

Culture, Free Movement, and Open Borders

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Abstract: Communitarians are derided for their commitment to closed borders. According to their critics, if we balance the claims of cultural preservation (deployed primarily by wealthy countries) against the claims of economic betterment (deployed primarily by the very poor), the correct moral ordering will prioritize the claims of economic betterment, and thus support claims for open borders over closed borders. Yet, this standard way of framing the debate ignores the deep connection between cultural claims and freedom of movement. In the near-exclusive focus on the relationship between cultural preservation and the alleged importance of closed borders, free movement advocates have lost sight of how frequently culture bolsters claims in favor of freedom of movement. I argue that cultural claims should not be ignored in discussions of free movement. To do so fails to give a full account of the reasons we have to favor free movement, oftentimes across borders.

It is commonplace in the open borders literature to deride communitarians for their commitment to national control of state borders. For communitarians, cultures have such an important moral status that, if the movement of outsiders threatens to dilute the culture and therefore to damage something of moral value, they demand the right to restrict movement across borders. The standard objections to this communitarian demand are threefold: 1) it fails to give due weight to the vast economic disparities that separate wealthy from poor countries and prompt citizens of poorer countries to (desire to) cross borders in pursuit of a decent life, in which their basic needs are met; 2) it justifies the presence of borders which cement arbitrary inequalities between people, and therefore violates the standard liberal commitment to equality of opportunity; and 3) it illegitimately privileges state-controlled cultural homogeneity, which is necessarily oppressive and marginalizing.¹ If we are to balance the claims of cultural preservation

I would like to thank the following people for their helpful and thoughtful comments on earlier versions of this paper: Jacob J. Krich, David Miller, Kieran Oberman, Zofia Stemplowska, Lea Ypi, and the very careful reviewers for this journal.

¹Variations on this latter claim are made by, for example, Phillip Cole, “Embracing the ‘Nation,’” *Res Publica* 6, no. 3 (2000): 237–57; Jonathan Seglow, “The Ethics of Immigration,” *Political Studies Review* 3, no. 3 (2005): 317–34; Arash Abizadeh, “Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments,” *American Political Science Review* 96, no. 3 (2002): 495–509; Veit Bader, “Citizenship

(which, it is implied, are deployed primarily by wealthy countries) against the claims of economic betterment (which, it is implied, are deployed primarily by the very poor), the correct moral ordering will—unambiguously—prioritize the claims of economic betterment, and thus support claims for open borders over closed borders.² In this paper I contend that this standard way of framing the debate sets up a false dichotomy, and thereby ignores the deep connection between cultural claims and freedom of movement. In their almost exclusive focus on the relationship between cultural preservation and the alleged importance of closed borders, free movement advocates have lost sight of how frequently culture is used to bolster claims in favor of freedom of movement. I argue, on the contrary, that claims of culture should not be ignored in discussions of free movement. To do so risks failing to give a full account of the reasons we have to *favor* free movement.

The paper is organized as follows. In the first section I consider the distinction between the right to free movement and the demand to open borders. In the second section I review the standard arguments against free movement across borders for the sake of cultural preservation, as well as the reasons standardly given to reject the priority that these arguments give to culture. I also remind readers that even liberals are generally committed to the importance that culture plays in our lives; it is near conventional wisdom to believe, with Will Kymlicka, that culture provides a context for choice. It is largely in the context of our own, protected, culture that the liberal commitment to autonomy can be realized; yet this insight is ignored in most arguments for freedom of movement. In this section, I also observe that economic interests are generally given absolute priority over cultural interests by advocates for open borders. The third section argues that there are at least three clear instances in which culture is used to bolster rather than restrict freedom of movement: 1) instances in which freedom of movement is essential to engaging in one's cultural practices, 2) instances where cultural claims must be met in order to exercise freedom of movement, and 3) instances in which freedom of movement demands the freedom to stay in one's culture.

and Exclusion," *Political Theory* 23, no. 2 (1995): 211–46. On occasion, the objections are made against "liberal nationalism" rather than communitarianism *per se*.

²Arguments for open borders are not made only in terms of distributive justice. Some also argue for freedom of movement on autonomy-based grounds. See, for example, Ann Dummett, "The Transnational Migration of People Seen from within a Natural Law Tradition," in *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*, ed. Brian Barry and Robert Goodin (University Park: Pennsylvania State University Press, 1992), 169–80. I agree, however, with many others that autonomy demands adequate freedom of movement, and not necessarily the freedom to cross borders (though, of course, in some instances, the freedom to cross borders will be essential to protecting and promoting autonomy).

An examination of the latter case suggests that it may be a mistake to spill so much ink advocating open borders as a solution to global inequalities in wealth, since a genuine emphasis on human interests reveals an interest in staying home. The fourth section of the paper observes the considerable suggestive evidence that freedom of movement would *not* result in the massive migration about which we now worry. This may appear to be a prudential argument, at least insofar as it responds to apocalyptic claims about the mass migration looser borders are predicted to engender. Yet there is an important normative element to these observations as well—namely, they illustrate that in the face of considerable *economic* incentives to do so, most people choose against movement. The fact that most people choose not to move, even when it is in their economic interest to do so, suggests the importance of revising the priority that is traditionally given, in open-borders and freedom-of-movement arguments, to economic interests, towards a more inclusive conception of fundamental human interests that includes both economic and cultural elements. In the final section I thus conclude that it is from *within* a commitment to cultural preservation that we find a demand for increased foreign aid across borders.³ My argument thus supports the conclusion that foreign aid—which may well have to be increased in order to meet these cultural needs—rather than open borders is the solution to global inequality that better tracks human interests, when we understand human interests to comprise *both* cultural and economic elements. We need not, of course, choose between open borders and redistribution; yet my argument lends support to those who argue for prioritizing efforts at increasing redistribution.

1. Freedom of movement versus open borders

Let me say something, by way of introduction, about the concept of freedom of movement and how it is related to open borders. On the one hand, freedom of movement refers to the freedom to move to the location of one's choice, unimpeded by external obstacles (including, but not limited to, borders). The right to move freely is sometimes defended as a fundamental right or liberty, which we all possess by virtue of our status as equal and free moral agents, and is at other times defended in instrumental terms, as a freedom that is essential to protecting some other freedom or set of freedoms that we think of as fundamental. We might be committed, for example, to equality of opportunity, and so defend the right to move freely in terms of its capacity to secure genuine access to equality of opportunity. In general, moreover, individuals exercise their right to freedom of movement in pursuit of a range of goods: individuals may desire to relocate for improved employment

³The term “foreign aid” here should be taken to be a placeholder for the broad range of tasks associated with assisting development in poorer countries.

opportunities, to be closer to their loved ones, to travel widely, to join a community of like-minded people and so on.

Freedom of movement can be constrained in at least two ways. First, it can be constrained when individuals are not permitted to go to the location of their choice, even if we often have good reasons to prevent them from doing so. For example, laws against trespassing restrict freedom of movement, but we typically think that trespassing laws are valuable on other grounds (for example, to protect private property) and, further, that the ways in which they constrain free movement are generally insignificant. In the context of nation states divided by relatively closed borders, citizens can be prevented from going to the location of their choice by laws restricting exit (as, for example, in the case of North Korea) as well as by laws restricting entry (as is frequently the case for poor migrants seeking entry into wealthy countries). Second, freedom of movement can be constrained when individuals are forced to move away from the location in which they would prefer to reside; in section 3, I will emphasize—I believe it has been ignored in previous defenses of free movement—the importance of the freedom to stay as a component of the right to free movement. With respect to the debate at issue in this paper, the right to move will be assessed primarily in terms of its capacity to remedy the evil of global wealth disparities.

Often, arguments for open borders are made in terms of free movement: open borders are the only way in which freedom of movement can be protected, and it is because we desire to protect freedom of movement as a fundamental right that borders must be opened. It seems clear that freedom of movement will require open borders (and the concomitant right to settle in the location of one's choice) in order to be fully protected, and it is crucial to recognize that closed borders restrict freedom of movement even if one has no desire at all to cross these borders. Even if we have very little interest in visiting war-torn Sudan or lawless Somalia, we cannot deny that the presence of a border preventing us from doing so does, to some extent, limit our freedom of movement, even if it does not do so in ways that negatively affect our capacity to achieve our objectives. To argue for open borders, then, is to argue for dismantling the restrictions associated with crossing borders, and instead to grant absolute or near-absolute permission to cross the borders that divide countries, and to take up residence wherever one chooses.

Although open borders are essential to maximizing freedom of movement, I believe there is some value to treating these concepts differently, for the purposes of moral theorizing, for this reason: the demands placed on us as moral philosophers and policymakers are distinct if we frame the important moral questions in terms of freedom of movement rather than open borders. This is especially the case since there is no good reason to think that open borders will enable those most in need to exercise freedom of movement. Movement across borders generally requires resources, and the desperately poor will often not have the resources they need to cross borders. If our concern is to protect genuine, rather than merely negative, freedom of

movement—i.e., an environment in which those who wish to migrate are able to do so, as well as an environment in which those who wish to stay where they are are able to do so—we may have to consider redistributing resources to permit those who are poorest to make movement-related decisions freely. Whereas an emphasis on open borders will encourage nation states to increase the permeability of the borders that divide them, as a consequence of which migration by poor citizens may well serve at least a partial role in remedying global inequalities, an emphasis on freedom of movement will at least include—if not prioritize—global redistribution as a way to provide individuals with the resources that are essential to exercising it. Additionally, whereas an emphasis on open borders will favor those who already possess the resources essential to crossing borders, as well as those who possess a desire to cross borders, an emphasis on securing the conditions for genuine freedom of movement will favor those who do not already possess the resources to cross borders, as well as those who prefer to exercise their right of freedom of movement by staying home (and therefore for whom migration across borders, even if a possibility, is only a second-best option).

2. Cultural preservation, autonomy, and the argument for closed borders

The argument that states, or nation states, have the right unilaterally to control their borders, and that they have the right to do so on cultural grounds, is typically attributed to Michael Walzer. In his *Spheres of Justice*, Walzer suggests that it is the prerogative of members of a community to decide whom to admit and whom to exclude, and for what period of time. Although here I am concerned mainly with the debates as they pertain to permanent migrants, the more general right (and capacity) to control entry to, and settlement on, a territory, says Walzer, “serves to defend the liberty and welfare, the politics and culture of a group of people committed to one another and to their common life.”⁴ He continues: “admission and exclusion are at the core of communal independence. They suggest the deepest meaning

⁴Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 39. As I indicate here, I am mainly concerned with permanent migrants, who traditionally have occupied the attention of vigorous defenders of state sovereignty. That said, as a reviewer observed, there are many different categories of migrant streams to consider, including tourists, temporary migrants, and so on. Indeed, many countries with strong “nativist” movements are turning to temporary labor migrants, who can fill labor shortages, but who are temporary and are therefore not perceived to be a danger to the national culture. I believe (as does Walzer) that the presence of temporary workers as “partial citizens” can and does have a profound impact on the culture of the host community. See Walzer, “Membership,” in *Spheres of Justice*, chap. 3.

of self-determination.”⁵ On this view, and others like it, members of a nation state have a strong interest in protecting the public culture they share, and this strong interest justifies unilateral border control. Nation states are entitled to control borders, explains David Miller, in part because they have occupied and *transformed* the land they inhabit, in such a way that “it has become the people’s home, in the sense that they have adapted their way of life to the physical constraints of the territory and then transformed it to a greater or lesser extent in pursuit of their common goals.”⁶ The shared life of a community is in some sense “embodied” in the shared territory, and its members therefore have a right to control entry onto the territory.

This right to control entry is not unlimited (even if the right is conceived to be unilateral), however, and in part the limits to this right depend on what, precisely, nation states are entitled to preserve by controlling their borders.⁷ It cannot, for example, “be the aim of a reasonable immigration policy to insulate ... the host country ... against cultural change.”⁸ It is inevitable that immigrants will, in migrating, bring along new cultural values; that they

⁵Walzer, *Spheres of Justice*, 62. Peter Meilaender makes a similar argument, according to which there is additionally a strong connection between a nation’s public culture and the immigration policies it chooses to adopt. Moreover, immigration policies “shape membership itself, [and so] they inevitably have a profound effect upon the countries that adopt them” (Peter C. Meilaender, *Toward a Theory of Immigration* [New York: Palgrave, 2001], 59).

⁶David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 218.

⁷Cultural preservationists do often argue for the right to control borders, as Arash Abizadeh correctly observes, but they rarely claim that the right to control borders is unmediated in the sense that it can be exercised for any reason whatsoever. See Arash Abizadeh, “Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders,” *Political Theory* 36, no. 1 (2008): 37–65. Walzer, Miller, and Meilaender, the best known and most persuasive of advocates for immigration control, all articulate the set of limits to which this right is subject. For example, Michael Walzer writes: “we seem bound to grant asylum ... because its denial would require us to use force against helpless and desperate people” (Walzer, *Spheres of Justice*, 51). Or, as Meilaender observes, “in the plight of the truly desperate, then, as well as in the close bonds of the family, we confront powerful challenges to state sovereignty over migration” (Meilaender, *Toward a Theory of Immigration*, 183). More generally, as a reviewer for the journal points out, it is near-conventional to observe that the sovereignty of the nation state has eroded over time, and so I agree with Abizadeh that it is a mistake to claim that they have unilateral control over their borders (morally and actually). Two prominent accounts in this vein are Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996), and Yasemin Nuhoğlu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994).

⁸Samuel Scheffler, “Immigration and the Significance of Culture,” *Philosophy and Public Affairs* 35, no. 2 (2007): 102. For a similar argument, see Jeremy Waldron,

will absorb some of the cultural values of the receiving society; and, importantly, that their presence will have an impact on the public culture they join. To offer a trivial example, newspapers in Great Britain like to report that, when asked, Britons now rank tikka masala at the top of their list of favorite foods (ahead of more traditionally British foods such as fish and chips, tea with scones, and the infamous British “fry-up”); this is clearly an example of a shift in public culture that is largely a result of immigration from the Indian subcontinent. It would be near-impossible to prevent this sort of shift over time and, according to Samuel Scheffler, self-defeating as well. In describing what he terms “strong preservationism,” the view that is committed to insulating a community’s culture against change of any kind, Scheffler writes that “it fails to recognize that change is essential to culture and to cultural survival, so that to prevent a culture from changing, if such a thing were possible, would not be to preserve the culture but rather to destroy it.”⁹

Rather, a more reasonable position is that nation states are entitled to preserve cultural continuity over time.¹⁰ Arguments that privilege the continuity of culture suggest that insiders have good reason to “limit the *flow* of immigrants,” which in turn allows them to “stay in control of the process” of immigration and the changes that it necessarily brings along with it.¹¹ In

“Minority Cultures and the Cosmopolitan Alternative,” *University of Michigan Journal of Law Reform* 25 (1992): 787–88.

⁹Scheffler, “Immigration and the Significance of Culture,” 107.

¹⁰David Miller, “Immigration: The Case for Limits,” in *Contemporary Debates in Applied Ethics*, ed. Andrew Cohen and Christopher Heath Wellman (Oxford: Blackwell Publishing, 2005), 193–206. Miller contrasts what he terms “cultural continuity” with what he terms “cultural rigidity,” a concept that is roughly equivalent to Scheffler’s “strong preservationism.” And, of course, Walzer is often taken to be advocating a strong preservationist view, since he argues for the right to control borders not only to preserve cultural continuity, but also to preserve cultural distinctiveness.

¹¹Miller, “Immigration,” 200–1; see also Stephen R. Perry, “Immigration, Justice and Culture,” in *Justice in Immigration*, ed. Warren F. Schwartz (Cambridge: Cambridge University Press, 1995), 94–135. In some cases, the cultural preservation argument is connected to a democratic argument; on this view, cultural preservation is important for its connection to preserving vibrant democratic politics. For advocates of this position, cultural preservation is not inherently valuable; it is instrumentally valuable insofar as it is able to support democratic practice. The objections that are raised against the cultural preservation argument are generally raised against this view as well, although there is some additional sympathy for this argument’s commitment to democratic values. The skeptics reject the claim that a shared culture is necessary for the preservation of democratic values, and thereby in need of preservation itself. Others are skeptical about the possibility of separating the cultural argument from the democratic argument in the first place. For example, Jean Cohen writes, “my point is to indicate that there is an ‘elective affinity’ between a strong democratic

controlling the rate of change, host societies are able to protect what Will Kymlicka referred to, in his early work, as the “structure” rather than the “character” of a national culture.¹² In protecting the structure—that is, the basic social and political institutions—of a culture one is in fact protecting the conditions under which “general social and political stability” is sustained over time. A certain degree of “cultural homogeneity” is necessary to preserve the democratic character of existing political institutions and to preserve the context in which individuals are able to exercise their autonomy.¹³ As Kymlicka says, “freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us.”¹⁴ In other words, in order for a culture to provide a context in which individuals can make autonomous decisions, it must be stable (but not unchanging) over time: “people need culture ... because it is the framework within which their plans are realized, their projects exist, and the fruits of their freedom take root.”¹⁵ If our lives are given shape and meaning by the materials provided by a particular culture, the “disappearance [of the culture] means the loss of their endeavor, and everything that gave meaning to this endeavor.”¹⁶ There is, in other words, a deep connection between the arguments that underpin the cultural continuity argument—i.e., the argument that a national culture should be able to withstand change in the face of immigration, so long as the pace of change “is not too rapid” and the “present social forms” on which individuals depend as they make decisions about their lives “are not simply overwhelmed”¹⁷—and the argument, which commands agreement from many liberal political

stress on citizenship as the self-rule of a sovereign demos (which presupposes membership) and a communitarian stress on belonging and identity” (Jean Cohen, “Changing Paradigms of Citizenship and the Exclusiveness of the Demos,” *International Sociology* 14, no. 3 [1999]: 250).

¹²Kymlicka later abandoned the language of structure because it “suggests an overly formal and rigid picture of what is a very diffuse and open-ended phenomenon.” See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), 83.

¹³Perry, “Immigration, Justice and Culture,” 112, 114; see Kymlicka, *Multicultural Citizenship*, chap. 5.

¹⁴Kymlicka, *Multicultural Citizenship*, 83.

¹⁵Chaim Gans, “Nationalism and Immigration,” *Ethical Theory and Moral Practice* 1, no. 2 (1998): 165.

¹⁶*Ibid.*, 166. This thought is echoed in more general terms by Avishai Margalit and Joseph Raz: “the prosperity of the culture is important to the well-being of its members. If the culture is decaying, or if it is persecuted or discriminated against, the options and opportunities open to its members will shrink, become less attractive, and their pursuits less likely to be successful” (Avishai Margalit and Joseph Raz, “National Self-Determination,” *Journal of Philosophy* 87, no. 9 [1990]: 49).

¹⁷Perry, “Immigration, Justice and Culture,” 114.

philosophers, that individuals' identity is deeply bound up with the culture in which they mature, and that the culture in which they operate provides a context for choice.¹⁸

Open border advocates or, at least, those who are sympathetic to the open borders project, counter the cultural continuity claim (which they interpret generally as a claim for strong preservationism¹⁹) not by engaging with the importance that a stable culture may well play in providing the conditions for autonomy, but rather by arguing for the priority of distributive claims. The world is divided into states, across which there are tremendous disparities of wealth. Access to open borders will serve as an effective vehicle for wealth redistribution: "if a general practice of freedom of movement were adopted, or simply if rich countries embraced an 'open admissions' policy—[this] could serve as a (partial) equivalent to the transfer of resources."²⁰ We have confronting us, these thinkers suggest, a dilemma between the very real destitution faced by those who wish to migrate across borders to better their lives and the considerably less significant (from a moral perspective) desire by members of wealthy communities to protect their culture: "put bluntly," says Louis Michael Seidman, "only someone with a full stomach could argue for the primacy of community membership."²¹ When this conflict confronts us, it is clear that the morally right way to balance these competing claims is to prioritize the needs of the desperately poor, and therefore to allow them maximum leeway to cross borders in search of better lives: "it is right to weigh the claims of those who want to move against the claims of those who want to preserve the community as it is. And if we don't unfairly tip the scales, the case for exclusion will rarely triumph."²² Attempts to defend the protection of culture against

¹⁸For an expression of discontent with respect to the plausibility of the autonomy argument for liberal nationalism, see Alan Patten, "The Autonomy Argument for Liberal Nationalism," *Nations and Nationalism* 5, no. 1 (1999): 1–17. My own account here is less of an argument, and more of a presentation of two arguments that, in my view, work together to support the claim that culture is important to preserve: the autonomy argument as well as the democracy argument.

¹⁹I will refer to the cultural continuity argument as a cultural preservationist argument when I mean to refer to the caricaturing of the argument by open border and free movement advocates.

²⁰Frederick G. Whelan, "Citizenship and Freedom of Movement: An Open Admission Policy?" in *Open Borders? Closed Societies? The Ethical and Political Issues*, ed. Mark Gibney (Westport, CT: Greenwood Press, 1988), 11.

²¹Louis Michael Seidman, "Fear and Loathing at the Border," in *Justice in Immigration*, ed. Warren Schwartz (Cambridge: Cambridge University Press, 1995), 137.

²²Joseph Carens, "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49, no. 2 (1987): 270. It must be said that this argument does not apply to refugees. For discussions of the case of refugees, see Shelley Wilcox, "Immigrant Admissions and Global Relations of Harm," *Journal of Social Philosophy* 38, no. 2 (2007): 274–91; Andrew Shacknové, "Who Is a Refugee?" *Ethics* 95, no. 2 (1985): 274–84.

the needs of the desperately poor generally have the air of protecting privilege: "it appears that views upholding the integrity of distinct communities, and their right to seek to maintain their character and their flourishing condition, are going to be on the defensive as upholding a kind of group preference (and thus, sometimes, group advantage or privilege) that seems illicit."²³

My purpose in summarizing this debate is not to argue that cultural preservation ought to be prioritized over claims of desperate need when the two come into conflict. Rather, the point is to show that those who advocate for prioritizing the needs of the desperately poor tend to do so at the expense of recognizing the relevance of cultural claims that may be in play on both sides. If it is true—at least at the domestic level, and in relatively wealthy states—that culture provides an environment in which autonomy can flourish, surely the same is true for those who are desperately poor. It is of course clear enough that when faced with destitution in one's home country and the opportunity to migrate to a wealthier, but foreign, country, one may well choose to migrate. But the fact that this choice seems so frequently to be made does not obviate the possibility that migrants would prefer to stay home in a familiar cultural environment, of the kind that might best be able to provide them with the essential conditions for their practice of autonomy, if only their subsistence needs could be met in their preferred cultural environment which, in most cases, is "home." If we believe that subsistence *and* one's culture are fundamental human interests of the kind that might be of near-equal status (and so ground equal rights in the Razian sense), it is not clear that open border advocates are doing justice to the demands at stake when they argue for the right to cross borders and, in doing so, argue against cultural preservationism.²⁴

3. Cultural claims in support of freedom of movement²⁵

In section 1, I suggested that in rejecting arguments for border control framed in cultural terms, on the grounds that the economic interests of migrants

²³Whelan, "Citizenship and Freedom of Movement," 7. Note that Whelan sets out to defend restrictions on immigration on the grounds that important liberal values require the protection that is secured via border control, and that although Seidman is sympathetic to the open borders argument, he ultimately rejects it on feasibility grounds.

²⁴There is considerable debate, which I am leaving aside here, concerning the nature of the "right" to culture. Here, I use "right to culture" to refer to the right that members of national cultures have to the stability that is essential to protecting their autonomy. But see Jacob Levy, "Classifying Cultural Rights," in *Ethnicity and Group Rights*, ed. Will Kymlicka and Ian Shapiro (New York: New York University Press, 1997), and Chandran Kukathas, "Are There Any Cultural Rights?" *Political Theory* 20, no. 1 (1992): 105–39.

²⁵For the purposes of the argument, I am leaving the term "cultural claim" deliberately vague. It is worth noting at least three ways in which the term can be used: 1) it

necessarily trump the cultural interests of members, advocates of open borders generally give short shrift to the ways in which cultural interests can motivate and support freedom of movement.²⁶ I suggested, moreover, that the interest we have in living in a secure cultural environment, which generates the conditions under which we can exercise autonomy, is a strong one and must not be discounted even if the pressures of meeting basic needs appear to demand freedom of movement across borders. Open borders, say advocates of cultural continuity, may result in a rate of immigration that overwhelms the capacity of existing social and political institutions; we are left therefore with a justification for relatively closed borders, so that nation states can control the rate of immigration over time. The mistake, in my view, is in the way the debate is typically framed: advocates of cultural continuity are presented as arguing against freedom of movement and in favor of closed borders, whereas advocates of global egalitarianism are presented as advocating for freedom of movement and presumptively open borders.²⁷ Open border advocates then take it upon themselves to chastise cultural preservationists for their ongoing acceptance of inequalities, and for their unwillingness to compromise their own interests in culture for the greater interest in minimizing inequalities.²⁸ It is a mistake, however, to

can refer to an individual's claim to have access to her culture; 2) it can refer to a cultural group's claim to practice and preserve a culture; 3) it can refer to a claim for cultural self-determination in a political sense, i.e., to a claim to form a political unit in which a particular culture is dominant and protected. Much work in political theory considers the normative differences that underpin these claims.

²⁶The claim is framed in this way because, of course, it would be a mistake to suggest that Joseph Carens—the best-known advocate of open borders—gives short shrift to cultural claims more generally. Rather, he is quite sensitive to the cultural claims that are sometimes made by those who argue for border control. See, for example, Joseph Carens, "Migration and Morality: A Liberal Egalitarian Perspective," in *Free Movement*, 25–47. Another advocate of relatively open borders, Michael Dummett, agrees that the importance of protecting vulnerable cultures may well justify closed borders in some cases. See his "Immigration," *Res Publica* 10, no. 2 (2004), 115–22.

²⁷I say "presumptively" because, after all, most advocates of open borders do accept some reasons for which it is justified to close borders to immigrants. As Veit Bader writes, "let us remove the bogus of an open border scenario from the political agenda! Some degree of closure is morally permitted and ethico-politically required" (Veit Bader, "Fairly Open Borders," in *Citizenship and Exclusion*, ed. Veit Bader [London: Macmillan, 1997], 49). Carens agrees on the importance of restricting "truly overwhelming" migration should it threaten "public order." See Carens, "Aliens and Citizens," 11.

²⁸For critiques of national protectionism, see Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Cambridge University Press, 2002); Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005). That said, Pogge does not follow up his critique of explanatory nationalism with an

extrapolate from a commitment to cultural preservation to the view that culture can never aid, or illuminate, arguments for freedom of movement. There are at least three situations in which culture provides *support* for freedom of movement (if not necessarily open borders): 1) freedom of movement may be required in order to engage in one's cultural practices; 2) cultural claims may need to be fulfilled in order for freedom of movement to be exercised; and 3) freedom of movement may demand the freedom to stay home, where the right to stay home is demanded on cultural grounds. I will say a bit more about each of the situations, but let me first enter two preliminary caveats. First, the claim in none of these cases is that cultural claims are doing *all* of the important normative work; rather it is either that cultural claims are deployed in favor of freedom of movement, or they (along with, perhaps, other important goods) cannot be met if freedom of movement is not protected. Second, I steer away, here, from a normative evaluation of the cultural claims that are deployed in support of, or in connection to, free movement; rather, I posit simply that the claims I discuss below are at least preliminarily plausible ones, and that they therefore merit consideration in discussions of free movement.²⁹

First, consider situations in which freedom of movement is *essential* to exercising cultural rights. In these cases, the intention to respect cultural rights will almost automatically generate the requirement to respect freedom of movement. Think, here, of Gypsy/Traveler/Roma communities, whose traditional way of life is defined by movement; Roma families frequently live in caravans, and move according to whether they are able to find enough work to sustain themselves in a given location. Debates in European countries rage over whether to inhibit the nomadic way of life or to facilitate and protect it by, for example, enlarging caravan sites and improving the sites' access to facilities including water, electricity, and so on; expanding the capacity of these sites (so that Roma families are not limited to traveling to the small number of sites with adequate space) would permit caravan-dwelling families to move freely between them, in ways that permit the Roma to sustain their traditional culture legally and safely.³⁰

A more controversial example of freedom of movement as essential to exercising cultural rights is the case of Jews exercising their rights under the Israeli

argument for open borders; rather, he argues in favor of substantially increased foreign aid, as I will discuss in section 5.

²⁹A full normative theory according to which cultural claims are evaluated for their contribution to freedom of movement is beyond the scope of this paper, but is one towards which I am working at present.

³⁰Peter Kabachnik, "To Choose, Fix, or Ignore Culture? The Cultural Politics of Gypsy and Traveler Mobility in England," *Social & Cultural Geography* 10, no. 4 (2009): 461–79.

Law of Return to immigrate to Israel.³¹ Israeli law describes the Law of Return as essential to the founding, and ongoing objectives, of Israel—it is the law that permits any Jew to move to Israel and to gain near-immediate access to Israeli citizenship and all the rights and privileges this citizenship entails.³² David Ben-Gurion, Israel's first Prime Minister, said of the law: "the state is not granting the Jews of the Diaspora the right to return; this right preceded the State of Israel, and was instrumental to building it. . . . The Law of Return has nothing to do with immigration legislation: it is a law perpetuating Israel's history."³³ Insofar as Jews wish to immigrate to Israel, they require the freedom of movement facilitated by this law to exercise their cultural rights.³⁴ If borders were closed—if states prevented the exit of Jews wishing to immigrate to Israel, as the USSR did for many years or if Israeli borders prevented the entry of Jews wishing to immigrate to Israel—Jews would be prevented from exercising their cultural rights.³⁵

³¹One might think that the controversy of the Israeli Law of Return is that Israel employs this law while, simultaneously, denying the same right to Palestinians. I do not deny that denying the right to Palestinians *adds* to the controversial nature of the Law of Return. Rather, I am pointing to one example of a generally controversial idea, namely, laws that permit the return of "kin" on "ethnic" or "cultural" grounds. Germany and Japan have both engaged in this practice as well. See, in general, Christian Joppke, *Selecting by Origin* (Cambridge, MA: Harvard University Press, 2005).

³²*Ibid.*, 162–70.

³³*Ibid.*, 162.

³⁴Again, I do not wish to be taken as defending the Law of Return. For an analysis, please see *ibid.*, chap. 4.

³⁵This raises another, related, debate that I do not have the space to engage here: whether nonrefugee migrants can deploy cultural claims to support their applications to immigrate. David Miller argues, for example, that a nation state must supply *adequate* cultural options for its citizens; it is not therefore a moral imperative that we recognize the right to cross borders in search of a culture that is unavailable within one's borders. He writes: "one reason a person may want to migrate is in order to participate in a culture that does not exist in his native land. . . . But does this ground a right to free movement across borders? It seems to me that it does not. What a person can legitimately demand access to is an *adequate* range of options to choose between" (Miller, "Immigration," 196). Yet Miller and others do seem sympathetic to arguments that nation states can choose among potential migrants on cultural grounds—in particular, with respect to refugees and, in some cases, with immigrants more generally. Carens, for example, generally supports Quebec's right to choose migrants who are fluent in French (a key aspect of Quebecois culture). See Joseph Carens, "Immigration, Political Community, and the Transformation of Identity: Quebec's Immigration Politics in Critical Perspective," in *Is Quebec Nationalism Just?* ed. Joseph Carens (Montreal: McGill-Queen's University Press, 1995). See also Joseph Carens, "Nationalism and the Exclusion of Immigrants: Lessons from Australian Immigration Policy," in *Open Borders? Closed Societies?* 41–60. The point here, and it deserves more consideration, is that there seems to be a

Second, consider cases where cultural claims must *first* be met in order for freedom of movement to take place. These are cases in which, if a particular cultural claim is not met, some individuals (i.e., those making the cultural claim) will find that their freedom of movement is restricted in ways that are at least inconvenient or, at most, objectionable. As we shall see, these are situations in which the meeting of cultural claims will enable more and freer movement; they are not situations in which freedom of movement is the central demand or worry at stake.

Take, for example, a request made by many orthodox Jewish communities to be able to use public space to create or expand an *eruv*, a formal boundary—frequently in the form of a wire attached to public utility poles (in North America) or public structures (in Europe)—which expands the environment that can be called “home” for the purposes of the Sabbath. According to Jewish religious practice, carrying objects is considered “work,” and is therefore prohibited on the Sabbath. As a result, Jews are not permitted to carry objects of any kind (including babies) outside of their home on the Sabbath, except if houses are formally joined into a community by the building of an *eruv*.³⁶ One important reason to expand the community in this way—in particular, to include the synagogue—is to permit women, who are traditionally responsible for young children (who may need to be carried) to leave the home and, especially, to attend synagogue on the Sabbath. Constructions of the *eruv* have encountered opposition in some cities, in part because the *eruv* frequently encompasses public space (and so is used by non-Jews as well), and itself relies for its construction on public buildings. Objectors argue that the use of public space to construct an *eruv* violates the state’s commitment to religious neutrality, and that the encompassing of space used by non-Jews necessarily makes “private” space out of public space. The merits of these arguments aside, the case for expanding the *eruv* is often made by women, and on behalf of women, whose freedom to move on the Sabbath is restricted by their responsibilities to care for their children. Respecting the cultural claim in this case will serve to enhance Jewish Orthodox women’s freedom to move.³⁷

tension between the claim that states can choose migrants on the basis of cultural preference and the claim that migrants themselves cannot (beyond signaling their cultural preferences by requesting permission to migrate to a new culture).

³⁶For more on the political and religious significance of the *eruv*, see Charlotte Elisheva Fonrobert, “The Political Symbolism of the Eruv,” *Jewish Social Studies* 11, no. 3 (2005): 9–35; Eleanor M. Novek, “Gates of Conflict: Communication, Symbolic Spaces and the Construction of Difference in Faith Communities,” *Atlantic Journal of Communication* 10, no. 1 (2002): 49–63.

³⁷Of course, the state’s refusal to grant access to the use of public space to create an *eruv* does not prevent Jews from observing their religion. Jews (women included) can continue to observe their religious obligations with or without the expanded *eruv*. It is

Or take, instead, claims made by minority national groups, who argue for the right to sovereignty, especially in cases where the territory they aim to control is divided among independent nation states. Minority nationalist movements militate in favor of national self-determination: they conceive themselves as sharing a national culture with those who live across multiple borders, who live on territory they also claim as their own, and with whom they would like to share a political association. Insofar as the practice of their culture, in their view, demands access to territory that is on the other side of a border that they cannot freely cross, their freedom of movement is limited in such a way that they are not able to live their lives, fully, within the territorial boundaries of their culture.

Consider the Kurdish self-determination movement, by way of example. The redrawing of political boundaries after World War I divided the Kurdish population into multiple countries, in particular, into Turkey, Iraq, Iran, and Syria. Although the Kurds had demanded an independent Kurdistan, on the grounds that they had been oppressed during the time of the Ottoman Empire, and therefore deserved political sovereignty, international support for such a political entity has been muted, in large part because of opposition from the countries in which Kurds presently reside.³⁸ Moreover, the worry that an independent Kurdistan would result in the excision of territory from each of these countries has motivated attempts to assimilate forcibly the Kurds into the dominant majority population, using well-documented violence and oppression.³⁹ As a result, the Kurdish independence movement supports the redrawing of multiple national boundaries, to coincide with a historical Kurdistan, which would permit Kurdish sovereignty in an independent state.⁴⁰ I do not intend to pronounce on the normative merit of this, or any other minority nationalist movement here. I merely wish to observe that, so long as their efforts are unsuccessful, members of the group in question are not able to exercise freedom of movement within their preferred cultural environment.

also worth noting that the space encompassed by the *eruv* is not closed to non-Jews, who can move freely in the space, as well as into and out of the space, at all times. Indeed, the wire that creates an *eruv* is in most cases nearly invisible.

³⁸Hadi Elis, "The Kurdish Demand for Statehood and the Future of Iraq," *The Journal of Social, Political, and Economic Studies* 29, no. 2 (2004): 191–209; Philip S. Hadji, "The Case for Kurdish Statehood in Iraq," *Case Western Reserve Journal of International Law* 41, no. 2/3: 513–41.

³⁹Shane Donovan, "Kurdistan: The Elusive Quest for Sovereignty," *Harvard International Review* 28, no. 3 (2006): 8.

⁴⁰This is not to say, however, that there is a unified Kurdish voice. Although the Kurds seem broadly to be committed to the idea of a unified and independent Kurdistan, there is considerable disagreement among Kurds (which has sometimes been violent) with respect to how to proceed.

A critic might well say, however, that minority nationalist movements are not in fact arguing for the recognition of cultural rights so that they can engage in free movement; they are, rather, arguing for the redrawing of boundaries, and this is clearly the case for the Kurds. They are blocked by a series of borders which they believe wrongly divides them from those with whom they would like to share a state. But the demand they are making—to redraw boundaries, on cultural grounds—includes a demand for the freedom to move across the *entire*, newly configured, state that recognition of their cultural demands, via sovereignty, would entail (subject, of course, to the regular constraints on movement experienced by residents of a sovereign territory). A critic might then observe, instead, that cultural demands can in this instance be met by allowing for the freedom to cross boundaries rather than by the (considerably more radical) redrawing of boundaries. Say, for example, group X lives on two sides of a state border, and the most important shrine to the gods of this group is on one side of a closed border. Here, restricted movement is preventing the exercise of cultural rights that belong to the members of group X who do not live in the territory that is home to the shrine; opening the borders to the free movement of members of X might be thought sufficient to allow for the respecting of cultural rights. I see no reason to deny this possibility. What is important to evaluate, however, is which aspect of the right to culture it is claimed is not available to members of group X. In the Kurdish case, above, the demand was not simply one of access to a holy shrine on one side of the border. Rather, the claim was for freedom to move across the territory deemed central to the culture in question; it was claimed, in that case, that boundaries required redrawing so that members of the culture could move freely across a shared environment, access to which, and the formation of which, they controlled.⁴¹

A third way in which cultural claims are deeply connected to freedom of movement draws on an observation that I made in the first section of this article, namely, the strong moral presumption in favor of protecting people's access to their own culture; this moral presumption, as I shall show, presses us towards expanding our understanding of free movement to include the freedom to stay. Even if we concede that access to one's culture is not an *overriding* right to which we are entitled, most liberal philosophers agree that there is some truth to the claim that an individual's autonomy is tied to the security and stability of one's culture, and therefore that there is some value to protecting culture. Yet, it cannot be denied that many are deprived of cultural stability as a result of a range of conditions that afflict developing communities, including rampant poverty, political

⁴¹I am assuming, here, that cultural claims are one essential—in fact, the essential—feature of claims to national self-determination. For the components of nationality, see David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), chap. 2.

oppression, civil war, and so on. These conditions—and this is among the central observations made by those who advocate open borders—frequently compel people to leave their homes, and therefore their cultures, to seek security elsewhere. In my view, however, it is misleading to describe these displaced peoples—who, we assume, would prefer to stay in their homes—as exercising a freedom to move (although that they are free to move rather than remain in their communities to perish is of course of tremendous value). Rather, we describe these individuals in terms of the rights that are violated; and among the vast numbers of other rights that are violated in cases of violent political conflict, or famine, are the cultural rights that one possesses that entitle one to participate in the cultural practices that define one's community.

What does this tell us about the best way to think about freedom of movement? In my view, it tells us that it is essential that we rethink freedom of movement so that it includes the freedom to stay and flourish in one's (cultural) homeland. This insight is not my own; James Nickel makes this observation in a more general discussion of bilateral rights: "I think that it is best to understand freedom of movement as a qualified liberty to choose one's location rather than exclusively as a freedom to move."⁴² The freedom to move is therefore particularly meaningful in a context in which it need not be exercised, that is, when it is a choice.⁴³ In particular, in the cases that occupy many philosophers of migration, i.e., the immediate causes of migration from poor countries to wealthy countries (and the barriers that prevent this migration), it seems important to remember that the presumptive right to enjoy access to one's own culture generates a presumptive right to free movement, interpreted here as a right not to be compelled by atrocious circumstances to move against one's will.

As I have suggested, debates among philosophers of immigration frequently assume that cultural rights militate against freedom of movement, which they too quickly equate with crossing borders. Yet freedom of movement rightly understood, that is, understood to include the freedom to stay,

⁴²James Nickel, "Why Basic Liberties Are Bilateral," *Law and Philosophy* 17, no. 5/6 (1998): 631. Bilateral rights are those where the right to engage in X includes "within its scope," in Nickel's terminology, the right not to engage in X. For example, Nickel writes, "Freedom of religion—or as I prefer to say, freedom in the area of religion—is bilateral if it includes within its scope the liberty to refrain from religious belief and practice" (*ibid.*, 627).

⁴³That said, I do not mean to deny that the opportunity to move to flee poverty or violence is tremendously valuable and, indeed, more valuable than, for example, my freedom to move freely in and between Canada and the United States. The value may not be measured along the same dimension, however. My freedom to move/stay supports my freedom to make autonomous choices about my life; the freedom to move to flee violence or poverty may not necessarily be measured in terms of autonomy (at least, not in the first instance).

tells us that defenders of cultural rights and defenders of free movement should abandon their arguments concerning the merits of (relatively) open versus (relatively) closed borders, and should instead return to a focus on the global redistribution of wealth. (I shall return to this observation in section 5.) Doing so will enable us to reduce the occurrences of circumstances that drive so many to move when they would rather do what most people prefer, namely, stay home.

4. Should we worry about open borders in the first place?

It is one of the central insights of arguments for cultural continuity that, on average, people prefer *not* to move across borders to settle in new countries. Consider Walzer's observations:

Human beings, as I have said, move about a great deal, but not because they love to move. They are, most of them, inclined to stay where they are unless their life is very difficult there. They experience a tension between love of place and the discomforts of a particular place.⁴⁴

Indeed, this seems a fairly elementary observation: the challenges of moving to a new home and culture are significant, and most people will need to be pressed very hard to do this. That leaving's one's "place" is a challenge, and something most would prefer not to do, is not ignored among scholars of open borders. Joseph Carens, in what is perhaps the most influential piece in favor of free movement across borders, concludes by concurring with Walzer that "most human beings do not love to move." He suggests, further, that "they normally feel attached to their native land and to the particular language, culture, and community in which they grew up and in which they feel at home. They seek to move only when life is very difficult where they are. Their concerns are rarely frivolous."⁴⁵ These observations are confirmed by extensive sociological and economic scholarship that attempts to account for movement (or lack thereof) across the globe, and which suggests that most people are reluctant to move. There is of course considerable evidence that economic reasons motivate many of those who migrate; individuals frequently migrate with the objective of improving their own standard of living, as well as that of their families. If a desire to improve one's standard of living, however, were sufficient to explain migration decisions, we should expect greater migration (internally within nation states, as well as across already permeable borders), as well as greater demands to migrate across borders. While a desire to improve one's standard of living often motivates migration, a full understanding of migration *decisions*—i.e., decisions for *or* against migration—requires that

⁴⁴Walzer, *Spheres of Justice*, 38.

⁴⁵Carens, "Aliens and Citizens," 270.

we pay attention to the full set of reasons, including cultural, that press against migration *even* when migration would result in superior living standards for the migrant and her family.⁴⁶

Although cultural preservationists are frequently accused of exaggerating the effects of migration, it is worth noting that they are not alone in being criticized for exaggerating the effects of global migration. In a criticism of the assumptions made by liberal political theory's past attempts at taking immigration seriously, Phillip Cole writes:

While it [liberal political theory] works on the basis that people stay put, it imagines that hordes of people are on the move—and these people are predominantly on the move for economic reasons, based on a cost-benefit analysis, and they will inevitably have a negative impact on receiving states. The reality is that, while significant numbers of people are on the move, the vast majority stay where they are born.⁴⁷

We have no need, therefore, to speak in apocalyptic terms about the “masses clamoring at our door”; as the International Organization of Migration reports, in 2005 migrants made up only three percent of the global population.⁴⁸ Of course, this evidence—that few people choose to move—is gathered within a context in which borders are closed. It does little to assuage the worries of those whose concern is for the consequences of *open* borders. Below, however, I suggest some evidence that cultural preservationists (and, indeed, liberal egalitarians) may have less reason to worry; the evidence I marshal, moreover, attempts to take seriously the worry that cultural preservationists express, namely, the worry about dilution of a culture that they take to be valuable (either in and of itself or with respect to its capacity to provide an environment in which autonomy can flourish).

Even *within* states, there are culturally distinct regions the distinctiveness of which is not diminished by the internally open borders between them. For example, significantly distinct cultural environments characterize the

⁴⁶Christina Boswell, “Combining Economics and Sociology in Migration Theory,” *Journal of Ethnic and Migration Studies* 34, no. 4 (2008): 549–66; Dragos Radu, “Social Interactions in Economic Models of Migration: A Review and Appraisal,” *Journal of Ethnic and Migration Studies* 34, no. 4 (2008): 531–48; Joaquin Arango, “Explaining Migration: A Critical View,” *International Social Science Journal* 52, no. 185 (2000): 283–96.

⁴⁷Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh University Press, 2000), 29. Yet these observations lead neither Carens nor Cole to pay more attention to the concerns of potential migrants where they are, but rather to argue that we need to be prepared to sacrifice the demands of cultural preservation claimed by those who would keep migrants out.

⁴⁸“International Organization of Migration: Global Estimates and Trends,” <http://www.iom.int/jahia/Jahia/about-migration/facts-and-figures/global-estimates-and-trends>.

American states, and these distinctions persist even as Americans are free to move between states. Carens writes:

Think of the differences between New York City and Waycross, Georgia, or between California and Kansas. These sorts of differences are often much greater than the differences across nation-states. Seattle has much more in common with Vancouver than it does with many American communities. But cities and provinces and American states cannot restrict immigration (from other parts of the country).⁴⁹

To engage in caricature to some extent, then, a socially liberal American living in Arkansas is free to move to Massachusetts, to take part in the liberal culture that characterizes Massachusetts; a Bostonian seeking a more easygoing pace of life, and a better climate, is free to move to San Francisco in search of these. Importantly, these cultural differences persist even in the face of significant economic inequalities across states.⁵⁰ Note, moreover, that an American from one state who chooses to move to a new state for cultural reasons is exercising freedom of movement in pursuit of cultural claims.

That people prefer not to move even as borders open is equally observed in the European Union, as it has progressively opened borders, and increasingly opened labor markets, for citizens of all member states. The scale of migration across borders before the recent expansion of members suggested, already, a preference for staying home in spite of the opportunity to pursue economic advantage by migration: “the principle of free movement for nationals of the 15 member-states coincides nowadays [i.e. pre-2004] with a very limited volume of labor migration, despite the fact that important differences in levels of wages and welfare still remain.”⁵¹ Although evidence remains inconclusive (because the expansion of EU member states is still so new), preliminary assessments of migration patterns in the newly expanded EU already suggest two broad conclusions, both of which lend tentative support to my claim that cultural comfort plays a role in discouraging migration that would, if taken up, improve one’s economic condition.⁵² One observation

⁴⁹Carens, “Aliens and Citizens,” 265.

⁵⁰The Bureau of Economic Analysis provides up to date information concerning the gross domestic product of American states; see <http://www.bea.gov>.

⁵¹Arango, “Explaining Migration: A Critical View,” 286–87. It is expected that the same will be true in the enlarged EU: “The average propensity to migrate is likely to decrease for the new Member States as their incomes further converge towards the EU-15 average. Moreover, incomes do not need to converge fully on the EU-15 average for migration rates to decline as the examples of Hungary and the Czech Republic show” (Matteo Governatori et al., *Employment in Europe 2008* [Brussels: Directorate-General for Employment, Social Affairs and Equal Opportunities, Employment Analysis Unit, 2008], 126).

⁵²At the time of writing, the United Kingdom, Sweden, and Ireland have the most open of labor markets among states in the European Union; thus far, Romanians and Bulgarians are the only citizens of the EU who are not permitted access to their

mirrors the one made above that (pre-2004) migration across the first fifteen member states was relatively limited. In the enlarged EU—given the fairly significant differentials in wealth, and therefore the economic opportunities that are now available to citizens of the relatively poorer countries—migration across borders (and in particular from east to west) is considerably less than anticipated, and certainly less than would be predicted if it were true that migrants were exclusively concerned with improving their economic prospects.⁵³ A second (and again tentative) observation concerns the *type* of migration that we are witnessing across borders in the enlarged EU: increasingly, the evidence suggests that the migration is “temporary, opportunistic, and circular,” that is, few migrants seem to (intend to) migrate permanently.⁵⁴ Rather, migrants seek economic opportunities that they believe will improve their standards of living in the home they have, temporarily, left behind.⁵⁵ This evidence is of course merely suggestive, and only preliminarily so at that. More work undoubtedly remains to be done to assess the motivations both for migration, and for choosing to engage in temporary rather than permanent migration. Yet if these patterns remain consistent, they will reveal that economic motives fail to determine fully the choices migrants make; we shall have to wait and see whether, as I suspect, reasons of culture are able to fill in some of the explanatory gaps.⁵⁶

labor markets. Restrictions to the labor market across the EU are set to end in April 2011. For more, see Frigyes Ferdinand Heinz and Melanie Ward-Warmedinger, “Cross-Border Labour Mobility within an Enlarged EU,” *European Central Bank: Occasional Paper Series* 52 (October 2006), available at <http://www.ecb.int/pub/pdf/scpops/ecbocp52.pdf>. For an account of the transitional procedures, through which all citizens will come to have access to all labor markets, see Governatori et al., *Employment in Europe 2008*, 112.

⁵³Governatori et al., *Employment in Europe 2008*, 114. See chapter 3 in general, where the authors provide evidence that “there has been a substantial rise in labour mobility from several of the Central and Eastern European Member States to some of the EU-15, but numbers have been generally limited when compared with the population sizes of both receiving and sending countries” (ibid.).

⁵⁴Adrian Favell, “The New Face of East-West Migration in Europe,” *Journal of Ethnic and Migration Studies* 34, no. 5 (2008): 711.

⁵⁵Naomi Pollard, Maria Latorre, and Dhananjayan Srisankarajah, “Floodgates or Turnstiles? Post-EU Enlargement Migration Flows to (and from) the UK,” *Institute for Public Policy Research* (2008).

⁵⁶Ibid., 45. The authors survey Polish migrants in the UK concerning their reasons for returning to Poland. Those surveyed include multiple reasons that may well be termed “cultural,” including a desire to raise their children in Poland, a longing for home, a desire to be with family, and so on. Again, this evidence is merely suggestive and considerably more work will need to be done to offer a fuller assessment of why, after all, migration across borders in Europe appears more frequently to be temporary than permanent.

In section 2, I argued that an attention to culture frequently supports rather than hinders arguments in favor of freedom of movement, where freedom of movement is reinterpreted to include the freedom to stay home. I argued further that, if we pay proper attention to human interests—if we understand them to include both economic and cultural elements—we shall see that there exists a tension in standard arguments in favor of free movement across borders. Open border advocates prioritize economic interests, that is, they prioritize the economic interests of migrants over the cultural interests of states; open borders, they suggest, are an important tool in the fight against global poverty. I do not intend to deny this here. Rather, I observed instead that human interests are not fully captured by an exclusive attention to economic interests; we must attend to cultural interests as well. Doing so enables us to see the normative implications of the evidence I have presented in this section. The evidence suggests that most people are reluctant to move away from their home, even when economic interests press in favor of moving away. Instead, people will choose—on average—to live in a culture in which they feel comfortable, which provides them the context for choice that liberals endorse. When their economic interests are essentially satisfied—and often even when they are plainly not—most people will choose in favor of remaining in their culture, along with their family and friends, and against the challenges associated with incorporating into a new one.

A critic might respond here that there is clear evidence that my claim—that people prefer to stay home—is false. Witness, they might say, chain migration, i.e., the process by which “a few pioneers emigrate to a certain place, send back advice, encouragement and money, are then joined by more, and so on.”⁵⁷ Chain migration is not a surprising phenomenon, of course; potential migrants evaluate their options, and find that the challenges of migration are partially mitigated if they are able to join communities of co-nationals in the receiving country. Co-nationals help each other to overcome the obstacles of integrating; in addition to helping each other to find employment, housing, and so on, they provide a comfortable living environment, in which migrants can often get by speaking their native language, have access to foods and music from their home country, and so on.⁵⁸ This suggests, says the critic, that migrants prefer to stay home only so long as

⁵⁷Brian Barry, “The Quest for Consistence: A Sceptical View,” in *Free Movement*, 280. The term “chain migration” also refers to the process by which migrants are legally permitted to aid their family members to join them once they have achieved permanent status in the host country.

⁵⁸For discussions of chain migration, see Sonja Haug, “Migration Networks and Migration Decision-Making,” *Journal of Ethnic and Migration Studies* 34, no. 4 (2008): 585–605; M. Boyd, “Family and Personal Networks in International Migration: Recent Developments and New Agendas,” *International Migration Review* 23, no. 3 (1989): 638–70; T. Bauer and K. F. Zimmermann, “Network Migration of Ethnic Germans,” *International Migration Review* 31, no. 1 (1997): 143–49.

their culture cannot be reproduced outside of their home country. But the expanding number of “little Italies” and “Chinatowns” suggests that, after all, the culture of origin can be reproduced in the country of destination, and therefore that my observation—that we have some reason to believe people will stay home, even after borders are opened—is misleading. I think this critic is right to observe that chain migration often results in the reproduction of a home culture, and moreover that it serves to ease the challenges of migration, and therefore to increase the rate of migration.⁵⁹ Yet I believe this evidence reinforces the broad observation to which I am pointing in this paper, namely, that issues of culture are not irrelevant—and are, indeed, often central—to migration decisions.⁶⁰

5. Culture and redistribution versus open borders?

In debates about the best ways to resolve global inequalities, it sometimes appears as though we are forced to choose between open borders and global redistribution of wealth. Thomas Pogge argues, for example, that “other things being equal, those who accept a weighty moral responsibility toward needy foreigners should devote their time, energy, and resources *not* to the struggle to get more of them admitted into rich countries, but *rather* to the struggle to institute an effective programme of global poverty eradication.”⁶¹ For every person that we admit, says Pogge, there are many more who are left living in severe poverty, who will not be able to take advantage of the apparent freedom that looser borders would allow. He writes, “the truly worst-off always compete at a great disadvantage against more privileged persons from the poor countries who will often be able to elbow them aside.”⁶² But most scholars do agree that arguments for freedom of movement occupy a kind of second-best status, which must be defended primarily because foreign aid has failed so miserably: “if we cannot move enough money to where the needy people are, then we will have to count on moving as many of the needy people as possible to where the money is.”⁶³ The moral

⁵⁹The references cited just above indicate just this, moreover.

⁶⁰Although I have no evidence for this claim, I would hazard a guess that for many potential migrants, economic considerations alone would dictate that they migrate to locations other than the reproduced culture of origin, but that economic and cultural considerations taken together press them towards joining an ethnic enclave. There is some evidence, moreover, that there are significant economic disadvantages to joining these enclave communities. See, for example, Victor Nee and Jimmy Sanders, “Trust in Ethnic Ties: Social Capital and Immigrants,” in *Trust in Society*, ed. Karen Cook (New York: Russell Sage Foundation, 2001), 374–92.

⁶¹Thomas Pogge, “Migration and Poverty,” in *Citizenship and Exclusion*, ed. Veit Bader (New York: Macmillan Press, 1997), 14.

⁶²Ibid.

⁶³Robert E. Goodin, “If People Were Money...,” in *Free Movement*, 8.

requirement to open borders, in other words, derives for many scholars *not* from a commitment to freedom of movement, but rather from an awareness that we are failing to live up to the moral obligations we have to help those in need. Veit Bader writes: “to the degree that ‘we’ do not live up to our international moral obligations, we have no moral right to close borders.”⁶⁴

I, too, could be accused of offering an argument in favor of foreign aid and *against* open borders. Imagine, a critic might say, a world in which we could achieve our objectives—i.e., we could achieve global equality, or sufficiency, or equality of opportunity—by one of only two alternatives: closed borders alongside extensive foreign aid or fully open borders.⁶⁵ If these were the only options, I would certainly advocate the former, given my commitment to understanding human interests in both economic and cultural terms. Given that most people prefer not to leave their home, more people’s interests will be met by closing borders while redistributing resources by simply opening borders. Thinking in these terms, however, does an injustice to what I am suggesting here, which is that we must distinguish between freedom of movement and open borders; doing so allows us to make two important observations. First, opening borders will not, given the global environment with which we are currently faced, secure freedom of movement; on the one hand, those who could most benefit from the opportunity to move across borders are those who are least able to take advantage of it, and on the other hand, when we broaden our understanding of freedom of movement to include the freedom to stay (and once we recognize that most people prefer to stay home), open borders will privilege only the small number of those who would prefer, and are able to, move across them. Taken together, these observations recommend against the second option—fully open borders—as a priority, since they would ultimately fail to generate genuine redistribution from rich to poor. Second, while culture can be invoked to support arguments for both freedom of movement and open borders, cultural arguments can be used to support arguments for freedom of movement without necessarily supporting fully open borders.

These observations suggest that an effective global redistribution system will be better able to effect freedom of movement, broadly understood. Moreover, a corollary of a redistributive system that takes account of a fuller range of human interests is the felt (and real) freedom to open borders: in an environment that permits people to exercise their preferences (where in many instances, this will simply mean that people will choose to stay home), open borders will not seem as dangerous to those whose objective

⁶⁴Bader, “Fairly Open Borders,” 30.

⁶⁵Or we could compare an ideal world in which borders would be open with an ideal world in which “the vast majority of people [are] content with conditions in their own countries” (Barry, “The Quest for Consistence: A Sceptical View,” 279).

is to protect a culture from the inevitable transforming effects of large-scale migration. In other words, effective global redistribution will remove the urgency—from an egalitarian perspective—to open borders, and it will *simultaneously* remove the justifications offered by cultural preservationists for closing borders. Note again that this reassurance is more than prudential: it pays attention to the deeply felt interest that humans have in remaining within their culture, to which cultural preservationists should be sympathetic.

6. Conclusion

This paper has argued for a renewed attention to the way in which cultural claims can support and ground arguments for freedom of movement. Arguments in favor of freedom of movement are frequently framed in terms of allowing for the global poor to pursue economic interests across borders, and they are pitted against the cultural claims of wealthier communities who seem, in arguing for cultural preservation, to be merely protecting their wealth. I have suggested that cultural claims can often support arguments for freedom of movement: there are instances in which freedom of movement is not available to individuals until their cultural claims are met; there are instances in which individuals exercise freedom of movement in order to exercise cultural rights; and, when we expand our concept of freedom of movement to include the freedom to stay, we realize how often individuals are exercising their freedom of movement to satisfy their cultural preferences. Given that people generally prefer to stay home, in other words, we owe it to them, as a matter of justice, to argue for freedom of movement in this expansive sense; a commitment to freedom of movement, moreover, can serve to support arguments in favor of expanding foreign aid efforts.

The theoretical and practical conflicts between those who argue for open borders and those who maintain that a state has the right to control its borders are certainly not resolved by the reinterpretation of freedom of movement I offer in this article. The disagreements that divide these two camps are unfortunately not such that they can be resolved so easily. My goal in this article, however, has not been to resolve the disagreement, as much as it has been to shift the terms of the debate, away from an emphasis on “culture” as the enemy of freedom of movement advocates and towards a more nuanced account of when culture serves to obstruct free movement and when, more provocatively, it serves to support it. As I have illustrated, I share with advocates of free movement the view that movement is an essential liberty, so long as movement is understood expansively to include the freedom to stay, and I share with advocates of cultural protection the view that culture is an essential element of one’s identity, as well as an essential element of the context in which one can pursue a genuinely autonomous

life. Together, these commitments have generated the argument I have presented here: it is a mistake to reject all cultural arguments as impediments to freedom of movement out of hand; rather, there are instances in which cultural arguments serve to support free movement, especially (but not exclusively) when freedom of movement is recognized to include the freedom to stay.