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Expatriatism: The Theory and Practice of Open Borders

Chandran Kukathas

Every day, large numbers of people cross borders that separate one political jurisdiction from another. Most do so legally, though many break the law in changing jurisdictions. Many more do not cross borders, because they dare not break the law or cannot cross undetected—sometimes because they are denied permission to leave one jurisdiction, and other times because they are prohibited from entering another. Some cross borders fully aware that they are leaving one defined space and entering another, while others have no idea that anything has changed or that the imaginary lines that define distinct regions exist even in the imagination. Borders—political boundaries—are such variable things that encounters with them can be very different experiences. Entering Luxemburg from Belgium is almost always a nonevent. Entering the United States from Mexico can be very eventful. The purpose of this essay to ask why this is so, and whether it must be so. Why must some borders be so difficult to cross? Why can't the move from Mexico to the United States always be as easy as moving from Belgium to Luxemburg? Why should some people be able to move so freely and others not?

Another way to put this is to ask: Why can't all borders be open? The point of this essay is to address this question, both as a conceptual question and as a theoretical—normative—question. Its concern is the movement of people—not of goods or money—across political boundaries. In the end, it tries to offer a defense of open borders. But any such defense must rest on some account of what “open borders” means, and how such a thing is

possible. Thus the aim of the essay is to offer an account of the theory and practice of open borders.¹

Defining Borders

Any defense of open borders must begin by explaining what borders are. Borders are geographic boundaries demarcating or defining political entities or legal jurisdictions. They can be used to distinguish countries or states but can also distinguish a variety of other entities, including subnational administrative units, such as provinces, counties, boroughs, townships, municipalities, Indian reservations (United States), Indian reserves (Canada), cantons, territories, and parishes; and supranational entities (such as empires) or superstates (such as the European Union). Borders today are clearly defined boundaries that are no more than imaginary lines that do not themselves occupy any space. They thus differ from the marchlands of earlier times, when political entities were separated by border regions or borderlands—spaces that were beyond the authority of the rulers on either side. There are remnants of this past practice in the modern world in the shape of demilitarized zones—such as that between North and South Korea—but these are rarities. Borders are notional rather than physical, and can run not only across lands but also across waters, along rivers, through streets, and even through buildings.

Although borders can be delineated using physical objects or structures, this is uncommon. The Great Wall of China, the Maginot Line, the Berlin Wall, the Ceuta Border Fence between Spain and Morocco, and the physical barriers Churchill dubbed the “iron curtain” are examples of structures used to draw the boundaries between different regions. But nowadays political boundaries are established by rules or laws rather than by fences and gates. This point is a significant one because it means that opening or closing borders is not a matter of adding or removing physical objects but of changing rules. Indeed, it could even be a matter of changing legal arrangements that have nothing to do—at least not directly—with movement across borders. Barriers, when they exist at all, come in the form of controls exercised at checkpoints when borders are crossed—controls that might involve the presentation of identity papers, such as a passport, or visas, or other entry permits.

The presence of a border signifies the existence of some authority that

operates within the boundaries of a demarcated territory. One of the rights this authority may have is to exclude persons from its territory, but whether or not it does will depend on the kind of entity the authority represents. In international law, states have the right to determine whether, and under what conditions, persons may enter their territories. Provinces, parishes, and towns do not typically have such rights. Nonetheless, it is worth remarking that practice varies considerably. Although in international law countries can exclude persons from their territories, this is not always a straightforward matter. For example, under the Schengen Agreement concluded among European countries in 1985 and 1990, the twenty-five countries of the European Union along with Iceland, Norway, Liechtenstein, and Switzerland adopted measures that have more or less done away with border controls. With the exception of Ireland and the United Kingdom, there are no border controls of any significance within this region of four hundred million people. The Schengen Agreement also provides for a common policy on the movement of temporary visitors, who may travel freely within the region for up to three months. At the other extreme, Sabah and Sarawak, the states of Malaysia on the island of Borneo, require even Malaysian citizens to obtain permission to enter their territories, and they impose limits on the duration of visits and on what activities visitors can engage in. Within states, other entities may also have rights to exclude: U.S. Indian reservations, for example, may restrict entry onto their territories.

More often than not, however, the authorities within borders are responsible for attending to the interests of those within their jurisdiction rather than keeping others out. Provinces, towns, and counties may determine what rights and obligations residents have without having any power to determine who may become a resident. Even nation-states might find their capacity to restrict entry to their territories limited by international and domestic law. For example, the United States, one of the nations that have adopted the norm of *jus soli*, is obliged to admit anyone who was born in its territory as a citizen. Germany, one of the nations that have adopted the norm of *jus sanguinis*, cannot easily deny German residence or citizenship to someone with German ancestry. Countries that are signatories to the 1951 Refugee Convention cannot turn away those who have landed on their territory and asked for asylum—at least, not until such a claim is legally determined to be unfounded. Sometimes, simply crossing a border can give a person rights that the authorities have no power to ignore.

A border, in sum, is a complex notion. It does not merely impose a

physical or even a notional barrier to forbid or permit entry from one region to another but specifies, and in some cases works to determine, the rights and obligations individuals and authorities have. Opening and closing borders is a matter not of opening or shutting gates but of changing the working of a complex system of machinery. We should consider this machinery in more detail to try to understand what open borders could mean.

What Are Open Borders?

The openness of borders is clearly a matter of degree. How do we determine whether a border is open or closed—or at least, how open a border might be? To answer this question we need to consider the variety of ways, and the different dimensions along which, borders operate to control the movement of persons. Indeed, we need to recognize that borders can be open in some respects and closed in others. Policy can therefore easily make borders more open and yet, at the same time, more closed. This is because policy can change the terms of entry in a number of different respects. It can vary the terms by specifying (i) what kinds of people may enter and what status they may hold on entering; (ii) how long they may stay; (iii) what qualifications or characteristics they must possess to enter; and (iv) what procedures they must follow to remain within a territory. Policy can also specify (v) the number of people admitted in various categories. Nation-states typically impose strict terms in all five of these respects while other kinds of jurisdictions do not, so most of the following discussion will focus on crossing national boundaries.

Entry Status

Nation-states admit people onto their territories in a variety of categories. It is easier to enter in some categories than in others. People move as tourists, students, diplomats, military personnel, journalists, pilgrims, seasonal workers, guest workers, resident scholars, sportsmen, performers, artists, and immigrants. Most countries make it easy to enter as a tourist, more difficult to enter as a would-be resident or worker, and even more difficult to enter as an immigrant.

In each of these categories entry may be more difficult or less difficult.

Entering as a tourist is easier in some countries than in others. Consider these examples. For most people in North and South America, Australasia, and limited parts of Asia (Japan, South Korea, Malaysia, and Singapore) entering Europe requires nothing more than turning up at a European port or airport. (Everyone else must obtain a visa.) Australia is one of a number of countries that requires everyone to obtain a visa, though it has loosened this requirement by allowing citizens of some countries to obtain their visas online or through travel agents. Brazil requires Australians, Americans, and Canadians—but not British and most E.U. citizens—to obtain visas to enter the country, and charges between \$50 and \$200 for one. Brazil, like many countries, also requires most visitors (including Britons and E.U. nationals) to have a return ticket and to show evidence of having sufficient funds for the duration of their stay. The United States exempts members of twenty-seven countries from the requirement to obtain a visa to enter as a tourist, though only three from Asia (Brunei, Japan, and Singapore) and none from Africa or South America. It is possible to obtain a visa to travel in North Korea, but only as a part of a state-run tour—no independent travel is permitted.

Entering a country to take up employment is usually more difficult than entering it as a tourist, though the regulations governing this vary widely. Most countries, and all developed countries, require visitors to obtain permission to work, and whether or not permission is granted will depend a range of factors, from seasonal demand for particular workers, to the worker's country of origin, to status of the visitor (who might be eligible for a temporary work visa for holidaying youths). Work visas for professionals may be easy to obtain in some countries in some professions, but it is not always possible for accompanying spouses to secure work permits. In the United States, Australia, and Canada it is necessary for employers applying to hire overseas professionals to demonstrate that no appointment could be made from the ranks of the domestic workforce—though the extent to which such claims are demonstrable is doubtful, and for the most part it is the assurance of the applying employer that settles the matter.

Entering a country as an immigrant is invariably more difficult than entering it as a tourist, though here it has to be noted that there are many kinds of immigrants and many kinds of admission. Immigrants might enter the country with a view to staying temporarily but eventually returning to their homelands; or enter with a view to reuniting with family members who migrated earlier but with no intention of working; or enter with a view

to establishing a second home for a part of the year; or enter with a view to settling more permanently but never becoming a citizen; or enter with an intention of becoming a full citizen. Equally, immigration policy may encourage people to enter but discourage them from coming if they would only be dependants rather than workers (and taxpayers); it might encourage them to become residents but make it difficult to become citizens; and it might welcome new citizens but require that they repudiate their former citizenship.

Entry Duration

Most states control border crossing by limiting the duration of any visit. Tourists may usually enter a country only for a limited time, even in cases when they may reenter it without difficulty within hours of leaving it. Work permits and visas also expire. Even those who enter with long-term or permanent employment secured often find that their visas expire and have to be renewed regularly. Many people have lived in countries for decades by renewing their visas every year. In particular cases, however, work visas can only be used for a fixed period before the entrant has to either change status or leave the country permanently.

Entry Qualification

States also control border crossing by restricting entry to those with the right characteristics or qualifications. Restrictions can be based on any number of factors, including ethnicity, nationality, religion, political affiliation, wealth, income, age, health, profession, and criminality. So, for example, Australia restricted entry by ethnicity in the many years while the White Australia Policy was in operation. Malaysia will not admit Israeli nationals except in special circumstances (and forbids its citizens to visit Israel). Every non-U.S. citizen entering the United States or applying for a visa is asked: "Are you or have you ever been a member of the Communist party or any organization dedicated to the violent overthrow of the United States government?" Although it is not the case that membership of a communist party automatically disqualifies one from entry, it is something that has to be satisfactorily explained. A lack of substantial wealth or high income are not in themselves going to prevent anyone from gaining permission to enter a country, but many countries, including Canada and

Singapore, will admit wealthy immigrants who can demonstrate an intention and capacity to invest in the country. People of advanced age can have their applications to immigrate to Australia turned down on the grounds that they will not live long enough to contribute enough in taxes to cover the costs they will impose on existing taxpayers. Australia has also turned away disabled would-be immigrants on the grounds that the costs of their care would outweigh the financial contribution they are likely to make over a lifetime. (There is no provision for those who wish to waive their right to public welfare in exchange for a right of entry.) Would-be visitors can be denied entry, or legal residents deported, if they are found guilty of criminal actions of varying degrees of seriousness. For example, a twenty-year-old man who had been in the United States since he was a baby was deported to Laos, his country of birth, in spite of having no family there and no knowledge of its language or culture—as a result of being found guilty of the illegal possession of a firearm.

Entrant Rights and Obligations

Finally, states can shape the pattern of border crossing by restricting or limiting the rights of outsiders, or by imposing particular duties upon them. For example, those who have entered as residents may be forbidden to work in paid employment. Those with work permits may be restricted to work with the sponsoring employer and prohibited from changing jobs. Spouses of workers may be forbidden to work. Those free to work may find it impossible to work in their fields because their qualifications are not recognized. Those with or without qualifications may find it difficult to compete with the local labor force because labor laws, including minimum-wage laws, do not allow them to offer their services at a lower price. In some countries noncitizens may not own certain forms of property—for example, Thailand and Singapore restrict the rights of foreigners to buy land or residential homes that are not apartments in multiapartment buildings. Foreigners can also find they are limited by being ineligible for certain forms of employment (notably in government), ineligible for social security benefits, and ineligible to participate in the political process (for example, by voting in some or all elections). In some countries foreign residents are prohibited from commenting on local politics, on pain of deportation. Foreign nationals may also face reporting requirements, having to present themselves regularly to immigration officers, to inform authorities of

changes of address, and to register their arrivals and departures. Penalties for compliance failures can include deportation and loss of any right of reentry.

Entry Quotas

Most states employ some measures to restrict the numbers of people entering and leaving the country. Though tourist numbers are not typically limited, tourism is controlled by states for various reasons. For example, Nepal tries to limit the number of people trying to climb Mount Everest by imposing high fees on mountaineers. Countries where the volume of tourist traffic puts pressure on important sites have considered trying to limit entry. And Western countries generally make it more difficult for people from poor countries to enter even as tourists because of the risk of overstaying. But by and large, tourism is too lucrative to be limited. Entry in other categories, however, is often substantially limited. The United States admits foreign workers in a variety of visa categories but has firm limits in most of them. It also admits many people as permanent residents through the green card lottery, though no more than 55,000 are awarded each year. Australia has varied its intake of immigrants each year but has tried to keep the numbers within firm limits. It also has special places for humanitarian cases and refugees, though again these are limited in number, and each year many are turned away because the quota has been filled.

Open Borders

In the light of these observations about the way in which border crossings and border crossers are dealt with, what can we say about what open borders are? The answer is that, if the openness of borders is a matter of degree, borders can be more or less open in a variety of ways. People can enter countries with a view to visit, to visit and work, to study, to study and work, to reside, to reside and work, to perform, preach, or conduct research, or to join the host society as a new citizen. State policy can open borders in one or more respects while closing it in others. It might make entry easier by granting more visas or removing visa requirements, by lowering visa costs, by widening the scope of visa waiver programs, and even by ceasing negative advertising.² Yet at the same time it might make it more difficult

Table 15.1 Countries/States

	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
Entry	Yes	Yes	Yes	No	<i>No</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
Participation	Yes	Yes	No	No	No	(Yes)	No	(Yes)
Membership	Yes	No	No	No	(Yes)	(Yes)	(Yes)	No

to get work permits or permission to open businesses. It might increase the number of student visas but impose stronger requirements that students must return to their home countries, or make it harder for students to work to support themselves. It might make it easier to enter the country to work but make it harder to renew a work permit. It might make it easier to become a resident but harder to become a citizen, or easier to become a citizen but harder to enter in the first place.

If the openness of borders is such a variable thing, one important problem then is the question of what really matters if one advocates open borders. For the sake of simplifying the problem let us say that there are three dimensions along which the issue can be considered: entry, participation, and membership. The first dimension, entry, covers the freedom of foreigners to enter and reside in a society. Participation covers foreigners' right to take up employment or to trade or open up a business. Membership covers the right of foreigners to become more closely involved in the society—perhaps acquiring the right to take government employment, or participate in elections, or even stand for public office.

A society with fully open borders would be one in which entry, participation, and membership were all possible. A less open society would be one in which entry and participation were possible but membership not. A much less open society would make entry possible but not participation and membership. A society with completely closed borders would not permit entry, participation, or membership. Table 15.1 presents the options that are conceivable. Along the three dimensions there are eight possible kinds of country, distinguished by degree of openness of borders. Country 1 has the most open borders and country 4 the least. Countries 5, 6, 7, and 8 are not feasible possibilities. Country 5 cannot offer membership to foreigners if it will not allow them to enter or participate. Country 6 cannot offer participation, let alone membership, if it will not allow entry. Country 7 cannot really offer membership if it will not allow participation, even if it will allow entry—and is therefore no different from country 3.

Table 15.2

	A	B	C
Entry	Easy	Hard	Very hard
Participation	Hard	Very hard	Easy
Membership	Very hard	Easy	Hard

Table 15.3

	A	B	C
Entry	5	2	8
Participation	5	7	2
Membership	5	9	2

Note: 1 = Easy, 10 = Very hard

This presentation of the possibilities obviously simplifies matters considerably. After all, as has already been noted, entry, participation, and membership are all a matter of degree. Nonetheless, it is worth noting that permitting entry is the first requirement for open borders, since participation is not possible without it; and the right to participate is the second requirement if we assume that membership, by its very nature, means having full rights to enter and participate. To lose the right to participate is to lose one's rights of membership.³

To put the case for open borders, then, is really to put the case for lowering or ending restrictions on foreign entry into, participation in, and membership of a state or polity. Borders are more open as it becomes easier to enter, participate, and join. However, what is more difficult to determine is how to interpret an easing of restrictions in some respects but a tightening of restrictions in others. Consider, for example, the three countries A, B, and C, in Table 15.2. It's not clear which of the three has the most open borders. Country A is easy to enter but very hard to join as a citizen; B makes it easy to acquire citizenship but very hard to win the right to work; C is hard to enter but easy to gain working rights in (if you can get in, you can work), yet still difficult to join as a citizen.

Or consider another presentation of the same problem, in Table 15.3, with a numerical weighting given to indicate the degree of difficulty of earning rights to enter, participate in, or become a member of a polity.

Would a move from A to B amount to a move to a regime with more open or less open borders? Is C more open or less open than B or A? To the extent that it is difficult to say, the notion of open borders is unclear or indeterminate. To say which regime has more open or less open borders we need a theory of open borders. This means a theory that explains which restrictions or limitations are more important than others. To the extent that such a theory is a normative theory, it must offer an account of what kinds of restrictions are more defensible or less defensible morally.

Toward a Theory of Open Borders

I want to argue that the most important dimensions along which borders should be open are those of entry and participation. Membership is not a trivial matter, but morally speaking it does not matter nearly as much as the freedom or the opportunity to enter and participate in a society. It is restrictions on entry and participation that are of most concern from the perspective of an advocate of open borders. Before presenting the case for this view, however, I want to look briefly at the question of the purpose (and justification) of closing borders, and then at the *prima facie* case for opening them.

Arguments for Closed Borders

The very important point to note at the outset is that very few people (or states) advocate completely closed borders. We have already established that the openness or closedness of a border is a matter of degree. The debate is really about how open or closed borders should be. So my analysis of the case for closed borders is of the case for substantial limitations on entry into, participation in, or membership of a society—with the term “substantial limitations” serving to specify only loosely the extent of restriction of the movement of people.

Numerous arguments are advanced for closing borders, but most of them are variations or versions of the following.

1. *Homogeneity arguments.* The existing society has a form or character that would be eroded or corrupted if any or too many people of a different kind were admitted, so entry has to be limited. The White Australia Policy rested in part on such an argument. American resistance to Irish immigra-

tion in the nineteenth century drew on it as well. Japan's reluctance to admit its Korean members to citizenship provides yet another example of this thinking. Nowadays, many countries are concerned about admitting "too many" people from particular groups, or people who are not members of the dominant group in the country, in case the change in the composition of the society proves problematic. This might mean concerns about admitting some nationalities, members of some religions (such as Islam), or people who speak other languages. Sometimes the argument is that it is important to preserve the existing culture or tradition embodied in the nation, so that it might endure over generations to come. The loss of Japanese-ness or French Canadian society would be a loss in itself, and measures taken to prevent the dilution and erosion of these societies are therefore justified. A different argument is that a society that admits too many people who are very different will find it lacks the harmony and cohesion it once had. This is bad in itself, for it means social conflict. It is also unfair on existing members of society who might find their surrounds and their lives changing rapidly around them till they find themselves living in a land that is alien to them. The admission of foreigners should be restricted to ensure that a homogeneous society does not become diverse in unfamiliar or uncomfortable ways—even if diversity is not to be repudiated entirely.

2. *Protection arguments.* Closing borders protects some locals from foreigners in a number of ways. Economically, it gives locals a better chance of employment if the extent of the labor market is limited. It also raises domestic wages for the same reason. This clearly protects low-wage employees, but it can also benefit those higher up on the salary scale, depending on what kinds of entry restrictions are in place. Whatever the case may be, the argument is the need to provide locals with economic protection against competition from foreigners. It is important to note, however, that a choice has to be made here to protect some locals at the expense of others, since those who might benefit from competitive foreign labor would be disadvantaged. Protection arguments are therefore always arguments not for protecting locals in general but for protecting some (possibly a majority of) locals. Favored candidates for protection might include particular industries, particular professions, and particular cultural traditions.

3. *Ecological arguments.* Too large or too rapid an increase in the size of the domestic population may be harmful to the local ecology. Some Australian environmentalists argue that the continent is overpopulated and that its delicate natural ecology will be destroyed by population growth (or,

some argue, unless the population is not substantially reduced). It is also argued that population increase might leave domestic society unable to cope with the resulting pressure on society's infrastructure, since it will lead to more congestion, more pollution, and a strain on public services, including transport, sewerage, water, and power.

4. *Social control arguments.* Any stable society, the argument goes, needs to be able to keep control of its population to guard against criminality, political subversion, and terror. This requires close monitoring of the population, and to that extent there must be restrictions on movement in and out of the country as well as a close watch on movements within it by local and national authorities.

5. *Rent preserving arguments.* Members of any country have benefits that accrue to them in virtue of their having access to opportunities outsiders do not. They enjoy the rents that come to those who are advantageously placed. Norwegian and Kuwaiti citizens are the beneficiaries of the wealth that comes to them from the oil that lies within the national boundaries of their states. But such rents may exist not just in the form of access to natural resources but in the shape of the society itself. Someone lucky enough to move to the United States from Haiti will be able to enjoy the gains he can make by working or trading in a stable and prosperous economy with secure property rights and a good measure of personal safety provided by the rule of law. Someone unable to leave Haiti may have limited opportunities to make any gains if everyone around her is poor, her environment is unsafe, and the polity is unstable. Those who live in societies in which they enjoy the rents that go with residence or membership can argue that they need to preserve their past and future gains by limiting access to those rents.

6. *Golden goose arguments.* A related argument is that foreign entry to a society should be restricted if too great an influx of outsiders might change or erode the traditions or practices that made the society prosperous in the first place. People from poor countries are poor often not because their countries lack resources but because their economic and political systems are ramshackle. But if they move to prosperous countries with attitudes or convictions that lead to the breakdown of the economic and political systems of their new societies, everyone loses. Democracies with generous welfare systems might be particularly vulnerable if large numbers of poor immigrants become voters and vote themselves more benefits. The golden goose is killed by foreigners pressuring it for more eggs.

7. *Social justice arguments.* In order to promote social justice within a country, this argument goes, it may be necessary to restrict entry. This is partly because the institutions of social justice can only function if they are recognized as legitimate by the population, and an influx of foreigners might lead to people questioning their obligation to contribute to sustaining those institutions. This may mean that the welfare of outsiders will have to be sacrificed to some degree as they are denied admission, but if social justice matters, then borders will have to be closed at least to some degree—perhaps to a considerable degree.

Arguments for Open Borders

To put the case for opening borders it is necessary to address the arguments for closing them. But before going on to do this it would be useful to note what general reasons there might be for not restricting the movement of people from one country to another. There are several arguments worth considering.

1. *Arguments from freedom.* Closing borders means restricting individual freedom. It means preventing people from moving from one place to another and denying people the opportunity to trade, or sell their labor, or enjoy friendships that are important to them. While this is not a consideration that is necessarily decisive, it is significant nonetheless. Any justification for closed borders has to offer reasons strong enough to warrant the interference with individual freedom—both of those who wish to move and of those who are unable to welcome outsiders as partners, neighbors, colleagues, or employees.

2. *Arguments from global prosperity.* The free movement of people, it can be argued, can contribute enormously to global prosperity. In the barest economic terms, the mobility of factors of production is a good thing, for it allows resources to be deployed where they are most productive. This holds not only for money or physical forms of capital but also for labor or for human capital more generally.

3. *Arguments from justice.* Though it might be argued that social justice requires closed borders, it can also be argued that it is unjust to deny many people, especially the world's poor, access to the benefits of moving to places where they can take a greater share of the wealth the world can provide. Even if wealthy countries begin to contribute much more in foreign aid to poor countries, it is unlikely that this will do nearly as much to

make the poor more prosperous as would allowing them to move, enrich themselves, and enrich others by remitting a portion of their newfound wealth to their distant friends and relatives.

4. *Arguments from humanity.* Even if justice does not mandate sharing national wealth with people from other societies, a principle of humanity suggests that it is difficult to justify turning the poorest people away from the doors of the richest societies. It bears noting that, on the whole, the well off and the rich have little trouble crossing most borders. The purpose of closed borders is usually to keep out the poor. Given that refugee camps around the world are homes to millions of people, unable to return whence they came but with nowhere decent to go, a policy of closed borders looks difficult to justify.

5. *Arguments from sectional advantage.* Particular groups stand to gain from open borders. Typically, some business enterprises stand to benefit from an influx of immigrants who increase the size of the labor pool and thus push wages downward.

How to Open Borders

What should be evident from the two sets of arguments above is that it would be difficult to make a decisive case for open borders. The problem is that the kinds of arguments in favor of open borders do not, in themselves, supply indefeasible reasons for not closing them. Nor do they, in themselves, undermine (let alone refute) the arguments for restrictions on the movement of people. How can a case for open borders be made?

The most important thing to recognize is that any argument for open or closed borders (remembering that openness is a matter of degree) must involve trading off some considerations against others. The defenders of closed borders do have a point (or a number of points). Opening borders can lead to a loss of homogeneity, may disadvantage some groups, will mean sharing some of the rents currently enjoyed exclusively by a country's residents, and could make it more difficult to sustain institutions of social justice. But equally, there is no denying that border controls limit freedom, impose inefficiencies on the working of the global labor market, amount to unjust treatment of at least some of those who are excluded from particular societies they wish to enter, and require neglecting the needs of some people in desperate need. The question is really not so much one of whether borders should be open or closed *simpliciter* but of how the tradeoff should be

made. A theory of open borders, therefore, must be a theory of how to trade off the values that mandate openness against the ones that suggest closure. In the remainder of this essay I want to offer the outline of how such a tradeoff should be made, and to draw out the implications of such a view.

A defensible theory of open borders, I suggest, is one that gives little weight to homogeneity arguments, even less weight to protection arguments, and zero weight to rent-preserving arguments. Greater weight is given to golden goose arguments and also to social justice arguments. The reason for giving little weight to homogeneity considerations is that, in the end, what matters is how the lives of individuals go; the color of a society (literally as well as figuratively) does not matter. It may matter to individuals if a society is transformed so rapidly that their lives become disrupted and even intolerable, but it does not matter whether the next generation is different from this if the next generation is content with its character. The preservation of homogeneity is of little importance in itself.

The reason for giving little weight to protection arguments is that using border controls to protect some groups within a society usually means disadvantaging other groups within the same society. It may be that some groups that are particularly poorly off have some claim to being protected, but even protecting them may be at the expense of others who are just as poorly off and who would gain by the contributions of outsiders. It is hard to see why this would be justified. Protecting groups who are well off to the disadvantage of other members who are well off also seems to be no especially good reason to prevent outsiders from entering a society. It is not a good reason to open borders, either, because lifting restrictions gives advantages to particular groups.

The reason for giving no weight to rent-preserving arguments is that it is difficult to see why the fact that one already enjoys certain advantages is any reason why one should keep it. There may not be any reason to confiscate someone's wealth even if that wealth is just the result of good fortune. But it is hard to see why such a person would be justified in denying others the opportunity to enrich themselves also.

A good measure of importance should be attached to golden goose arguments, since the possibility that an influx of people would undermine or destroy the institutions that made the society attractive to foreigners may be a serious one. In practice, it may be that the number of foreign entrants needed to make this a real concern may be much higher than the number

likely to try to visit or immigrate. Nonetheless, the fact that an influx in such numbers is in principle possible may serve to set an outer limit on the openness of borders.

Some importance should also be attached to social justice arguments. Though these may be criticized on a variety of grounds, the salient point is that if the question of justice is going to be raised it is at least an open question what is the relevant context within which justice in distribution is to be considered. While many universalists argue that justice must be global in scope, there is also a substantial case for viewing justice as requiring the existence of an ethical community. Conceding the significance of social justice arguments is a way of recognizing that there is a tradeoff to be made between doing justice within societies and doing justice across societies. It might be tempting to deny that there is a tradeoff involved, and that justice only applies in one of these contexts. But such a conclusion seems to fly in the face of a dilemma that is both significant and real.

Finally, some weight should be given to social control arguments. If the existence of states or polities is taken as a given, then there has to be some recognition of their need to do what is necessary to preserve their integrity. For this they may need to monitor population movements to some degree and have some power to keep out criminals and political subversives.⁴ Once again, this supplies a criterion for closing borders to some degree but not for limiting movement in any substantial way.

The tradeoffs among these considerations is only one side of the story. The other side is the matter of whether borders are to be open or closed with respect to entry, participation, and membership. If any significant weight is given to social justice and social control arguments in favor of closing borders, then it becomes important that existing members of states must retain the capacity not only to govern but also to limit the extent to which outsiders can acquire the capacity to do so. Moreover, they will need the capacity to limit the ability of outsiders to enter society and take advantage of the benefits of participation and membership without making any reciprocal contribution. This means that there may be a case for closing borders in the sense of limiting access to citizenship and welfare entitlements, but less justification for limiting entry into the society or restricting rights of participation in economic and civil life. This does not mean it would be justified to limit indefinitely a newcomer's access to full membership and all the political and welfare rights this might involve. Here again there is a tradeoff: if borders are to be as open as possible but complete

openness in all respects is not feasible, then membership should be forgone in return for greater opportunity for entry and participation.

The Price of Open Borders

This way of defending open borders will not be congenial to some of its advocates. One of the most prominent political theorists defending open borders, Joseph Carens, has indeed suggested that the case for open borders is best presented as resting on a theory of democratic justice.⁵ A just society, in his view, can offer no good reasons for excluding some people from full membership—and considerations of feasibility are, in the end, considerations that take us away from answers to the question of what is morally justified in some deeper sense. The argument offered here, I think Carens would say, yields to concerns of political strategy and so, ultimately, does not offer the best moral argument for open borders.

Nonetheless, I suggest that this is the best way of thinking about open borders and how they can be justified. This is because the morality of political life is the morality of tradeoffs, not the morality of perfect justice. There is politics because people hold different values and also rank or weight differently the values they share. The existence of states, and therefore of borders, is a reflection of this very fact. In a perfectly just world, if such a thing could be imagined, there would be no open borders because there would be no borders and no states. If we begin our inquiry into the matter of open borders with the assumption that states and borders are fixed points in the moral and political universe, then any answer we give the question of how open borders can be must be an answer that is consistent with the continued existence of states and borders. And it must be consistent with an understanding of human motives and human behavior that gives the existence of the state its point. The state in the end is not simply an administrative unit dedicated to the task of administering to technical matters of social organization; it is a political entity that reflects that fact of human disagreement and conflict.

That said, however, this account of open borders will also be greeted skeptically from the perspective of those who would see it as much too sanguine about the feasibility of open borders. Can borders really be open such that entry and participation are fairly permitted (even as rights of membership are difficult to acquire), without great pressure being put on

the institution of the state as more people enter its domain? If it is the business of the state to bring about social justice within the polity, how will it attend to the concerns of full citizens and also address the demands of foreign participants in the life of the society? The answer, I think, is that in reality states will always struggle with this problem and will respond by keeping borders more tightly closed. To open borders, from the state's point of view, is always to invite trouble.

This essay began with the question of how open borders could be. It has tried to answer that question primarily through a conceptual analysis of the idea of a border. The ethical conviction underlying the essay is that open borders—a world in which people could move about freely without being hindered from residing or working where they pleased—are highly desirable. The conclusion it reaches, however, is that there is a limit to how open borders can be if they are to remain borders at all.