

What Immigrants Owe

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Abstract Unlike natural-born citizens, many immigrants have agreed to undertake political obligations. Many have sworn oaths of allegiance. Many, when they entered their adopted country, promised to obey the law. This paper is about these agreements. First, it's about their validity. Do they actual confer political obligations? Second, it's about their justifiability. Is it permissible to get immigrants to undertake such political obligations? Our answers are 'usually yes' and 'probably not' respectively. We first argue that these agreements give immigrants political obligations. We then argue that getting immigrants to undertake such obligations is morally wrong. This is because it makes immigrants' political obligations more burdensome than those of natural-born citizens. We conclude that the practice of getting immigrants to undertake such obligations should be abolished.

Keywords Immigration; political obligations; social contract theory; oaths of allegiance; promises

Introduction

Many people think that most citizens have political obligations. These include obligations to obey the law. They include obligations to support the state. They perhaps include the obligation to participate politically. But explaining why citizens have such obligations has proved difficult. Probably the most venerable account is a version of the social contract theory. According to this theory, citizens have political obligations because they've actually promised, or agreed, to act as these obligations direct. But venerable does not mean widely endorsed. In fact, contemporary

commentators can be rather caustic about this theory. Huemer (2013: 21) for instance, suggests it ‘exhibits an imprudent disregard for reality.’ He thinks that ‘[f]ew have ever been in a situation in which a verbal or a written statement of agreement to have a government would have been appropriate.’ Simmons (1979: 79) laments that ‘[t]he paucity of express consenters is painfully apparent.’ And Raz (1979: 239) simply points out that ‘[i]t is clear that the ordinary life of normal citizens includes nothing amounting to a promise or a voluntary undertaking.’ These criticisms seem basically right. Social contract theory can't possibly underpin the political obligations of most citizens. Most citizens haven't agreed to do what their political obligations demand.

But ‘most’ is not ‘all’. In particular, many immigrants seem to have agreed to undertake political obligations.¹ Many have even sworn oaths of allegiance. Now the experience of such immigrants might not be entirely normal. But it would be misleading to call it abnormal. Today, about 15% of American residents are foreign-born. That’s almost fifty million people. Similar proportions of France’s, Germany’s and the United Kingdom's populations are foreign-born. Canada is around 20% foreign-born and Australia is around 30%. In some other countries, like Singapore, the proportion is even higher. In total around 250 million people live in countries other than that of their birth. Not all 250 million have agreed to undertake political obligations. But many have.

This paper is about these agreements. First, it’s about their validity. Do they actual confer political obligations? Second, it’s about their justifiability. Is it morally permissible to get immigrants to undertake such political obligations? Our answers are ‘usually yes’ and ‘probably not’ respectively. We think many immigrants really do have promissory political obligations. And we

¹ Simmons (1998: 163) acknowledges this point.

think this is likely morally wrong. The practice of getting immigrants to undertake such obligations should be abolished.

1. Have immigrants really promised?

We'll start with a question. Have immigrants *really* promised to undertake political obligations?² This will vary from immigrant to immigrant. One thing it varies with is legal status. In many countries, naturalization involves an oath of allegiance. In the United States, for instance, to become a citizen one has to swear to 'support and defend the Constitution and laws of the United States of America.' About twenty million people have taken this oath. In Germany you solemnly declare that you will 'respect and observe the Basic Law and the laws of the Federal Republic of Germany.' About nine million people have taken this oath. And in Canada you swear to 'faithfully observe the laws of Canada and fulfil [your] duties as a Canadian citizen.' About five million people have taken this oath. So many naturalized citizens have explicitly promised to carry out political obligations. At the least, many have promised to obey the law. For naturalized immigrants, traditional social contract theory exemplifies no imprudent disregard of reality.

Yet millions of immigrants aren't naturalized citizens. For one, there are millions of non-citizen authorized immigrants.³ Have they promised to undertake political obligations? Often, they have done so in writing. One of us has personal experience of this. When you move to the United States, you usually have to check a box on a form called the DS-160. Checking this box amounts to telling the U.S. government that you don't intend to do anything illegal. This, it seems to us, counts as a

² We're not asking whether the promise was *sincere*: whether the immigrant in fact intends to obey the law when she utters the words. As Austin (1962: 11) emphasizes, insincere promises are no less promises than sincere ones and thus still generate promissory obligations.

³ We'll discuss the case of unauthorized immigrants in section 3.

promise not to do anything illegal. There's a lot less ceremony to this than an oath of allegiance to be sure. But it seems to be a promise nonetheless.⁴ Call this practice a point of entry promise. We're unsure how common point of entry promises are worldwide. And it's not so easy to find out without going through immigration procedures oneself. So, we're unsure how many people have made such promises. But, in the United States millions of immigrants have promised, in writing, to obey the law.

However, it seems myopic to focus on written promises here. It's easy to make a promise without saying or writing anything. Here's an example: suppose you sit down in a restaurant and order a meal. When the bill comes, you can't complain "I just wanted something to eat! I never promised to pay for it!" You did promise to pay. You just did so non-verbally. Your actions constituted such a promise. Or, if we don't want to call it promising, you did something relevantly similar. You undertook an obligation to pay for your meal. Two things seem to be going on here. You did something you knew another party took to be undertaking such an obligation. You knew the restaurateur thought eating counted as undertaking an obligation to pay. And you didn't have a right to do that thing without undertaking the obligation. You didn't have a right to eat at the restaurant without incurring the obligation to pay. We suspect that these two things are sufficient for undertaking an obligation to do something.

We also suspect that, for many immigrants, crossing the border meets these conditions. So, crossing the border counts as non-verbally undertaking some political obligations.⁵ Start with the first condition. We suspect that the state, and perhaps its agents (border officials), think that

⁴ We don't think that's indisputable. It's possible to tell someone you intend to go to a party, without promising to do so (just add "But I'm not promising"). And perhaps that's all that's going on here. But, since informing someone about one's intention is much more commonly a way to promise something, this seems doubtful.

⁵ Locke (1988: X:122) may have thought something like this. See Simmons (1998) for a discussion of Locke's view.

crossing the border amounts to such an undertaking. They think it at least amounts to undertaking an obligation to obey the law. We suspect this because we think that explicit dissent from such obligations wouldn't go over very well. Imagine turning up at the U.S. border and making clear you're not undertaking any obligation to obey the laws. We doubt most custom officials will let you in. That's explained by the fact that they think border-crossing is a non-verbal undertaking of political obligations. We also think immigrants usually know this. So the first condition is met. Now consider the second condition. We'll talk about this at length in a moment. But many immigrants, we think, don't have the right to cross certain borders without undertaking political obligations. It's permissible, for example, for the United States to make entrance for Swiss people conditional on promising to obey the laws. So, for many immigrants, we think both conditions are often met. Crossing the border probably often counts as a non-verbal point of entry promise. We don't know exactly how many of the world's 250 million immigrants all this goes for. But we suspect it's a substantial proportion. Many immigrants, we think, really have agreed to undertake political obligations.

2. Is the promise valid?

So many immigrants probably do promise to undertake some political obligations. Yet some promises yield no obligations. The best examples are promises made when coerced or deceived. Suppose your kidnapper makes you promise that you'll give him \$100,000 if he releases you. If you make the promise, it gives rise to no obligation; you're not obliged to give the kidnapper the money. Or suppose someone tricks you into promising to give them \$100,000. They say they have an amazing investment opportunity in Argentina. When you find out it's a swindle, the promise is void. Deception and coercion usually void promissory obligations. So, are the promises immigrants make valid?

This depends on when promises are voided. A nice account—one which well captures cases of coercion and deception—is the following:⁶

Wronging: If the promisee induces a promise by seriously wronging the promisor, then the promise is invalid.

In the coercion case, the kidnapper seriously wrongs you by kidnapping you. But it's this which causes you to promise to give him \$100,000. So, he induces the promise by seriously wronging you. In the deception case, the deceiver seriously wrongs you by lying to you. But it's this which makes you promise to give her \$100,000. So, she induces a promise by seriously wronging you. According to **Wronging**, this means neither promise is valid. When someone causes you to make them a promise with an act which itself seriously wrongs you, that promise is voided. It establishes no promissory obligation. Of course, there are ways to void promises which go uncaptured by **Wronging**. But we suspect **Wronging** captures the most common way in which promises are voided. So we suspect that most promises which aren't voided by this principle establish promissory obligations.

If that's true, then whether immigrants' promises are valid depends largely on whether the state to which they immigrate seriously wrongs them in inducing the promise. The main way states induce such promises is by forbidding entrance to or withholding citizenship from immigrants who refuse to make them. They don't let people in unless they check something like the box on the DS-160; they don't grant people citizenship unless they swear the oath of allegiance. So, does conditioning entrance or citizenship on such promises seriously wrong the immigrant? It's on this that the

⁶ Owens (2012: 231–45) suggests this. We wish to stress here that, although both deception and coercion can be wrongings, they are not the only wrongings. Manipulation, exploitation and simple callous treatment can be wrongings too. There are many ways to wrong someone. **Wronging** encompasses all these ways. Our argument below thus does not depend on whether conditioning entrance coerces immigrants.

validity of the promise swings. Here, it helps to distinguish between conditioning entrance or citizenship and point-blank denial of these benefits. Consider entrance first. Currently, almost all states deny entrance to many potential immigrants point-blank. They don't admit immigrants even when those immigrants would undertake political obligations. This might be seriously wrong. Such states might have no right to deny these immigrants entrance.⁷ But they might be doing little wrong by denying entrance to people who refuse to promise to obey the law. The two things are different. A parallel point goes for citizenship. Perhaps many states offer citizenship too rarely.⁸ But it might be nonetheless permissible for such states to condition citizenship on an oath of naturalization. The validity of immigrants' promises hinge on whether it's seriously wrong to condition entrance and citizenship on undertaking political obligations.

We think that, in many cases, neither is seriously wrong. Let's first look at conditioning entrance on undertaking obligations. Consider a well-to-do Swiss immigrant to the United States. On the face of it, it's not seriously wrong to condition that person's entrance on their promising to obey the law.⁹ So the promises such people make will often be valid. More generally, it doesn't seem seriously wrong to condition the entrance of the quite privileged on their undertaking political obligations. So such people likely gain promissory obligations when immigrating. We will later suggest that there's something problematic about this conditioning. But we doubt it is so seriously

⁷ The view that states shouldn't just deny prospective immigrants entrance is sometimes called an 'open borders position.' Carens (2013: 225–54) and Sager (2020) each defend this sort of position. They think that immigration may only be permissibly restricted in exceptional circumstances and that states should generally admit immigrants under relatively lenient conditions. They do think that some conditions can be imposed on entrance, but when these conditions are met, they think entrance should be granted. A much more radical position is that states should admit all immigrants with no conditions whatsoever. We know of nobody who defends this view in print, but we will discuss it later in n.36.

⁸ Carens (2013: Ch. 2–8) defends this claim, as do De Schutter and Ypi (2015).

⁹ Even defenders of open borders accept this point. Sager (2020: 30) distinguishes between denying entry and regulating it. Carens (2013: 247–52) thinks many immigration procedures would be much better than current regimes. Allowing people to immigrate conditional on a promise to obey the law is one such procedure; requiring immigrants to register or arrive at a port of entry are other examples of conditioning entrance.

problematic as to make the relevant promise invalid. So we think many of these immigrants gain political obligations when they migrate.

But we don't think matters are so clear-cut for all immigrants. Consider what we'll call "emergency migrants." These are prospective immigrants whose need to enter a country is so urgent that conditioning their entrance on them undertaking political obligations would wrong them. We think those fleeing persecution or violence fit this bill. Imagine that such a person refused to undertake political obligations. We suspect it would still be wrong to deny them entrance. To see this, consider an analogous case. Suppose someone fleeing a murderer shows up at your door and asks you to hide them. You say that you'll only hide them if they promise to obey the house rules. They refuse. You may be understandably put off by their refusal. You may want to minimize the costs of hiding them. It may be reasonable to *ask* them to promise. But it would still be impermissible to turn them away if they refuse, leaving them to be murdered. This is just because their interest in not getting murdered greatly outweighs your interest in their obeying the house rules. So conditioning their entrance on the promise seriously wrongs them. Similarly, and for a parallel reason, when a state conditions the entrance of someone fleeing violence on such a promise, that likely seriously wrongs them.¹⁰ So any such promise would probably be invalid.

Who exactly counts as an emergency migrant for these purposes? That, we think, is up for discussion. We've said that those fleeing persecution or violence count as emergency migrants.¹¹ It would, we think, be wrong to exclude such people even were they to refuse to undertake political obligations. We also think that migrants who wouldn't have their subsistence needs met were they

¹⁰ One might think that the state's interest in having all its laws obeyed is weightier than is anyone's interests in having all their house rules obeyed. Perhaps; perhaps not. But, in any case, it is far less weighty than the interests of those fleeing persecution and violence.

¹¹ The category "emergency migrant" thus includes those who qualify as refugees on the UN's definition.

not admitted count as emergency migrants.¹² It would also be wrong to deny entrance to such people even were they to refuse to undertake political obligations. But there is reasonable disagreement on this point. We just wish to say that there is some class of immigrants, the class we're calling emergency migrants, that our discussion doesn't cover. It would be seriously wrong to condition the entrance of these people on their undertaking political obligations. So, by **Wronging** any adoption of such obligations by them is invalid.¹³ But not all immigrants are of this sort. The promises many immigrants, especially relatively privileged immigrants, make on entry are valid. So, many immigrants gain political obligations when immigrating.

Now let's turn to citizenship. Is it seriously wrong to condition citizenship on taking an oath of allegiance? The answer, as in the previous case, depends on the suffering caused by a lack of citizenship. Stateless people, for example, often suffer enormously from their lack of citizenship.¹⁴ So, even were they unwilling to undertake political obligations, it might be wrong to deny them citizenship. But their position is quite different from that of most takers of citizenship oaths. Many people who naturalize in the United States, for example, would have been quite secure without acquiring citizenship. They wouldn't have had full political rights. But they would have had the rights of permanent residency. For such people, we doubt it's seriously wrong to condition citizenship on undertaking political obligations. So we suspect that most oaths of allegiance are valid undertakings of political obligations. Thus, generally, we think all non-emergency migrants, and most naturalized citizens, have promissory political obligations.¹⁵

¹² On this point see Stilz (2019: 172-3) and Shacknove (1985).

¹³ This *limits* the scope of our arguments. If we're incorrect about this, then our conclusions apply more broadly than we're contending. They apply to all immigrants, not just to a large subset of immigrants.

¹⁴ See Parekh (2014) a discussion of the harms of being stateless.

¹⁵ Carens (2013: 55–61) provides an analogous discussion of citizenship tests. He thinks that conditioning citizenship on such test is problematic, but not seriously wrong. As will become clear from Section 4 onwards, this is our overall view about getting immigrants to undertake political obligations.

Still, it remains unclear how weighty these obligations are. After all, different promises can have different weights. My promise to meet my friend for coffee at 3pm is less weighty than my promise to look after my dying friend's child. Here "the weight of the promise" refers to the weight of the reason grounded by the promise. In both cases, that I promise to do something gives me a reason to do it. This is a reason additional to whatever independent reason I had to do the thing. Typically, the promise to look after a friend's child grounds a weightier reason than does the promise to meet that friend for coffee. The former outweighs contrary reasons more readily than the latter, and spurning it opens one up for more blame. In this sense, the former promise is weightier than the latter. So, how weighty are the promises that immigrants make?

To answer this question, one needs an account of what determines the weight of different promises. This issue hasn't received much attention. But a plausible suggestion is that the weight of a promise is in large part determined by (or at least tracks) how weighty the parties to the promise understand it to be.¹⁶ If they both understand it to be a weighty promise, then it is. If neither thinks it's very weighty, then it's not. Usually, we'll probably both agree that the promise to meet for coffee is relatively lightweight whilst the promise to look after a child is extraordinarily weighty. So, this suggestion well explains the weight of these promises.¹⁷

This does, however, leave open what to do when the parties disagree about the weight of a promise. There are different possible views. Perhaps one ought to exclusively privilege the understanding of the promisee. A promise might be as weighty as the promisee took it to be. Or perhaps one

¹⁶ This suggestion coheres with the idea that promises, as David Owens (2012) thinks, serve an interest in our being able to control our normative landscape. The weight of our promissory obligations is a key part of our normative landscape, so having control over this weight helps us satisfy that interest.

¹⁷ Other factors might also help determine the weight of a promise. Perhaps the independent import of what is promised, or its perceived independent import, matters to the promise's weight. We're neutral on this. However, since (we assume) obeying the law is often important (and perceived as such, at least by the state), this would further support our conclusion that immigrants' promises are at least somewhat weighty.

ought to exclusively to privilege the understanding of the promisor. A promise may be as weighty as the promisor took it to be. But we think the best view is that both promisor and promisee matter. The weight of the promise is some function of how weighty each thought the promise was when it was made. In particular, if one of them took the promise to be quite weighty, then the promise is at least *somewhat* weighty. So, imagine we think you've made a weighty promise to pick us up from the airport, but you thought it was a flippant promise. Then the truth is somewhere in the middle. You have a somewhat weighty promissory obligation to pick us up. Here it's important that the parties' understanding at the time the promise is made, rather than at a later time, is what determines the promise's weight. The promisor cannot, at a later time, decide the promise is lightweight and so unilaterally lighten their promissory obligations.¹⁸

Suppose we accept this view. Then how weighty are immigrants' promissory obligations depends on how weighty they and the state took them to be when the promise was made. We have little idea how weighty immigrants usually take these promises to be. We suspect they sometimes think of them—especially oaths of allegiance—as quite weighty. But often, we suspect, they don't think they're very weighty at all. This might be especially so with point of entry promises. People don't take much time thinking about the box in the DS-160. Yet in either case we suspect the state takes these promises to be quite weighty. This is especially so for oaths of allegiance. They're called *oaths* after all. But even point of entry promises seem significant to the state. Many states would (we speculate) forbid entry were you to explicitly dissent from this promise.¹⁹ This is a mark of a

¹⁸ Additionally, it might just be reasonable beliefs which matter here. If I, unreasonably, believe our agreement to meet for coffee is the weightiest agreement ever made, that doesn't give it enormous weight. If you, unreasonably, believe that the promise to look after my child is very lightweight, that doesn't make it very lightweight. This, if correct, also reduces each party's leeway to affect the weight of promises. Neither party can exaggerate (or diminish) the weight of a promise by having unreasonable beliefs about that weight.

¹⁹ The United States has a long history of excluding ideological dissenters and those who it fears won't obey its laws (Kraut 2020). This is evidence for our conjecture.

weighty promise. So, we don't think these promises can be easily dismissed. They give many immigrants at least somewhat weighty political obligations.

3. What do unauthorized immigrants owe?

So far, we've been focusing on the political obligations of authorized immigrants. But what are the political obligations of unauthorized immigrants? These are people who immigrate without the explicit authorization of the state of entry. Such people don't promise in speech or writing to obey the law. So, if they have promissory political obligations, they must have promised non-verbally. But this seems unlikely. Immigrating illegally would itself break the promise to obey the law.²⁰ But one doesn't usually promise to do something with an act which itself breaks that promise. This isn't to make any judgement on whether people ought to obey immigration laws. It is simply to say that unauthorized immigrants, if they haven't obeyed immigration laws, have probably not undertaken a promissory duty to obey the laws of the country they are arriving in. So, we doubt that unauthorized immigrants undertake the political obligations than authorized immigrants undertake. They escape these promissory political obligations.

One might resist this conclusion by appeal to the following principle:

Normative Consent: If you ought to have promised to Φ , then you have an obligation to Φ .

²⁰ There's a complication. Under Article 31 of the 1951 Refugee Convention, refugees may not be penalized for entry without authorization to seek asylum. Unlike non-refugee unauthorized immigrants, it therefore may not be true that refugees who enter without authorization have broken the law. Still, we doubt that refugees who enter without authorization have undertaken a promissory obligation to obey the law. That's because authorized border crossing only counts as a non-verbal point of entry promise when it is commonly understood as such. We doubt that common understandings extend to unauthorized entry.

Estlund (2008: Ch. 7) is the most prominent defender of this kind of principle.²¹ If **Normative Consent** is true, then unauthorized immigrants who should have immigrated legally have all the obligations they would otherwise have had.

This principle would connect the political obligations of unauthorized immigrants with a prior question of whether they ought to have obeyed immigration laws. Its implications, then, depend on whether unauthorized immigrants did wrong by breaking immigration laws. We suspect that many of these people, in particular emergency migrants, did no wrong by immigrating illegally.²² This is because they could not rightfully be refused entrance, but the state they immigrated to would have refused or seriously obstructed their entrance: it would require them to incur prohibitive expenses or long waiting periods before entering. These people, we suspect, are under no obligation to obey immigration laws.²³ But that perhaps isn't true for everyone. Some unauthorized immigrants could perhaps be rightfully denied entrance. Perhaps that means that they should have obeyed immigration laws. So, for them, **Normative Consent** would guarantee all the obligations of authorized immigrants.

But we find **Normative Consent** quite implausible. It seems subject to straightforward counter-examples. Suppose someone credibly threatens to kill my family unless I promise to give them some money. In this case, I ought to make the promise. It'll save my family. But, regardless of whether I promise, I don't have an obligation to give the person the money. If I can later get away without giving them the money, I won't have done anything wrong. So **Normative Consent** can't be true. Or suppose my friend asks me to promise to read their paper. They don't ask me to read it;

²¹ The principle he discusses invokes consent rather than promising. We think the issues that arise from this are the same as the principle we've stated.

²² In the case of asylum seekers, they may not have even broken the law, as we note above (note 20).

²³ Hidalgo (2015) develops an argument for this.

they just want me to promise. Having the promise will cool their angst, but the reading would not. In such cases I have an obligation to promise; I should often do what my friends ask me. But, if I don't promise, I have no obligation to read the paper. So, we suspect **Normative Consent** is false. This means that unauthorized immigrants get out of some of the obligations to which legal immigrants are subjected. Unauthorized immigration can be a way of escaping the promissory obligations which authorized immigration creates.²⁴

So, let's take stock. If we're right, many immigrants get promissory political obligations when they immigrate. Unauthorized immigrants and emergency migrants don't: we set these cases aside for the rest of the paper. But when well-off people legally immigrate to other countries, they usually do. At the least, they promise to obey the law. And if they become naturalized citizens, they usually swear an oath of allegiance. This probably involves validly undertaking a whole gamut of political obligations. So social contract theories might fail for natural-born citizens. They've never undertaken political obligations. But they succeed for millions of non-natural-born residents. They have undertaken obligations. In the second half of the paper we turn to whether this is just.

4. Is it permissible to make immigrants promise?

Is it permissible to demand immigrants swear oaths of allegiance? Is it permissible to demand they fill in that box on the DS-160? We'll address these questions in the rest of the paper. We think

²⁴ Let's clarify an issue. We have been entertaining the idea that prospective immigrants have an obligation, prior to entering a country, to obey that country's immigration laws. But, if this is true, one might think that whatever grounds this obligation will ground a duty to obey the other laws of that country after entering it. So unauthorized immigrants will still have some political obligations. We don't dispute these points. We just stress that, whatever grounds these obligations, they won't be *promissory* obligations. Unauthorized immigrants won't have *promised* to obey the laws.

there are egalitarian problems with demanding that immigrants undertake promissory obligations. The basic problem is that having promissory obligations to, for example, obey the law imposes a burden. In particular, it makes immigrants bear burdens that natural-born citizens need not. It's unjust for these burdens to fall disproportionately upon immigrants. Demanding that immigrants undertake these promissory obligations thus brings about an unjust distribution of burdens. So making these demands is morally wrong.²⁵

The argument is easiest to run when we assume a contentious account of the political obligations of natural-born citizens: philosophical anarchism.²⁶ According to this view, natural-born citizens don't have any political obligations. But, we've argued, immigrants do have political obligations. So immigrants have obligations which natural-born citizens escape. It's morally wrong for immigrants to jaywalk; but it's fine for natural-born citizens to do so. It's morally wrong for immigrants to smoke marijuana; but there's no moral problem with natural-born citizens lighting up. In this situation, immigrants suffer some burdens—moral burdens—which natural-born citizens avoid. This amounts to an unjust inequality. But it's morally wrong to create unjust inequalities. Demanding that immigrants undertake political obligations creates such an inequality. So, it is wrong to make such demands.

Let's go through the premises of this argument. First, is it really burdensome to be morally obligated to do something? In some cases, it clearly is. Suppose someone takes ten hostages. They credibly threaten to start executing people unless you become a banker. This is a serious burden:

²⁵ We're not the first to notice the moral import of the distribution of burdens between citizens and immigrants. De Schutter and Ypi (2015) also discuss it. They think that, sometimes, citizens are subject to burdens (like jury duty) which immigrants escape. We think that, sometimes, immigrants are subject to burdens (like a duty to obey the law) which citizens escape. They think the inequalities they identify are unfair to citizens. We think the inequalities we identify are unfair to immigrants.

²⁶ See Simmons (1979) for the canonical defense of this view.

you're now morally obligated to become a banker. In this case, we think the source of the burden is twofold. On the one hand, living the good life requires acting morally. So the fact you're morally obligated to be a banker means that only by being a banker can you hope to fully lead the good life. On the other, if you choose to be an academic, you're now the fitting target of certain reactive attitudes.²⁷ It would be appropriate for people to blame you in this case. It would be fitting for you to feel guilty about your career choice. So you have fewer options in which you can escape warrantable blame and guilt. Moral obligations, then, really do impose a burden.²⁸ If immigrants alone have political obligations, then they have special moral burdens.

Second, does giving immigrants special moral burdens really create an unjust inequality? We think it does. One can think of this injustice in terms of both distributive and relational equality. On the distributive view, justice is achieved in part by achieving an equal distribution of benefits and burdens. It's prima facie unjust when some suffer more burdens than others. It's unjust when some go hungry and others are fed lavishly. It's unjust when some work long hours and others live off rents. It's unjust when some ship off to war and others ship off to the French Riviera. These situations are unjust inequalities. They involve burdens falling on some but not others. In the same way, it's an unjust inequality when moral burdens fall on some rather than others. It is unjust when immigrants have political obligations which natural-born citizens escape.

On the relational view, justice is achieved in part by achieving egalitarian relationships. A lopsided distribution of burdens within a relationship, however, can make that relationship unequal. It's therefore prima facie unjust when a relationship imposes more burdensome obligations on some of its members than on others. When women are obliged to taking care of the children, but their

²⁷ David Owens (2012: Ch.1) defends this view at length.

²⁸ For a similar point, see Bazargan (2014) and White (2017).

male partners are not, their relationships are unjust. When women are obliged to cook and clean, but their male partners are not, their relationships are unjust. When women are obliged to be faithful, but their male partners are not, their relationships are unjust. These situations are unjust inequalities. The unequal distribution of burdensome obligations makes these relationships unjust. In the same way, when immigrants alone have burdensome political obligations, that makes their relationships with natural-born citizens unjust.

Let us clarify the nature of this relational inequality. Relational egalitarians have focused on two sorts of relationship.²⁹ One sort is that typified by caste hierarchies, the kind of relationship between Brahmin and Dalit. These are relationships marked by inequalities of power and status. Such relationships are, according to relational egalitarians, objectionably inegalitarian. This makes them intrinsically bad. The other sort is that typified by friendships. These relationships are marked by equalities of power and status, and also by attitudes of mutual concern. Such relationships are, according to relational egalitarians, attractively egalitarian. This makes them intrinsically valuable. We think the distribution of obligations makes a difference to both sorts of relationships. Being subject to more burdensome obligations is a kind of lower status: it puts one in an objectionable position of inferiority. And, equally, egalitarian relationships like friendship are precluded by such a difference of obligations. The participants in good friendships don't have lopsided obligations. Thus, the unequal distribution of normative burdens impairs people's relations. It puts them in objectionably inegalitarian relationships and precludes their enjoying attractively egalitarian ones. One might object to this claim. One might think that the difference in obligations between immigrants and natural-born citizens is not very great, and so think it could not possibly give rise

²⁹ For this taxonomy, see Viehoff (2019). Kolodny (2014) focuses on the first sort of relationship. Viehoff (2014) and Scheffler (2015) focus on the second.

to either relational issue. We think that this objection is misguided. Small differences can generate objectionable inequalities in a relationship. Here it is useful to consider marriage. By the lights of many marriages, women have weightier obligations than do men. Sometimes the difference is very large. Take domestic chores: in some cases, women have to do all the housework and men none. But often the difference is much less substantial: often, women just have a somewhat greater burden when it comes to housework than do men. The split in obligatory domestic labor is inequitable, but not entirely lopsided. Yet this latter case is still objectionable. Even small differences in the distribution of burdensome obligations tends to make a marriage an objectionably inequalitarian relationship rather than an attractively egalitarian one. Of course, small differences like this are less bad than are large differences. But small differences in people's obligations matter to the nature of their relationships.³⁰ So, even if the differences between the normative burdens of natural-born citizens and immigrants was small, that difference would still be objectionable from the relational point of view.

Demanding that immigrants undertake political obligations, then, creates two kinds of unjust inequalities: a distributive inequality and a relational inequality.³¹ Bringing about unjust inequalities is wrong: we should not do it. So, demanding that immigrants undertake political obligations is wrong. So, if philosophical anarchism is true of natural-born citizens, we should abolish the practice of getting immigrants to promise to obey the law.

³⁰ Notably, this claim is essential to Kolodny's influential applications of relational egalitarianism. Kolodny (2014) argues that one-person one-vote democracy is justified, in part, because it avoids power differentials between citizens. But having a vote in a modern democracy gives one only relatively little power. So the power difference between having one vote and having no vote is small. Nonetheless, if he is correct, it's important enough to underpin the justification of democracy.

³¹ To be clear, we think that both distributive and relational equality matter. Lippert-Rasmussen (2018) defends this view.

That is the basic form of our argument. We've just run the argument under the assumption that natural-born citizens have no political obligations. But a parallel argument goes through without this assumption. This is because, even if natural-born citizens have some such obligations, getting immigrants to undertake political obligations gives them *weightier* political obligations than natural-born citizens. Both ought to obey the law. But it is more seriously wrong when immigrants disobey the law. This is because immigrants will have whatever moral reasons natural-born citizens have to obey the law. But they'll have promissory reasons to boot. So they have twice the load of moral reasons. This makes their obligations to obey the law weightier. Breaking the law is, for them, more seriously wrong. But it is more burdensome to have weightier rather than less weighty political obligations. It makes immigrants liable for more guilt and more blame for breaking the law. It makes lawbreaking more of a departure from the good life. So, even if philosophical anarchism is false, getting immigrants to undertake political obligations creates an unjust inequality. It subjects them to additional moral burdens which natural-born citizens escape. So it's wrong to get immigrants to undertake political obligations. The practice of doing so, then, should be abolished. That implements our argument without the assumption of philosophical anarchism.

We wish to make one more comment about this argument. Some might wonder how it relates to one's general position on whether borders should be open. In particular, suppose one thinks that states are generally permitted to deny most immigrants entry to their territory outright.³² They may, on this view, point-blank refuse most immigrants admission to the lands they control. How does this interact with the argument we've just given? It's entirely independent of this argument. In particular, one can adopt this closed borders position while still endorsing the above argument.

³² Wellman (2011) defends this view, as does Walzer (1983: Ch. 2).

The key point here is that states might be permitted to deny immigrants entry to their territory outright but *not* be permitted to allow them entrance only under specific conditions.³³ Those conditions, we think, include the undertaking of political obligations. That is because conditionalizing entry on such an undertaking creates an unjust inequality. But denying immigrants entry outright need create no such inequality. So, nothing in our argument depends on denying this closed borders positions.

It is worth considering an analogy to drive this point home. Imagine a state allowed entry to some immigrants but only on condition of their adopting a position of inferiority. It insisted that those immigrants were indentured servants of some natural-born citizens.³⁴ This is clearly objectionable. The problem is that this creates an unjust inequality among those living in the state's territory. And, critically, this is true even if the state is permitted to deny entry to these immigrants outright. The denial of entry need not create the unjust inequality: but conditioning entry on indentured servitude does. Conditioning entry on undertaking political obligations is of course far less extreme than this: the inequality between free people and indentured servants is far greater than that between those with burdensome political obligations and those without. But both situations involve an unjust inequality. And that, we think, is why the practice of demanding that immigrants undertake political obligations should be abolished.³⁵

³³ Wellman (2011: 133-137), a leading opponent of open borders, defends this very claim. He thinks that it's fine for the state to exclude immigrants, but wrong for the state to admit immigrants on unequal terms (e.g., as guestworkers who constitute a 'political underclass'). He thinks this is wrong because it creates a relational inequality between citizens and immigrants.

³⁴ This is relevantly similar to the position of domestic workers under the Kafala system in the Gulf states, Jordan and Lebanon.

³⁵ One might wonder whether our argument only applies in just or "nearly just" societies. We think that it applies far beyond such societies. Even in severely unjust societies, getting immigrants to undertake political obligations exacerbates inequalities. It gives immigrants promissory obligations that natural-born citizens escape. Our reason not to exacerbate inequalities clearly doesn't evaporate in such societies: if inequality is bad, then worsening already bad inequality is also bad. So, our argument goes through in unjust societies.

In each of the next three sections, we will look at a strategy for resisting this conclusion. We think none succeed. So, we conclude that we should stop getting immigrants to undertake political obligations.

5. The self-undermining strategy

The first strategy for resisting our conclusion notes a tension between our two main claims: (1) the promises immigrants make are often valid and (2) that leads to an unjust inequality. The thought is as follows. If getting immigrants to promise leads to an unjust inequality, then getting immigrants to promise would seriously wrong the immigrants. But then, by **Wronging**, the promises would be invalid. So, these promises can't be valid. But then the practice wouldn't create an unjust inequality after all. Call this defense of these practices the *self-undermining strategy*. We think this is an interesting strategy. It seems most viable for oaths of allegiance. These seem more onerous than point of entry promises. But we doubt that, overall, it provides an adequate defense of either practice.

First, we doubt the strategy works for most of the promises immigrants make. That's because we don't think any old wronging completely invalidates a promise. It has to be a *serious* one. And we suspect getting immigrants to promise to obey the law doesn't wrong them seriously enough to invalidate that promise. So, such a practice might be wrong yet still create valid promises. One might object to this claim. One might hold that *all* wrongings invalidate promises. But this view would have implausibly revisionary implications. It impugns the validity of many obligation-conferring promises. For example, suppose you ought to pick your friend up at the airport. You wrong them by saying you'll do so only if they promise to buy you dinner. But they do make the

promise. When the cheque for dinner comes, they have a promissory obligation to pay it. They can complain that you made them promise. But they can't welch on their promise. Their promissory obligation still binds—this is exactly what they're complaining about—even though you wronged them by inducing the promise.

But suppose that's not right. Suppose that the self-undermining strategy does show that immigrants' promises aren't valid. This would mean that the practice of making immigrants promise was not wrong. But it would also make the practice pointless. The promises immigrants make would never confer obligations. This is not a compelling defense of these practices. After all, we have some reason to abolish pointless practices. And we should remain a little uncertain about whether the practice is wrong or not. So keeping the practice runs the risk of moral failure. But one shouldn't take such a risk to defend a practice that is at best pointless. So, we think the self-undermining strategy fails.³⁶ Such practices can only be adequately defended, if at all, on other grounds. Let's now look at some of those other grounds.

³⁶ In the previous section, we noted that our argument does not depend on adopting an open borders position. This section also makes clear that, for the most part, it does not depend on adopting a closed borders position either. In particular, suppose one adopts even a very radical open borders position. Suppose one thinks that states should just admit all immigrants outright. On this view, states wrong immigrants by conditioning their entrance on undertaking political obligations. As we mention in n.7, this is not a widely held position. But, even so, it is consistent with our argument. As long as the wrong is not serious enough to undermine the validity of the undertaking, the undertaking will give rise to an obligation. So there will be an objection to conditioning entrance on the undertaking of those obligations that goes beyond any objection rooted in this radical open borders position. Now, one might object to this claim on the following grounds: one might think that, if states can't regulate their borders, then they can't set the laws those within their borders have to follow. So nobody, immigrants included, could have political obligations in such a state. But this strikes us as clearly false. States in federal systems, like the State of California, can't regulate their borders: but they still have jurisdiction within those borders (Sager 2020: 27). So this sort of objection doesn't imperil the independence of our argument from one's position on open borders.

6. The no inequality strategy

The second strategy denies that getting immigrants to undertake political obligations creates an inequality between them and natural born citizens. We'll discuss two tactics to defend this denial. First, one might insist that that natural-born citizens have political obligations. When we considered this case above, we claimed that getting immigrants to undertake political obligations would still give them weightier obligations than natural-born citizens. But one might resist this: one might think that getting immigrants to undertake political obligations gives them exactly as weighty political obligations as natural-born citizens have. Second, one might admit that getting immigrants to undertake political obligations gives them weightier such obligations than have natural-born citizens. But one might deny that this leads to any overall inequality between the two. We'll discuss each tactic in turn.

6.1 *Topping up*

The first tactic claims that, although natural-born citizens have political obligations, the grounds for these obligations don't hold for immigrants. So immigrants' promise just tops them up to the same level of natural-born citizens. It doesn't give them any weightier obligations. It gives them equally weighty obligations, just with a different—promissory—ground. Let's call this view the *topping up* view. We think it is surprisingly hard to maintain. The natural way to defend it is by appeal to some historical theory of political obligations. These theories say the history of natural-born citizens explains their political obligations. Immigrants lack any comparable history. So they lack the political obligations of natural-born citizens. But it is not easy to come up with such a theory. In the rest of the section, we'll go through a few options. None succeed.

Let's start with fair play theories. According to traditional fair play theories, the state is (in part) a collective scheme for producing public goods.³⁷ The classic examples of the goods are security, defense and prosperity. Generally, so these theories go, we have moral obligations to do our fair share for collective schemes the benefits of which we've accepted. And we've accepted the benefits of the state. So, we have moral obligations to do our fair share for the production of these public goods. And those moral obligations just are our political obligations. For example, according to this theory, obeying the law is part of what it is to do our fair share towards the production of public goods (perhaps internal security). So, we have a moral obligation to obey the law. But here's the rub: on this theory, immigrants won't have any less weighty fair play obligations than natural-born citizens. That's because immigrants also benefit from security, defense and prosperity. They benefit in the present and they benefit prospectively. And immigrants have clearly accepted these goods. They immigrated after all. Natural-born citizens just stuck around the place they were born. So, making immigrants promise to obey the law just piles a promissory obligation on top of a fair play obligation.

What's needed, to support the topping up view, is a fair play theory which focuses exclusively on historical benefits. The clearest example of such a benefit is childhood education. This is a benefit natural-born citizens received from the state, but that immigrants didn't. But there are other examples of such benefits: the security and prosperity one enjoyed as a child are such examples. So perhaps our political obligations are just obligations to do our share in these collective programs, insofar as they benefit children. But this view seems implausible. That is because we only have obligations to do our fair share in collective schemes when we've accepted the benefits of those schemes. But we could not, as children, properly accept the benefits of such schemes.

³⁷ Klosko (2005) is the most influential recent advocate.

Acceptance requires the autonomy only adults have. We can't be arraigned, as children, into such collective schemes. Hence, plausible versions of fair play theories seem unlikely to support the topping up view.

One might resist this as follows. One might think that one can be arraigned, as a child, into a collective scheme as long as a hypothetical consent condition is met. The thought here is that if a child would have, in certain idealized conditions, accepted the benefits of a collective scheme in return for assuming the duty to uphold those schemes, then they have such a duty. The idealized conditions are those in which children are rational enough to make binding promises. But we think this thought is incorrect. That is because children would often hypothetically consent to extremely onerous such arrangements, since they are so vulnerable. Imagine, for instance, that a parent offered their young child the following deal: they would care for them, but only if the child devoted their adult life to the parent's well-being and projects. We think that, in many cases, a rational child would take this deal, because the costs of being without parental care are so enormous. But that doesn't mean children must devote their lives entirely to their parents. When they are adults, they can live their own lives. So, we do not think an appeal to hypothetical consent helps fair play theories support the topping up view.

Let's turn to a second set of theories. Gratitude theories say that political obligations are debts of gratitude.³⁸ According to these theories, we owe gratitude to the state for the benefits it's provided us. And debts of gratitude come along with obligations. It's ungrateful to harm one's benefactor's interests. And, so the theories go, spurning one's political obligations harms the interests of the state. So, one ought not spurn one's political obligations. We think that these theories provide little

³⁸ This theory is discussed in Plato's *Crito* (2002: 48d–52d). Walker (1988) is the only modern advocate we know of.

support for the topping up view. For them to provide such support, the state would have to merit more gratitude from natural-born citizens than from immigrants. But differences in gratitude require differences in benefit. So where is the difference in benefits? The most promising place to locate the difference is again in childhood. Natural-born citizens got benefits in childhood which immigrants never got. But immigrants get special benefits of a different sort. Often, immigrants' lives are greatly improved by immigration. They gain access to certain universities. They gain access to certain jobs. They gain access, often, to a much higher quality of life than they would have experienced in their countries of origin. Natural-born citizens have a right to such access. So, they needn't be grateful to it. But the immigrants we're interested in don't. So, they should be grateful for it. So, such benefits would have to be much less large than childhood education and its ilk. Only then would immigrants have less weighty debts of gratitude than natural-born citizens. But we find this implausible. These are very large benefits. So we doubt that natural-born citizens owe their state more gratitude than do immigrants. But then gratitude theories don't support the topping up view.

We just relied on the premise that you only owe gratitude for benefits you don't have a right to receive. This is why natural-born citizens needn't be grateful for some of the things immigrants must be grateful for. This premise is widely endorsed in the gratitude literature,³⁹ but there are some dissenters.⁴⁰ The dissenters think that there are some counterexamples to this claim. Consider, for instance, young men who enlist in a just war of self-defense. They might owe it to their fellow citizens to enlist. Yet their fellow citizens may still owe them some gratitude for their role in the war. We think the discussion of such cases in Riedener (2020: 15–16) is convincing:

³⁹ See e.g. Walker (1980: 48), Heyd (1982: 140), Weiss (1985: 493) or Macnamara (2019).

⁴⁰ See e.g., McConnell (1993: 16).

such people will often, in many ways, go beyond the call of duty. Young men may be obligated to enlist in such a war. But they are not obligated to fight on the front line. They would often do nothing wrong if they tried to stick with military intelligence. And they are not obligated to fight as courageously as they usually do. So, they often go beyond the call of duty. It is for this, we suspect, that they are owed gratitude (if for anything). We think this applies generally to counterexamples to the premise on which we're relying. So, we think that gratitude theories are unlikely to support the topping up view.

Let's look at a third class of theories: associative theories. According to such theories, we have political obligations because we have special relationships with our fellow citizens. We should obey the law, for example, because of something to do with the relation we stand in to our fellow citizens. There are many views about what the special relationship is.⁴¹ But, to support the topping up view, the relationship must implicate the shared history of natural-born citizens. The best candidate we've been able to come up with is the relationship of *having grown up in the same country*. We might think of this along the model of fraternity or sorority. You have obligations, perhaps, to your siblings simply because you've grown up with them. You should look after their welfare and protect their interests. These are weighty obligations. Analogously, perhaps you have obligations to those who have grown up in the same country as you. If so, that'd give natural-born citizens obligations which immigrants initially lack.

But this theory seems to us implausible. Growing up in the same country as someone just doesn't seem to give you political obligations. After all, immigrants stand in this relationship to the people in the countries they've left. Yet they no longer, or need no longer, have the same political

⁴¹ See, for example, Dworkin (1986) and Horton (2010). Neither defend the associative theory in the text. But we think it's plain that the theories they do defend won't support the topping up view.

obligations as these people.⁴² For example, South Korean laws prohibit drug use worldwide. But, when Koreans renounce their citizenship, they may smoke weed in Canada. Likewise, when Chinese migrants leave China, they need no longer support the Chinese state. So, we doubt one can rest an associative account of political obligations on this relationship. We don't know a better suggestion for the purposes of the topping up view. So, we doubt plausible versions of associative theories provide much support for this view. More generally, we don't know of a plausible account of political obligations which supports the topping up view. So we doubt that, when immigrants undertake such obligations, this merely tops up their obligations so that they are weighty as those natural-born citizens have. Instead, we think, it gives immigrants weightier political obligations than natural-born citizens have.

One might try to resist this conclusion in a different way. One might contend that the weight of immigrants' promissory obligation is not additive: adding it to whatever else is the basis of their political obligations does not give immigrants weightier such obligations. There are two general worries about such a view. First, promissory obligations usually are additive. Usually, when you have a duty to do something, you make your duty weightier by promising to do the thing. Imagine your friend is an actor. You have a duty to attend their show because they are your friend. But if you also *promise* to attend their show, that makes your duty weightier. The point generalizes: promissory obligations are usually additive, so those that immigrants take on should be too. The second worry echoes a point we made in the previous section. Were such a view to be true, then getting immigrants to undertake political obligations would be pointless. It wouldn't change their

⁴² They might still have some of the same obligations as such people. They may, for instance, have some of the same distributive obligations to those in their country of origin. Stilz (2016) endorses this view, although on the basis of a very different account these obligations than that under discussion. If the view is true, then getting immigrants to undertake merely such distributive obligations might be anodyne. But getting them to undertake a wide gamut of other political obligations, as is standardly done, would remain objectionable.

normative situation whatsoever. This, as we've said, is hardly a good defense of such practices. So, we infer that, if a defense of such practices is to be found, it will not consist in denying that they give immigrants weightier political obligations than natural-born citizens have.

6.2. *Balancing out*

Let's turn to a second way of denying that getting immigrants to undertake political obligations creates inequality between natural-born citizens and immigrants. This tactic doesn't deny that this gives immigrants weightier political obligations than natural-born citizens have. But it denies that this leads to an inequality overall. The key idea is that the burdens of these obligations are balanced out by compensating benefits. In particular, the idea is that immigrants usually retain citizenship in their countries of origin. This gives them the right to return to those countries. But natural-born citizens don't generally enjoy this right. American citizens don't have the same right to live in Switzerland as do Swiss emigrants. Thus, once we take people's whole panoply of benefits and burdens into account, we see that getting immigrants to undertake political obligations creates no overall inequalities. It creates an inequality of one kind—of political obligations—but this is balanced out by one of another—of mobility rights.

The decisive objection to this view is that, generally, taking people's whole panoply of benefits and burdens into account, immigrants do not enjoy more benefits than natural-born citizens. They are more likely to have the right to live in their country of origin than are natural-born citizens. But, at least in the United States, they are less well-educated, have lower incomes, are more likely to live in poverty, and are less likely to have health insurance (Buddiman *et al* 2018). Many also suffer relational inequalities due their social identity (Reed-Sandoval 2020). And unnaturalized immigrants usually have frailer residency rights and fewer political rights than natural-born citizens have. Immigrants thus have fewer benefits and more burdens than do natural-born citizens:

even ignoring their weightier political obligations. So imposing on them those political obligations makes existing inequalities worse. Indeed, immigrants' advantage over natural-born citizens with respect to the noted benefit—mobility rights—is anyway often illusory. Many natural-born citizens enjoy dual citizenship. They have exactly the same mobility rights as immigrants with respect to some foreign country. Furthermore, in many rich countries, natural-born citizenship gives one much more mobility than many immigrants have. A U.S. passport, for example, lets one easily go just about anywhere. Indians, Iranians, Nigerians with U.S. residency have much less freedom of movement. So few immigrants enjoy benefits of sufficient magnitude to balance out their extra normative burdens. Typically, we suspect that these normative burdens do create an overall inequality.⁴³

7. The no injustice strategy

We now turn to a third and final strategy. Let's grant that imposing promissory political obligations only on immigrants creates an inequality. One might nonetheless deny that this inequality is unjust. After all, one might think that whether an inequality is unjust depends on how or why it was brought about. And, sometimes, one can bring about inequalities in ways that don't make them unjust. Think about loaning money to a family member. Maybe you never insist that your sister promise to pay back a loan within any fixed date. But you always insist that strangers promise to pay back loans by the next month. So you create inequalities. But they're not unjust inequalities. Or imagine you're a hotelier. You never get your old, longtime customers to promise not to trash

⁴³ One might think that when citizens of well-off countries, like the U.S, immigrate to less well-off countries their benefits balance out the normative burdens of undertaking political obligations. Perhaps: we'll remain neutral on this issue. If they do, then that our argument in this section applies primarily to countries' immigration policies towards those arrived from states with a similar level of development.

their room. But you insist new customers promise. You create an inequality. But it isn't an unjust inequality. And, perhaps, what explains this in these cases extends to the case of immigrants. There are a few ways to develop this idea. We think none succeeds. But let's go through them in turn.

7.1 Evidence and causal efficacy

The first way comes down to evidential differences. Consider the hotelier case. You have good evidence that your longtime customers won't trash the room (namely, that they haven't done so yet). But you lack good evidence that your new customers won't do so. And, perhaps that means you can impose special obligations on your new customers without creating an unjust inequality. Generally, perhaps, if your evidence suggests that someone is more likely to act wrongly, and this is why you impose special obligations on them, then the resultant inequality is not unjust. If so, we might apply this principle to immigration. Perhaps the state has good evidence that natural-born citizens won't break the law. Namely, they haven't done so yet. But perhaps the state has no similar evidence about immigrants. So, its evidence suggests immigrants are more likely to act wrongly. Thus imposing special obligations on immigrants creates no unjust inequality.

A cursory knowledge of contemporary politics shows the widespread appeal of this view. But its prospects are bleak. The simple fact is that immigrants are no more criminally inclined than natural-born citizens. According to a recent review article, “[r]esearch consistently shows that foreign-born individuals are less likely to commit crime than naturalized citizens in the United States and that immigration status may abate crime within a community” (Bernat 2017). So, the state's evidence does not suggest that immigrants are more likely to commit crimes. It suggests that they are less likely to do so. So, this explanation of what makes the hotelier case anodyne does not extend to the case of immigrants. Imposing special obligations on immigrants is not a justified response to differential evidence.

Let us consider a second, somewhat similar, possibility. It might be that getting people to promise to obey the law makes them more likely to obey the law. Now, we know of no evidence that this is the case. But suppose that it is.⁴⁴ That would give the state reason to get immigrants to promise to obey the law. Generally speaking, it's good for people to obey the laws. And the state has reason to do good things. Would that justify the practices under discussion? It would not. If this would justify getting immigrants to promise to obey the law, then it would also justify getting natural-born citizens to make such a promise. So the state would be making an invidious distinction between the two by not treating them the same. It would be giving the former weightier obligations than the latter without good reason. Thus, we think that even if such an undertaking reduced lawbreaking, that alone could not justify maintaining the practice of getting only immigrants to promise to obey the law.

We want to note a final thing that bears on both points. We think that consideration of relational and distributive equality are very weighty considerations. Any effect promises has on law-keeping, we suspect, will be rather small. Thus, these instrumental considerations will not turn out to be very weighty. So, we think that the egalitarian considerations that tell against getting immigrants to undertake political obligations will outweigh the slight instrumental value of doing so. The same point goes for evidential considerations. Whatever considerations are in play here, we suspect, will usually be relatively lightweight. They would almost never outweigh the weighty demands of distributive and relational justice equality. So we doubt either evidential or instrumental considerations will rescue the practices that we oppose.

⁴⁴ One might think that, if it isn't, the promise could not be *perceived* as burdensome. So, one might think that it couldn't *be* burdensome. But this is incorrect: something can be burdensome without being perceived as such. However, insofar as immigrants do feel burdened by their promissory obligations, this constitutes an additional way, beyond those discussed in section 4, in which promissory obligations create an inequality between citizens and immigrants.

7.2 Motivation

Let's look at another line of thought. Perhaps the state has anodyne motives when it demands that immigrants undertake political obligations. For example, perhaps the state, misguidedly, believes the topping up view. It believes (falsely) that such demands make the obligations of immigrants exactly as weighty as those of natural-born citizens. This moves the state to make the demands. One might think that, because the state is driven by such reasonable motives, the inequality it creates is not an unjust inequality. The state's benign motives rescue the practice of getting immigrants to undertake political obligations.

We're unsure how plausible it is to attribute this motivation to the state. Many state's immigration policies have not emerged out of anodyne motives. The United States' first immigration policies, for example, were intended to exclude the ethnically Chinese. Many future immigration restrictions also had racist origins. But let's nonetheless assume that a state has anodyne motives for getting immigrants to promise to obey the law. We nonetheless doubt this is a good defense of the practice. You can create unjust inequalities despite being driven by anodyne motives. Plausibly, this happens in many romantic relationships. When men expect their partners to do the housework, they're often not trying to create an injustice. But they create one all the same. They do so accidentally. At the absolute most, in these cases they have some excuse for creating an unjust inequality. So, at the absolute most, the state has some excuse for getting immigrants to promise. But the practice itself still creates an unjust inequality. And practices which create unjust inequalities should be abolished, even when they're excusable.

7.3 *Special relationships*

Let's turn to a final idea. Reconsider the hotelier case. Perhaps what really explains our intuition in this case is the import of special relationships. The hotelier has special relationships with their old customers. So maybe they can treat their old customers better than their new ones without creating an unjust inequality. After all, having a special relationship with someone often means one may treat them better than a stranger. When you treat your friends and family better than you do strangers you needn't create any unjust inequalities. One might think that a similar story applies to immigrants. Perhaps the state has special relationships with natural-born citizens. After all, it's spent a lot of time with them. And perhaps that means it can treat them better than it does immigrants without creating any unjust inequalities. So, it demanding that immigrants undertake political obligations is legitimate after all.

How plausible is this story? We do not see how it can work for oaths of allegiance. States usually have a comparable relationship to those in the position to take such oaths as it does to many natural-born citizens. This is because potential oath takers are so deeply embedded into society. In the United States, for example, to take an oath of allegiance one must have already lived in the country for a minimum of five consecutive years (or three consecutive years, if one is married to a current citizen). And that's just the *minimum*. Many people take longer to begin the process. These people aren't strangers to the state. They obey its laws. They support it financially. They comply with its directives. And they have done all this for years. They have a close relationship with the state.⁴⁵ Now, one might deny that this close relationship is the morally relevant relationship. But we ourselves do not know what the morally relevant relationship would then be. So, we think that

⁴⁵ Carens (2013: 158-169) makes similar points in defending the social membership argument. Immigrants, after a time, build relationships with citizens and become members of society. They also, we're arguing, build a relationship with the state.

potential oath takers usually have the same morally relevant relationships to the state as do natural-born citizens. So, by treating them worse than it does natural-born citizens, the state creates an unjust inequality. The story can't defend oaths of allegiance.

Yet, it might seem like the story works for point of entry promises. Newly arrived immigrants have no substantial relationship to the state. So, perhaps, when the state treats them worse than natural-born citizens, that creates no unjust inequality. But we doubt this too. Such treatment might avoid creating unjust distributive inequalities. Perhaps the state can funnel more resources to those it has a special relationship without creating an unjust distribution of resources. Suppose it only pays unemployment benefits to natural-born citizens. This might create a distributive inequality. But perhaps it creates no distributive injustice. But we think relational and distributive equality differ on this point. When the state gets immigrants to undertake political obligations, it makes their relationship with natural-born citizens unequal. The former must bear weightier burdens than the latter. But its special relationship with natural-born citizens doesn't make this relational inequality just. This seems clear to us in other cases. For example, suppose the state favored natural-born citizens in the courts. It provided a higher bar for convicting them than it did for newly arrived immigrants. This makes the relationship between newly arrived immigrants and natural-born citizens unequal. And, intuitively, this inequality would be an injustice. The inequality of the relationship between immigrant and natural-born citizen isn't made anodyne by the fact that state has spent more time with natural-born citizens. The relationship is still unjust. So we think there is at least a relational egalitarian objection to point of entry promises. They might be less bad than oaths of allegiance. But they still create an unjust inequality.

So we doubt there is a good defense of either oaths of allegiance or point of entry promises. Both create unjust inequalities. This gives us weighty reason to get rid of both.

8. What does abolition mean?

If we're correct, there is weighty reason to abolish the practice of getting immigrants to undertake political obligations. We wish to briefly explore what doing that would involve. It doesn't mean that we could have nothing that mildly resembles such practices. One might, for example, replace oaths of allegiance with some purely ceremonial practice. Such a ceremony might serve to welcome immigrants into the community of citizens, to remind them of the norms already accepted by that community, or to allow them to acknowledge those norms without undertaking to follow them. We see nothing problematic about such ceremonies. But we wish to stress this would be to substantially change current oaths of allegiance. Currently, they are undertakings of political obligations. Naturalizing Germans swear to respect and observe the laws of the Federal Republic of Germany; naturalizing Americans swear to support and defend the laws of the United States of America. This is not a simple ceremonial reminder or acknowledgement of citizens' obligations: it is the undertaking of political obligations. We've argued that such undertakings should be abolished. That means that, if a ceremony around naturalization is desirable, it should have a very different form from that of existing ceremonies.⁴⁶

Parallel points go for point of entry promises. If some sort of ceremony around entry to a country is desirable (which we doubt), then it shouldn't involve an undertaking of political obligations. This aspect of border crossing should be abolished. Abolishing written point of entry promises is easy. States can simply revise their immigration forms so as not to explicitly induce immigrants to undertake political obligations. Abolishing non-verbal point of entry promises is more difficult.

⁴⁶ Here one might object that, in order for the ceremony to function adequately as an affirmation and a reminder of the norms accepted by the community, it *must* involve a promissory obligation. But we see no reason why this is so. It is easy to remind someone of rules and their importance without asking them to promise to obey them. So, we think, a suitably modified ceremony devoid of promissory undertakings could capture the desirable normative functions of naturalization ceremonies.

This requires changing common understandings of what immigration involves. At the least, this requires that the state and its officials change their understanding of authorized border crossing. They have to stop construing these as the undertaking of political obligations. Such a change would undermine their status as the undertaking of such obligations, and so contribute to the abolition of point of entry promises.

Still, perhaps our argument for abolition is too hasty. One might hope to avoid substantial changes to existing practices by changing the context in which they happen. Consider naturalization oaths. In Norway, for example, naturalizing citizens can decide whether to go through a naturalization ceremony. This makes undertaking the burdens of political obligations a matter of fully voluntary choice.⁴⁷ This may seem acceptable because, when people assume extra burdens fully voluntarily, that often makes the resultant inequality seem less unjust. But we ourselves doubt that even this is fully anodyne. After all, such a practice still leads to an inequality. It stills leaves immigrants with weightier normative burdens than are borne by natural-born citizens. And we think that inequalities which are the product of fully voluntary choices are often still unjust. We're neither libertarians nor luck egalitarians. So, we suspect that even these practices leave a residue of injustice. The safest option, then, is to cease altogether the practice of encouraging immigrants to undertake political obligations.

Let's consider one final way one might avoid doing this. One could expand these practices rather than abolish them. Suppose one forced all natural-born citizens to promise to obey the law. One stripped them of citizenship, and perhaps residency rights, if they did not undertake political obligations. Were this promise efficacious, then oaths of allegiance and point of entry promises

⁴⁷ Only 20% of naturalizing Norwegians decide to take the oath (Hagelund and Reegård 2011). This brings out, we think, the non-voluntariness of such ceremonies elsewhere.

would not create any inequality. The normative burden they impose on immigrants would also be imposed on natural-born citizens. Yet we doubt any such promise would be efficacious. This is because one would seriously wrong natural-born citizens by conditioning their citizenship, or residency, on their making such a promise. Natural-born citizens have an unconditional right to both.⁴⁸ So, even if one did induce them to promise things through this method, these promises would yield no obligations. Thus, it would leave the inequality between natural-born citizens and immigrants untouched. So the surest way to address this inequality is to simply abolish oaths of allegiance and points of entry promises.

9. Conclusion

Let's sum up. We think many authorized immigrants, and especially naturalized citizens, have promissory political obligations. Succinctly, they promised to obey the law. They sometimes promised to support the state. So, they have some moral reason to do so. But we also think that the practice of getting immigrants to undertake political obligations creates unjust inequalities. This seems true both for oaths of allegiance and point of entry promises. So, both practices, in their present form, are morally wrong. Both should be abolished.

Let's tie up a final loose end. Earlier, we claimed that unauthorized immigrants escape the obligations authorized immigrants incur. In light of our other conclusions, what does that imply? We think it gives some people some reason to avoid unauthorized immigration. After all, by immigrating without authorization, they're creating an inequality between themselves and authorized immigrants. They're escaping a burden which is imposed on authorized immigrants. This is a truth behind some people's disquiet with unauthorized immigration. But we think it

⁴⁸ See Lenard (2018) for a discussion of the wrong of denaturalization, which supports our view.

should not be overemphasized. Doing so wildly misconstrues the situation of most unauthorized immigrants. Most unauthorized immigrants are not relatively advantaged in the countries to which they immigrate. They're economically, socially and politically disadvantaged. So, they have reason to avoid a further type of disadvantage: political obligations natural-born citizens escape. This will create some inequality between them and some authorized immigrants. But it'll avoid exacerbating a much larger inequality between them and natural-born citizens. So, we think our conclusions provide some positive defense of much unauthorized immigration. It helps evade the creation of an unjust type of inequality.

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