bind its own will to the respect of human rights of all human beings, according to the 'equal moral worth' assumption, de facto, it commits to the respect and preservation of citizens' rights, members of its political democratic community. Thus, there is a dichotomy between human rights - citizens' rights and States place citizens' rights above foreigners' ones. Hence, considering that partiality is unavoidable, Open Borders scholars converge toward a weak Cosmopolitanism: States have a legal obligation toward their citizens, preserving their interests and well-being, and a moral obligation towards people beyond their borders, guaranteeing to everybody a decent life.

At the end of the second chapter, the reader understands that there is not a net solution, taking one or the other side of the debate, but it is all a matter of scale of priorities, inspired to Nationalism or Cosmopolitanism, preferring the right to exclude or the right to migrate.

However, the reality is more complex than the ideal positions and our unequal and unjust world urgently needs a moral fair and efficient response for the management of migration flows. Especially, with the recent shocking number of deaths in the Mediterranean Sea, 15000 in the last 5 years, or along the American Mexican borders, the international community is turning its attention to the necessity of a shared responsible answer to this urgent political, economic and moral challenge.

Thus, the third chapter reframes the debate over Open or Closed Borders in terms of global inequality and international distributive justice. Indeed, it firstly outlines the costs and benefits of migration flows for hosting and sending countries as arguments to sustain Open or Closed Borders policies.

Closed Borders theorists claim the necessity of immigration controls considering the negative impact of immigration flows on the economic, cultural, political status quo of the hosting country. Indeed, newcomers weight in on the domestic economy that can support only a certain number of poor people, through the distribution of State's benefits and services. In addition, immigrants compete with local unskilled workers in manual occupations, increasing the number of people who are poor and disadvantaged, engendering a decline in salaries and an increase in internal income inequality. Moreover, immigration constraints are seen as indispensable for the well-functioning of democracy, the security of citizens, to avoid the tragedy of the commons and the brain drain phenomenon.

However, the chapter questions the legitimacy of the restrictions and controls of migration in front of the arbitrary unequal global distribution of resources and opportunities: being born poor is not a fault, or being born rich is not a merit, it is all about luck. The perpetration of this arbitrary unequal status quo, excluding people from the possibility to improve their lives is unfair. Thus, the chapter denounces the criteria of selection, increasingly oriented toward the 'merit' and the 'wallet', guaranteeing an easy pass to the 'best and brightest', who are the most interesting people for innovation and prosperity, and the rich people that can afford 'citizenship for sale programmes'. The marketization of citizenship makes the global status quo even more unfair: countries tend to admit the best but to reject the real needy people.

Thus, Open Borders thinkers try to revert the situation demonstrating that immigration is beneficial for both sending and hosting countries, or rather, the costs of immigration constraints overcome the benefits of migration flows. Indeed, according to classical and neoclassical economists, free mobility of capital and labor is essential to the maximization of overall economic gains, by allowing the best possible allocation of goods, resources and people. In fact, from the labour-market perspective, migrant workers fill the jobs needed by hosting countries. While, for sending countries, the international movement of workers contributes to economic development and poverty-reduction thanks to the positive impact of remittances. De facto, migration can play an essential role in the redistribution of the initial unequal resources and opportunities.

The chapter continues illustrating the opposite Open and Closed Borders solutions to redress global inequality and to manage migration flows, highlighting their different conceptions of the scope and nature of international distributive justice and the role recognized to migration flows. Countries have to choose their best remedial action to fulfil their responsibilities in redressing global disparities.

Indeed, Closed Borders thinkers, claiming immigration constraints, support the international transfer of resources, aid and assistance as solution of global inequality. Indeed, in line with right institutionalists, they conceive a fair redistribution of resources uniquely within national borders, recognizing only a duty of

assistance at the international level. Thus, countries have the moral obligation to guarantee a fair redistribution of resources among co-nationals, and to guarantee a decent life for all human beings. The international transfer of resources assumes the role of double resolver: on one side, it makes the world less unequal; on the other side, it justifies restrictive immigration policies.

While, Open Borders thinkers, supporting the right to immigrate, firmly believe in the nature of migration as fundamental right recognized to all human beings to choose and shape their own life, residence and future. Thus, they claim the redistributive role of migration for the mitigation of global inequality. Indeed, in line with left institutionalists, they firmly reject a strongly differentiation between international and domestic justice, advocating the international distributive obligations of individuals and countries to guarantee a just global order. They are in line with Singer's individual moral obligation deriving from the capacity to prevent something bad from happening, without sacrificing anything comparable. They are also in line with Pogge's and Young's remedial responsibilities to engage in redressing the unjust situation, contributed to create. They individuate the role of migration as a core means of redistribution, complemented by the international aid and assistance. Indeed, a redistributive solution cannot refer only to an international transfer of resources, but it must also include human migration flows because the management of migration plays a fundamental role in the perpetration of global disparities.

De facto, the different conception of 'strangers', of their moral worth and consideration, shapes the boundaries of our responsibilities and duties toward them and influences the definition of a just or unjust equilibrium between 'us' and 'them'. In fact, being morally responsible only for co-nationals or national issues is completely different from being morally responsible for all human beings and global challenges: the restricted or wider view over justice defines the horizon of our legitimate and morally obligatory action.

This thesis strives for going beyond the mere duty of assistance, concerning only the relief of others' suffering, in favour of the duties of justice, concerning also a fair allocation of liberties and resources. Indeed, the current global injustice stands in the high disparity of starting points: few people own the majority of global resources, not sharing their wealthy heritage with the poorer rest of world population. In addition, in this situation of uneven distribution, there is also a relational disequilibrium between richer countries, in a dominant position, and poorer ones, in an oppressed position. Thus, redressing global inequality can result in the resolution of extreme poverty and the end of economic domination of richer countries.

Migration is the core means to redress the differentiated casual starting point of resources, opportunities and power by allowing individuals to move freely among States, acquiring the access to better conditions of life. Indeed, people from poorer countries can move to the richer ones, improving their lives and redressing their disadvantage initial position given by the accident of birth. Moreover, migrants can help poor people remained in their countries of origin through remittances. Thus, Open borders policy can be considered as a way to break the global unequal equilibrium assisting the world's poor to escape from their undeserved

poverty, by extending the benefits of membership and the access to better conditions of life and social welfare. However, it is a difficult task to accomplish, mostly because the current nation-State asset prevents effective global actions of redistribution, by constraining migration flows.

The chapter ends, on one side, describing the current effort of the international community in different strategies of redistribution and of migration management; on the other, speculating on possible reforms of domestic policies and international institutions for further steps forward. Indeed, philosophers continue to give an important contribution to policy debates with their proposals for global justice: as Thomas Pogge's 'Health Impact Fund' proposal or 'Global Resources Dividend', or Christian Barry's and Reddy's 'Just Linkage', or Shachar's 'birthright privilege levy', or Benhabib's 'Just membership'.

For the moment, international community is engaged in projects for the socio-economic development of poorer countries, through subsidized loans and the transfer of technical know-how, information and institutional assistance: as for example, the commitment of the World Bank or the International Monetary Fund, or the countries' agreement for the Sustainable Development Goals. However, the engagement of all global community seems insufficient to redress global distributive injustice. Indeed, the current international action can be identified more as the execution of the 'duty of assistance' than a concrete redistribution.

Moreover, as regards the management of migration flows, even if cross-country migration is a reality for every country, the international community is not ready to face this increasing phenomenon. The global migration crisis is unsolved not because of the lack of resources, but, because of the lack of a coordinated resolute effort. It is a tragic collective action problem and each country deals discretionary and autonomously with migration flows, usually deciding for more and more restrictive immigration policies. However, framing global issues within national borders is anachronistic: the world is so interconnected and interdependent that consequences of any emergency reverberate on everybody.

This thesis strives for a global justice that is possible despite the absence of a global government, because everybody is called to act, sharing global responsibilities, benefits and costs in establishing a just global order. A global action is urgent and the world needs a radical change of direction: "*affluent countries can afford to be more humane than they have been with respect to both immigration and aid*" (Cunn Ann, & Al. 2016). Starting with the assumption that "*our history is not our destiny*" (Perry, Guillermo 2006), a further engagement is needed and it is already noticeable in the Global Compact for Migration. Indeed, it is the first inter-governmental negotiated agreement covering all dimensions of international migration in a holistic manner: the United Nations' members have recognized the need for a comprehensive approach to human mobility and cooperation to face this urgent global challenge. It envisages a comprehensive and integrated approach, balancing two conflicting principles: on one side, the national State-sovereignty, and on the other, the international responsibility-sharing. It is the first step to recognize, in the long run, also individual moral

remedial responsibilities toward needy migrants, understanding the necessity of institutional reforms for a global, egalitarian redistributive regime to equalize opportunities across national borders.

However, the most effective strategy in the short run to redress global inequality is erasing the barriers to mobility, that protect unjust arbitrary privileges. By committing to open borders perspective is not abandoning the Nation State system or national sovereignty, but restoring the effectiveness of liberal democratic principles for everybody, reaffirming the global shared commitment to duties of justice. The core problem of current global institutions is that they act only in name of States and their mutual interests. The new direction should be asking “*what is owed to individuals*” (Carens, Joseph, 2005), as human beings, adopting an equal moral consideration of them, engaging beyond the ‘duty of assistance’, for the establishment of more equal starting points of resources and opportunities. The world must commit for an enduring global justice.

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