Jobs as assets. Ethical questions about globalisation and the European labour market

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1. Introduction

The way in which big companies take their responsibilities into account has changed radically during the last decades. It is beyond the scope of this paper to go into much detail on this issue, but let me simply mention that nowadays big companies are aware of the important role they can play to combat sexism or prejudices about ethnic origin. Similarly, textile retailers and fashionable brands of clothing know it matters what the working conditions are in the factories of their suppliers. Many multinational companies pay for social audits in order to be sure that their suppliers meet at least the ILO norms, such as: no forced labour, no child labour, etc. This carries some weight, obviously, for the reputation of the brand but not only for this reason. Globalisation of business has at least this positive effect on business people in that they are, more than others, deeply conscious that people living elsewhere are people just like themselves. However, politicians and - this is quite a paradox – some union people in Western countries are still moved by basic reflexes of eras that are long gone.

Moral universalism is the idea that every human being, whatever his or her citizenship, gender, age, ethnic origin, etc. has the same moral value

In this paper I want to focus on the widely accepted idea that it is not only accepted but also considered to be a crucial issue to 'protect' domestic labour. I will argue that, for a moral universalist, this kind of protectionism, or its flipside, i.e. a restrictive immigration policy, are morally questionable.

2. Factor mobility and its consequences

A 'globalised economy' implies that production factors, i.e. labour and capital, are allowed to move to the place where their productivity is highest.[1] Mobility of factors is politically highly problematic. We should just think about current political reactions on the one hand, to the phenomenon of outsourcing or off-shoring ever bigger parts of industrial activity from Europe to Asian countries, and, on the other hand, the phenomenon of illegal immigration of people from Africa and Eastern European (non European Union) countries. One reaction that is often heard is that both phenomena combined, i.e. economic immigration, and fleeing capital, undermine the high level solidarity system between the current citizens of affluent countries, because they disturb the current balance between contributors and beneficiaries.

The basic argument that is often advanced in favour of stopping immigration is that there is already a high unemployment rate. In this perspective, jobs are seen as collective assets, things that have to be 'defended'.[2] Nations should try to attract foreign capital that could create jobs. They should at the same time keep foreign labour out of the country, unless this labour brings specific abilities, which the home country is lacking. For example, if no European country is lacking the specific competences of the poor Africans in their small boats sailing to Lampedusa, European countries should send these people back to their home countries. Finally, nations should try to withhold their own companies from off-shoring and outsourcing, i.e. they should try to keep domestic capital in the country.[3]

During the 2007 presidential and legislative elections in France, I was struck by the fact that all candidates more or less defended viewpoints on immigration that were quite close to the one defended by the extreme right and morally questionable *Front National*. Two proposals of the presidential candidates that were advanced illustrate these ideas very well. On the right wing, Nicolas Sarkozy defended 'chosen immigration', that is the idea that immigration should no longer be influenced by factors related to family life, but rather by productive abilities: France should only let in the useful would-be immigrants. On the left

wing, Ségolène Royal wanted to introduce a special tax for profitable companies which, despite the fact that they still made profit, decided to outsource or offshore part of their production to low-cost countries. This proposal was acclaimed in an enthusiastic way by the unions, which is all the more surprising since these organizations pretended for decades that they were internationalists: they were defending the working class all over the world. The only dissonant voice was that of the French Catholic bishops: they underlined our individual and collective responsibility with respect to people who flee misery.

Before I discuss in some more detail the ethical issue, a few economic aspects of immigration should be noticed. First, immigration restrictions are, economically, just like tariffs and quotas, a form of protectionism. It is therefore simply incoherent that defenders of open markets never argue in favour of the reduction of barriers to the labour market. A priori, we should expect that the abolition of migration restrictions would, just like other barrier reductions, make economic sense. Indeed, it is obvious that people who decide to migrate do so because they estimate that the expected gains exceed the costs. When one applies the standard economic may of thinking about international trade to migration, the obvious suggestion is that migration should lead to a net benefit to the world as a whole, and, moreover, to the country of immigration (Sykes 1995: 159).[4]

There may be some factors that could disturb this picture slightly. For instance, it may be the case that would-be immigrants overestimate their possibilities in the labour market of the country to which they wish to immigrate. But such marginal errors can simply not justify the contradiction between the observed immigration policies and this theoretical economic argument in favour of open borders. The much more down-to-earth explanation of this contradiction is that open borders, even if they would be beneficial to the world as a whole and to the country of immigration, would not necessarily be in the interest of the *current* population of the country of immigration, or at least, in the interest of *some groups* of the country of immigration. For example, the relative scarcity of low skilled employees in relatively rich countries would diminish with open borders, which would logically lead to a decrease in their salaries.

In general, it is very difficult to predict the overall effect of migration, because it depends on many factors. Still, some highly probable scenarios can be sketched. For example, it may be the case that the economic effect of migration is positive for one of the two countries concerned by the movement and negative for the other one. A selective immigration policy is likely to create such effects. Industrialised countries, which accept highly qualified immigrants will take advantage of their high productivity, whereas the level of human capital in poor countries will not increase and might even decrease (Defoort & Docquier 2007). A side effect of elites leaving their country of origin is that the situation of low skilled people may also worsen as the number of low skilled jobs (servants, gardeners, etc.) may diminish (Piketty 1997). Selective immigration policies are thus in the interest of the host country and can be detrimental to the country of origin.

3. Moral universalism

My question is quite simple: how can we justify these asymmetries? How can we justify trying to get foreign capital into the country and trying to avoid domestic capital leaving the country? How can we justify trying to keep out people with a low level of productivity and trying to bring in people with a high level of productivity (i.e. causing a brain drain)? More precisely, how can we defend these objectives if we are *moral universalists*? Moral universalism is the idea that every human being, whatever his or her citizenship, gender, age, ethnic origin, etc. has the same moral value. Moral universalism seems to be the default position: if you think that a Frenchman has intrinsically more moral value that a Sudanese, the burden of proof is on your side. The consequences of this moral universalism are much more important than the nationalists (liberal ones or others)[5] are willing to admit. It should be noticed that it is perfectly coherent to defend moral universalism and to be proud of one's culture or one's country.[6]

To be clear, I do not reject the moral value of particular relationships (e.g. the specific relationship I have with my wife and with my children), neither do I reject the moral value of a community. However, I have moral objections to closed communities, which are unwilling to let in new members. This is especially so where there seems to be the problem that the interest of a community is defended to the detriment of outsiders. The following comparison may be

interesting. As a parent I should do my best to provide a good education for my children. However, as a citizen, I cannot be in favour of an education system in which my children are systematically privileged compared to other children.

The protection of local labour markets, and selective immigration policies ('chosen' immigration), seems deeply immoral in this respect. Not only do these policies express national preferences but also they do so to the detriment of other people's long term interests. (Defoort & Docquier 2007).

And yet, very few authors clearly condemn protectionist labour market policies. I have read a lot of authors on this issue over the past years and the most radical text I came across was, surprisingly, *Pacem in terris* by John XXIII. This is a very challenging text. Paragraph 25 says: "Every human being has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and take up residence there." In paragraph 29 it goes on to say that everyone has "… the right to a decent standard of living…" Correspondingly, the text mentions the obligation for governments "to safeguard the inviolable rights of the human person, and to facilitate the performance of his duties…" I consider that in contemporary Western countries, any political party that would put this encyclical high on its agenda would commit political suicide.

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In what follows, I will make two points. Firstly, I will argue that arguments in favour of 'national preference' based on comparisons with other, defensible forms of particularism cannot stand critical scrutiny. Secondly, I will argue that justice does not necessarily imply open borders, if, as Eric Cavallero has argued in a recent paper, there is no *global exclusion*.

4. Right to leave

Notwithstanding the arbitrary character of an individual's citizenship, some authors have tried to justify the idea that we have more moral obligations regarding basic social and economic rights towards our compatriots than towards foreigners. I have examined these attempts elsewhere and I will not repeat these arguments here.[7] Now, I would rather focus on justifications of the asymmetry between immigration and emigration, and more particularly the right of a nation to refuse immigrants, that are based on analogies and comparisons with other particularistic institutions and collective arrangements. My aim is to show that these analogies are quite confused in general, for two reasons.

First, they neglect the fundamental difference between 'face-to-face' relations, which are always particularistic and linked to a specific relationship such as longstanding shared intimacy, dependency or friendship, and anonymous institutionalised relations. Unlike intimate relationships, such as the mother-child link which seems particular in a perhaps genetically determined way, the adequate level of institutional relationships among people, such as, for example, participating at a pension fund, is certainly neither genetically constrained nor based on particular feelings. For example, if French people living in Paris are able to attribute claim-rights to people living on La Réunion (in the Indian Ocean) whom they will probably never meet, because that island happens to be French, there is no reason to suppose that they could not attribute the same rights to, say, people from Madagascar.

Secondly, even if we neglect this distinction between face-to-face relations and institutionalised relations, a more thorough analysis of these analogies often points in a direction that is opposite to the one the authors who make use of them intend.

For example, Karl Ballestrem compares a nation with a family in order to justify the asymmetry between emigration and immigration. He argues that a family home is not a prison. Everyone has the right to leave his home and his family. However, a person who has left his or her family does not have the right to settle in my house. There is no obligation to host whoever it may be in one's own home. In an analogous way, there would

be an unconditional right to emigrate, and, analogously with the right to refuse others to settle in one's home, a state would have an absolute right or refuse entrance into its territory to immigrants.[8]

However, things are not so clear. First, the right to leave one's family is not unconditional. If I were to leave my wife and my children, I would have the moral and legal obligation to contribute, financially and otherwise, to the education of the children. Consequently, people who are looking for analogies with migration should argue that the right to emigrate is conditional on one's willingness to respect one's obligations of justice to one's compatriots. For example, we could ask the emigrant to contribute to the collective effort of education, especially when he himself has benefited from it.[9]

The existence of an absolute right to deny entry into the family is also questionable. James Woodward gives an interesting example. Woodward asks us to imagine the following situation: you are the parent of two children, and you also have the option to adopt twelve orphans. By adopting these twelve children, you give them a better situation than the one in which they were previously, while your two natural children will undoubtedly see their economic prospects reduced compared to those before the adoption.[10] Woodward suggests that we would all agree that we have no obligation to adopt these twelve children. By analogy, he suggests that the citizens of a particular nation have the right to refuse immigration if it would diminish their own economic prospects.

This analogy is misleading. It is sufficient to adjust the example slightly in order to see this. Imagine that your family, with two children, shares an island with another family with twelve children. The parents of the other family climb in a coconut tree and fall. Less fortunate than Keith Richards of the Rolling Stones was some time ago, they die. Can you still say that you have no obligation to these orphans? Hardly, I think. Even if you are not necessarily obliged to give these orphans exactly the same standard of living as your own children, it is obvious that your obligations towards them, even minimal, diminish the prospects of your children. You are in a sense the only political institution on the island. Therefore, you must apply a principle of non-discrimination and ensure equal opportunities for these children. If this does not necessarily offer them exactly the same standard of living as the one you offer to your own children, it implies at least that you would provide the conditions, especially in terms of education, which will enable them to have similar opportunities later in life.

In a more realistic context, it seems rather clear that the absence of a strict obligation to adopt these children does not free us of an obligation to contribute, as a citizen, to a system that guarantees them equal opportunities, even if this has the effect of slightly reducing the economic prospects of our own children. This comes down to adopt them collectively. Accepting this changes the analogy with immigration radically. It seems obvious that we should not, if the analogy makes some sense, refuse immigrants on the grounds that they would reduce the prospects of the current population. If there were only two countries on the planet, a rich one and a poor one, the rich country should, in the name of equal opportunity, open its borders. The analogy with the case of adopted children simply implies that rich countries have no right to discriminate against people born in poor countries in order to preserve the well-being of their citizens.

Another analogy frequently put forward to justify the asymmetry between emigration and immigration compares a nation with a club. This comparison, however, is also misleading. One of the great defenders of immigration restriction, David Miller, has noted the problematic aspects of such a comparison. At first glance, it is true that a tennis club has the right to deny membership. The comparison with the entry into a country is, however, limited. First, to have the opportunity to play tennis does not seem to be a vital interest in the same way as the protection that a State has to offer. Further, those who are excluded from a particular club can easily create their own club or join another. Nevertheless, Miller admits that these arguments would not have the same weight if the tennis club in question was the only suitable place to build a tennis court within a radius of one hundred kilometres. In such a case, Miller believes, it could be argued that the club has the moral obligation to accept new members.[11] The analogy thus suggests that a State has certainly, in a similar fashion, a moral obligation to accept immigrants who are in need.

However, it is possible to formulate fundamental objections to the comparison with a club. A nation is not an association, since those

who are born have never chosen to belong to it. Moreover, a nation has no right to get rid of members that are unwanted, whether by expelling them out of the territory or by depriving them of their citizenship.[12]

To conclude, we note that the analogies with the family and the club, used to convince us of both the unconditional individual right to emigrate and the collective right to refuse immigration, can just as easily lead to the opposite conclusions: a conditional right to emigrate, and a limitation on the right to restrict immigration. Therefore, it seems to me more prudent to leave such comparisons aside.

5. Justice and immigration as separate issues

An interesting move is to accept, for the sake of argument, the principle that nations have the right to determine who will be a member, and to examine what the moral implications are of this principle, if one is a moral universalist. This move allows us to clarify the underlying ethical concerns of John XXIII's ideal of open borders. It is quite obvious that open borders, here and now, would lead to political disorder and humanitarian catastrophes. A recent proposal made by Eric Cavallero is helpful to see what the combination of moral universalism and closed borders implies.[13] Cavallero states that a community, although it should in principle be open to new members, should nevertheless have the right to limit membership. But this right absolutely does not trump our obligations based on justice. Therefore, Cavallero develops a model of global distributive justice based on *migration pressure*. More precisely, Cavallero proposes an international institutional arrangement whereby the richest countries would be obliged to finance development up to the point that there would be no further *exclusion*. Exclusion is defined as a non realizable desire of a citizen of a poor country – that is, a country where opportunities are in general inferior to those in other countries – to leave his country in order to participate in the economic activities of a country which is in general more advanced.[14]

The principle of selective immigration, implying brain drain, nowadays praised all over Europe, lacks moral foundation

Cavallero rejects the two obvious solutions to resolving the exclusion problem, i.e., first, the creation of a global redistributive institution, which would equalize opportunities globally, and, secondly, opening borders without any restrictions. He may be right to think that a World State may not be a desirable solution (I refer the reader to his paper for arguments) and a sudden opening of all borders would, in the current situation, create considerable problems. Moreover, if the members of a particular culture wish to preserve their cultural identity when it is under pressure because of massive immigration, their wish is as such not morally objectionable. Only exclusion is.

Cavallero's solution is characterized by a separation of the problem of distributive justice and the question of the right to migrate. The right of all countries to refuse entrance to immigrants – a right which Cavallero does not criticize as such – is not necessarily incompatible with the demands of global distributive justice if the country which refuses admission finances development programs in countries of which the relative poverty is at the origin of the migration pressure.[15]

According to Cavallero, rich countries have the right to refuse immigrants, but they do not have the moral right to exclude foreigners – wherever they are – from opportunities similar as those offered to their own citizens. From the point of view of distributive justice, what matters is not opening borders as such, but the elimination of systematic disadvantages related to closed borders. If we can eliminate those without completely open borders, there would be no injustice any longer. Cavallero's model shows what this implies for rich countries, either in terms of immigration quotas they are constrained to accept, or in terms of financing development aid.

Obviously, if ever a situation in which opportunities are roughly similar all over the world were to be realized, then migration pressure would be absent or at least in equilibrium, i.e. if a number of people from country A would like to move to

country B, a similar number would like to do the opposite.[16]

Cavallero's argument certainly deserves a more detailed discussion. Here, I merely want to focus on an underlying assumption of the distinction between the topic of distributive justice and the right to migrate. Both topics, strong citizenship, i.e. the right of a political community to control membership on the one hand, and the moral obligation to create a just world order, i.e. an institutional arrangement without exclusion on the other hand, are *distinct* but the first one is *conditional* on the second one: political communities are allowed to refuse migrants only insofar as they play their part in the no-exclusion policy. This is indeed the only way to accept control of membership in a way that is compatible with moral universalism.

However, an interesting question is *what would be the point* of restricting the right to immigrate if exclusion in Cavallero's sense were eliminated. Nationalists mention different reasons why borders should remain closed. They never explicitly say that closed borders and nationalist feelings support people's opinions regarding their right not to extend the norms of solidarity beyond their borders, knowing that such an extension would decrease their current consumption level, but they have other, more 'fundamental' reasons. One reason often advanced – also admitted by Cavallero – is that open borders might threaten some people's specific culture. However, it is not clear what the weight of this argument would be in the ideal conditions of global distributive justice in which exclusion would be eliminated. Migration pressure would have disappeared and the few economic migrants would necessarily fit in with the specific demand within the labour market of the country to which they had migrated. By the way, this is exactly what happened (and is still happening) within the European Union. As opportunities have become more or less the same in the different member states, the Union has benefited from the economic advantages of a unified market. The member states obviously have judged that opening borders did not endanger their specific cultural integrity nor their national identity. As a consequence, they have renounced their sovereign right to refuse entrance to immigrants coming from other member states.[17] As a matter of fact, freedom to move to other member states of the Union has not provoked massive movements. Not many Bavarians moved to the Auvergne, nor did we observe the linguistically more likely migration between Belgium and France.

The ambiguity here is that the argument in favour of the protection of *cultural authenticity* seems convincing to many people because they consider current immigration levels as a real and serious threat to their cultural identity. However, this threat is only serious because of the current migration pressure which is itself *directly caused by the current unfair situation*. Therefore, the use of the argument is to some extent ideological. It may hide the underlying refusal to give up the current unjustified privileges. I do not pretend that the argument is totally absurd, simply that, separated from the background of current global inequality, it is pointless: in a fair world, there would not be much danger to protect against.

The ambiguity of the link between the right to refuse immigrants for 'cultural' reasons and the existence of an important average income gap is illustrated in a cynical way in the arguments against Turkey becoming a member of the EU. Former chancellor Helmut Schmidt made the link very explicitly when he stated that the income gap between Turkey and the European Union average income would unavoidably provoke a massive influx of Turkish immigrants to the rest of the Union and that this would, if Turkey became a member, cause a *cultural* problem: "Full membership of the European Union results in an unlimited right to immigrate. Instead of this, we need a common agreement to limit immigration coming from other cultural universes".[18]

Schmidt's position as well as the position of communitarian authors like David Miller (1995, 2000) or Michael Walzer (1983) is ambiguous. Arguing about cultural identity in a world characterized by huge inequality does not make it obvious whether what is at stake is a genuine worry about cultural or national identity or rather the fact that open borders here and now would threaten the current standard of living of the people in the rich countries. Schmidt should either have accepted Turkish immigrants or, in order to avoid immigration, have defended a firm commitment from the European Union to increase the average standard of living of Turkey up to the European average, assuming that this would stop migration pressure. With a similar standard of living, not only

the migration pressure, but also the cultural problem, would disappear.

Conclusion

The main conclusion of this paper is that the principle of selective immigration, implying brain drain, nowadays praised all over Europe, lacks moral foundation. It is unfair to defend national interests to the detriment of the poorest people on the planet.

More fundamentally, global justice does not seem politically feasible at present, because it not only presupposes that people should strongly value economic justice. It assumes, moreover, that people would be less attached to material wealth than they currently are. Only if we appreciate some degree of 'frugality' a decrease of the current consumption level can be accepted easily.

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NOTE:

[1] Theoretically, free movement for one or both of these factors is sufficient to lead to optimal global market equilibrium. See Robert Goodin 1992: 16.

[2] Jobs can also be considered as *individual* assets, that is as if job holders are somehow, insofar as the labour market does not clear, in a situation of rent compared to the unemployed. See Hamminga 1985 for an interesting exploration of this idea.

[3] Outsourcing and offshoring are often used interchangeably (and outsourcing is probably the term that is most used). However, they indicate two different phenomena. Outsourcing means that a company no longer produces a particular good or service but rather contracts for its production with a supplier. The supplier

may be located in the same country, or abroad. In the latter case, outsourcing is similarly offshoring. The latter is precisely the transfer of (part of) the production to another country, whether or not this transfer goes to a foreign subsidiary of the home company or to another company abroad.

[4] A recent example of the net benefit for the host country is Spain. Spain has accepted about 3 million immigrants since 2000, which led to an average growth rate of 3,6 %. The immigrants turned out to be a net benefit to public finances, since they contribute more to the budget than they benefit from public services such as health care, though the latter may be a short term effect, due to the fact that most immigrants are quite young. See *Le Monde*, 21 November 2006, p. 38.

[5] Liberal nationalists, like David Miller or Michael Walzer, defend the idea that nation-states have the right to determine who will be a member of the nation and who will not be, but they do not base membership on pre-political ethnicity nor on common descent.

[6] I have lived abroad for most of my adult life and I have observed all kinds of chauvinism, nationalism, patriotism, etc with more and more suspicion. Some men are proud of their moustache, and some women are proud of their legs, but I think that this is still less ridiculous than being proud of one's country.

[7] Cf. Demuijnck 2005.

[8] Cf. Karl Ballestrem, 2004, pp. 146-7.

[9] In this sense Stéphane Chauvier suggests that emigrants should reimburse their education. Cf. Stéphane Chauvier 2006, pp. 132-3. This financial constraint should be limited, however, so as to avoid situations where the right to emigrate would become virtual for many, in the sense that only rich people would really have it.

[10] Cf. James Woodward, 1992, pp. 73-4.

[11] Cf. Miller 2005.

[12] Universal Declaration of Human Rights. Art. 15.2.

[13] Eric Cavallero 2006.

[14] *Ibid.*, p. 103.

[15] Cavallero makes some corrections on the bases of the linguistic attractiveness of host countries and constraints on the use of development aid.

[16] Cavallero argues that equilibrated migration pressure is a proxy for absence of exclusion (i*bid*., p. 106).

[17] Liberty of movement was from the start a basic principle in what was then called the European Community. Cf. Directive 2004/38/CE of the European Parliament.

[18] Cf. Helmut Schmidt, « Bitte keinen Größenwahn. Ein Beitritt der Türkei würde die Europäische Union überfordern », *Die Zeit*, 25 November 2004.