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ILLEGAL IMMIGRATION AND MORAL OBLIGATION

Michael R. Taylor

There are at present approximately twelve million illegal immigrants living in the United States.¹ This is an estimate, and precise figures are, for obvious reasons, difficult to obtain, but a figure of around twelve million, give or take a million, is widely agreed upon. Their presence poses urgent problems for the current public agenda. Illegal immigration is often discussed in economic terms, but other worries, such as being “swamped” or “invaded,” are sometimes invoked as well.² The argument presented here attempts to demonstrate the existence of significant moral obligations to illegal immigrants, something that has been largely neglected in discussions of this problem.

Increasing awareness of the large number of illegal immigrants in the country and concerns over national security have helped sharpened the debate between pro- and anti-immigration forces, including discussion of the need to determine the treatment of illegal immigrants. Ali Noorani writes:

As a result of the increasing tensions between these two camps, the country has reached a critical point at which diametrically opposed forces are clashing over immigration policy—and, by extension, over what it means to be an American.³

Public discussion of illegal immigration includes a host of complex issues ranging from economic concerns over competition for jobs and the costs versus benefits of the presence of illegal immigrants to fears about imagined threats to national and cultural identity.

Introducing issues of moral obligation further complicates the debate, but this is unavoidable because the treatment of persons is subject to moral deliberation and judgment. If moral considerations are relevant to the treatment of illegal immigrants, and their treatment is largely a matter of law and public policy, the administration of which is ultimately in the hands of the state, then how the state treats illegal immigrants is a matter of moral concern. Michael Dummett sums up this point nicely when he writes

No state can claim that its duties extend only to its own citizens any more than any head of a family can declare that he has no duties except to those who belong

to his family: he has special duties toward them, but he has duties to all who can be affected by his actions, inasmuch as they and he belong to the same worldwide human family.⁴

Since illegal immigrants are members of the human family, and are affected by the laws and policies of the United States, there may be duties that the state should conform to in its dealings with them. Determining the nature of these duties should be part of the public deliberation on this matter.

The right of nation-states to control their borders is largely uncontested, but Dummett's point indicates that this right may be a conditional rather than absolute one, and this depends on the duties of the state. Veit Bader has contributed to a clearer understanding of what some of the conditions on this right should be. According to Bader:

If citizenship in rich and safe states ceased to be a privilege, exclusion would be less a prima facie moral wrong. This *if* has two aspects. The first is *temporal*: as long as measures to fight poverty are not taken or as long as they are not really effective, 'we' (individuals, organizations, states in affluent societies) have no moral right to close borders. The second is *gradational*: to the degree that affluent states do not live up to their international moral obligations, they have no moral right to close borders. This double *if* makes all other arguments *conditional* upon the prior fulfillment of our moral obligations with regard to safety and subsistence.⁵

Bader's essay deals primarily with issues of migration between nation-states, but just as regulation of immigration between states ought to be conditioned by moral concerns, so the treatment of immigrants, including illegal immigrants, within the borders of the state should also be conditioned by the state's moral obligations. As the right of the state to control immigration into and out of its territory is conditioned by satisfactory discharge of the state's international moral obligations, so the right of the state to prescribe treatment of immigrants within its own borders is conditioned by its domestic moral obligations.

The argument in favor of substantial domestic moral obligations regarding illegal immigrants can be briefly summarized. In the broadest terms, there are two options that could be adopted. One is that they should be required to leave the country, and the second is that they should be permitted to stay. The argument aims to establish that they should not be required to leave, and therefore they should be permitted to remain. If they should be permitted to remain, then their status as residents should be determined. There appear to be two reasonable options. One is to establish a guest worker program in which they could participate, thereby legalizing their presence. The second is to open a path to citizenship for those who want to pursue it. The argument goes on to claim that the moral obligations to illegal immigrants remain unsatisfied by a guest worker program, and concludes by affirming that creating a realistic path to citizenship is the only adequate means for satisfying the requirements imposed by the domestic moral obligations that condition realistic and just immigration law and policy.

Should illegal immigrants be forced to leave the country? There are people, apparently a rather large group, who insist that they should be deported, forcibly if necessary, since they entered the country illegally and so should not be here in the first place. For some, the fact that the immigrants have broken the law is a discussion-stopper, and nothing more need be considered. The presence of illegal immigrants in the United States is indeed contrary to law, but it is a mistake to suppose that this is a sufficient reason for closing off further discussion. Something may, after all, be illegal and at the same time be morally permissible or praiseworthy, or at least not be morally condemnable. People who, in the era of American slavery, hid slaves and helped transport them to regions free of that egregious institution did the right thing, and those who smuggled Jews and other victims out of Nazi Germany, or sheltered or assisted them, broke the law, and in doing so risked their own lives and helped redeem humanity. What they did was morally right and morally good which, in some contexts, is better than being law abiding. "Illegal" does not mean the same thing as "immoral" and so the judgment of illegality, even if indisputable, cannot decisively bring moral deliberation on the matter to a halt.

That someone broke the law, while it should not be taken as the final word, is nevertheless a point that should be addressed, for it is not unreasonable to hold that there is a *prima facie* moral obligation to obey the law. This obligation, however, can come into conflict with other obligations, and sometimes those competing obligations may be of greater weight. This is especially likely to happen if a law is immoral, unrealistic, or unjustly or ineptly applied. If current U.S. immigration law or policy is immoral or unrealistic, then there may be considerations weighty enough to supersede the obligation to obey the law or at least tend to mitigate the culpability of lawbreakers.

Are U.S. immigration laws or policies immoral or unrealistic? There are good reasons to believe that the number of immigrants who can enter the country legally falls well below the level needed. Tamar Jacoby outlines some of the problems with current immigration policy that cause problems for and result in harm to immigrants and those who desire to employ them:

For the past decade or so, market forces have brought some 1.5 million immigrants, skilled and unskilled, to work in the United States each year. But annual quotas admit only about a million, or two thirds of the total. Enforcement of these limits is poor in part because the nation is ambivalent about how much it wants to control immigration and also because it is all but impossible to make unrealistic laws stick. And as a result, some half a million foreign workers, most of them unskilled and from Latin America, breach the border every year or overstay their visas to remain on a job. It is as if American cars were made with imported steel but the government maintained such restrictive steel quotas that a third of what was needed had to be smuggled in.⁶

Most of the illegal immigrants in the United States would not be here if there were no jobs for them. If roughly half a million more immigrants each year are needed to fill job vacancies, they should be able to enter the country legally. There are people who desperately need these jobs but cannot get to them without breaking the law, so some illegally cross the border in order to escape impoverishment and secure the means to provide for themselves and their families. The present immigration quotas harm them by restricting their access to work they need in order to survive, and by turning them into criminals when they take the action necessary to obtain it. These laws and policies also harm American employers by hindering their ability to obtain needed workers.

To get work, immigrants must cross the border illegally, and in doing so they subject themselves to significant risks and sometimes to injury or even death. They may be caught by the Border Patrol or armed militia groups such as the "Minutemen." The occasional irate landowner may take a pot shot at them. There are formidable obstacles that must be negotiated if the crossing is made, as it increasingly is, in remote areas, which heighten the risk of dehydration, hunger, exposure, and accident. Finally, there is lethal risk if they happen to be abandoned in a locked truck or railway car. As the United States tightens its border security, increasingly large numbers of illegal immigrants attempt their crossing in remote areas where detection is less likely. These areas are commonly infested with hazards, consisting of mile upon mile of the most inhospitable and treacherous terrain imaginable. Becoming injured or lost is a real possibility, and hence there is increasing use of "guides" who know, because they are really professional smugglers of human beings, the ins and outs of crossing the border illegally. When these smugglers feel threatened or in danger of being apprehended, they may abandon their "cargo" in the desert, sometimes in life-threatening conditions.

On arrival illegal immigrants continue to face many risks and potential harms. They may be victimized by criminals, and if so may take themselves to be without recourse, refusing to report crimes committed against them because they fear detention or deportation should their status become known. If their employer fails to maintain acceptable safety standards, arbitrarily shorts their paycheck, refuses to pay them what their labor is worth, or requires overtime without compensation, there is little they can do to challenge such treatment. Many face long periods of separation, during which illnesses, accidents, and deaths may occur without their being able to return to grieve for parents, children, a spouse, sibling, or friend. They face a hostile social environment with which they are ill-equipped to negotiate. Often they are uninformed or poorly informed of the few protections accorded them, who their potential friends or allies may be, or who is dangerous and how to avoid them. Many are unable to communicate well enough to find these things out.

The risks do not necessarily end when they arrive and get jobs. In his discussion of the bleeding off of the population of Iowa, especially the state's youth, and

how the hemorrhage has been controlled and in some ways reversed by incoming immigrants, many of whom are in the U.S. illegally, Stephen Bloom writes:

Entry level work for these newcomers is plentiful, usually as kill-floor employees at slaughterhouses, where workers don't need to know a word of English. The only requirements are a strong stomach and a strong back. It's no wonder locals spurn dangerous work as knockers, stickers, bleeders, tail-rippers, flankers, gutters, sawers, and plate-boners, toiling on what amounts to a "disassembly line." Turnover in these grueling jobs often exceeds 100 percent annually. Safety instruction is minimal, particularly at many rural meatpacking houses, and the high turnover results in a revolving work force of inexperienced employees prone to accidents.⁷

Some of these miseries are unavoidable, but others might be reduced if immigration quotas were more realistic. Dangerous workplace conditions are more likely to be reported and corrected if potential whistleblowers have no reason to fear deportation. If current immigration laws or practices are unrealistic, and in being so contribute to significant avoidable human suffering, victimization, and sometimes injury or death, they are immoral practices that stand in need of reform.

Most illegal immigrants come to the United States to work. Take away the job or the willingness to hire an illegal immigrant to fill it and illegal immigration would dwindle to insignificance. If illegal immigration is a serious offense, then those who knowingly or negligently hire illegal immigrants are engaged in international crime, and profits from this practice should not be counted as contributing to the nation's economy. Instead, such profits should be considered to be part of the vast flow of global capital generated by international crime, similar to money generated by human trafficking, drug running, and dealing in illegal arms. This idea may seem absurd, since there appears to be little inclination to treat CEOs or the multinational corporations they represent as serious criminals akin to drug runners, slave traders, or illicit arms dealers, but such treatment follows from the views of those who insist that illegal immigration is a serious criminal matter. The implications of this argument should not be rejected merely because there is widespread reluctance to criminalize those who profit from the employment of those they know, or should know, to be illegal immigrants. It is the willingness of employers to hire them that entice immigrants across the border in the first place, and most immigrants are willing to risk entering the country illegally only because they know that there are jobs available to them on arrival.

The immigrants are easy targets, with little real clout other than the ability to vocalize their plight, while their employers are often in positions of power and influence. It is unreasonable to subject persons who cross the border illegally in order to avoid extreme impoverishment to harsh moral condemnation and ignore those who entice them, then break the law by hiring them, and profit handsomely from such activity. The focus on the immigrants and the relative silence concerning their employers suggests scapegoating, a tactic that has a long and dismal history

of being practiced against the weak, despised, or marginalized. Mary Eberstadt believes that this is in fact exactly what is happening.

In other words, there is something telling about the fact that so far as their critics are concerned, pretty much *anything* the Mexicans or Central Americans do appears to be a problem. If they work, that's bad because they are taking our jobs. If they don't, that's also bad because they are taking our welfare. Men come to America and live in groups instead of families. That is bad because men in groups can be frightening and unruly. Men come to America and live in families instead of groups: This is bad too because it means more Mexicans here. Women come to live with the men: This is worst of all because they are doing it to have what the critics call "anchor babies."⁸

As things stand now, all of the serious risks and harms, as well as the lion's share of moral condemnation, falls disproportionately on the immigrants while those who employ them fly under the radar. Neither moral condemnation nor legal punishment should fall only on those who have already run significant risks and often suffered a great deal, and who by and large lack the means or power to defend themselves; it should fall on those who profit from their labor as well.

Current immigration law and policy is immoral, first because of the grave risks and harms that are inflicted on human beings as a result of its unrealistic nature. They are also put into practice in an unfair and hypocritical manner, with the immigrants rather than those employing them bearing the brunt of the burdens, risks and condemnation. Illegal immigrants suffer considerably more harm than they inflict, and those who break the law by knowingly or negligently hiring them, and profit as a result, suffer little or not at all. In order to apply the laws fairly, they would need to be applied with equal vigor and consistency to employers as well as to the immigrants themselves. In sum, current immigration law is unrealistically restrictive as well as unfair and inconsistent in application, and these flaws result in significant harm to human beings. Illegal immigrants are certainly in the country illegally, but this fact cannot count as conclusive in moral deliberation about what treatment the immigrants should receive at the hands of the state.

Another reason for wanting illegal immigrants to leave is the belief that this would increase job opportunities for American workers. This issue is too complex to receive detailed treatment here, but there are reasons for believing that deporting illegal immigrants would not be of much benefit to American labor. Some of the work done by illegal immigrants could be accomplished even more efficiently and cheaply by improvements in mechanization or technology, thus eliminating the need to employ anyone at all. Employers would surely take advantage of such increases in efficiency and profitability quickly enough if the availability of cheap labor dropped off.⁹ Other jobs might be outsourced if they could not be done cheaply and efficiently here. Given these considerations, the gain to American

workers that would result from the absence of illegal immigrant labor might be a good deal less than is imagined.

Is there a serious concern underlying the fears of being “submerged,” “swamped” or “invaded”? Might contemporary American culture be overwhelmed by a flood of illegal immigrants swarming into and across the country, bringing with them their values, practices, traditions, and language? This concern seems entirely unrealistic. As Michael Dummett points out:

In normal circumstances, that is, in countries which are neither part of a colonial empire nor under the rule of oppressive invaders, there is no danger whatever that even a relatively high level of immigration will threaten the native culture or population with being submerged.¹⁰

The idea that twelve million immigrants might submerge or even seriously threaten nearly two hundred million Americans is a bit farfetched. A significant number of immigrants would, however, certainly lead to changes in American culture, but the immigrant culture will also undergo change through assimilation, especially in the second and third generations. Change is not necessarily a bad thing, and immigrants often bring with them values and practices that are beneficial to their host cultures.

Those who concern themselves with being swamped, submerged, or overwhelmed may believe that such changes pose a threat to national culture or identity. National or cultural identity, however, when it is rightly and realistically conceived, is much like personal identity in that it changes over time, sometimes in a planned, measured and smooth way and at other times abruptly, dramatically, and even painfully. What is clear is that there is no culture that is free of change. As Samuel Scheffler remarks, “There is no possibility of preserving unaltered either the imported culture of the immigrants or the national culture of the host society, and neither the immigrants nor the host society has any general right to such preservation.”¹¹

The concern to preserve national culture or identity may reflect a form of racism or xenophobia, and if so it is simply wrong and should be exposed and challenged. But it may also reflect a serious and legitimate desire to preserve what is of genuine value in the national or cultural identity as it is configured at the present time.¹² Certainly there is nothing to prevent concerned persons from acting to preserve valuable traditions and practices, provided that they remain within the bounds of morality and law. Given the inevitability of cultural change, however, sometimes the best that can be hoped is that when aspects of the host culture are truly valuable, the newcomers will discover this and act to preserve those things, perhaps in a modified fashion, as they assimilate into the mainstream. Some traditions, practices, and values may be lost, especially if immigration is rapid and relatively uncontrolled, but others are likely to arise in their place.

Illegal immigrants now residing in the country should, by and large, be permitted to remain. Forced deportation would be immoral and inhumane. It is

unlikely that most would leave voluntarily, given the risks they have run in order to be here in the first place. If they are forced to leave, and immigration policy remains unchanged, the jobs and the willingness to employ illegal immigrants to fill them will remain, and there are numerous impoverished persons who will not be deterred from crossing the border illegally in order to secure them. Thus those forced to leave will be subjected to further harm, for they will lose their livelihood, and the new batch will undergo the same, or probably greater, risks and harms that the previous ones already suffered.

Forced deportation would require costly, harmful, and inhumane methods. When serious consideration is given to what it would take to force millions of people out of the country against their will, it is easily seen that the cost of such an undertaking would be staggering, and the moment the opportunity arose most would immediately return if the job they vacated was still available. A policy that would stand a reasonable chance of preventing this would be even worse. Tamar Jacoby outlines what would be needed:

[T]he cost would be the creation of a virtual police state, with an electric fence and armed guards on the border, roadblocks on every highway, regular raids on all U.S. businesses, a Big Brother-like national tracking system, and extensive use of ethnic profiling.¹³

Anything short of these measures would invite ineffective and inconsistent enforcement and the general mishandling of people, most of whom would be of impeccably legal status. The successful institution of these measures, on the other hand, would bring about the undesirable results that Jacoby outlines.

Many illegal immigrants have been residents for a long time and have interwoven themselves into their communities. Some have children who were born in the United States and are U.S. citizens, and others own homes and businesses.¹⁴ Many have mortgages and loans with U.S. companies. American lenders have openly courted the immigrant population for years, seeing a new and largely untapped market of potential borrowers.¹⁵ An unknown, but probably substantial, numbers of illegal immigrants are woven so tightly into the fabric of American society that to uproot them now would significantly damage both them and the communities into which they have integrated. Put slightly differently, many are constituent members of society in every way except the possession of the required paperwork.

Illegal immigrants have contributed to American society at considerable risk to themselves. There may be debate over whether their presence benefits the economy sufficiently to offset the burdens that they impose on schools, medical resources, and social services, but nobody argues that they have contributed nothing at all. This is important from the moral perspective, and it is frequently overlooked in discussions restricted to economic utility. If illegal immigrants have contributed to American society even if those contributions do not outweigh the economic burdens imposed by their presence, and if their contribution has

been made at substantial risk or harm to themselves, then the public response to such contributions should not be to impose on them even greater risks or harms. If illegal immigrants impose greater burdens on society than are offset by the benefits they contribute, then that would be a reason to try to regulate future immigration to bring about a more favorable ratio of benefits and burdens; but not for discounting the contributions made, risks run, or harms undergone by those already in the country. Their undisputed contributions include providing labor that has helped generate economic productivity and payment into the public coffers through property rentals and sales taxes. If they have contributed in these and other ways, and have encountered serious harms or risks in doing so, then steps should be taken to reduce or eliminate those risks and harms, not to increase them.

If it would be wrong to force illegal immigrants out of the country, then a decision should be made concerning their status as residents. Either they will remain without having access to citizenship (denizens) under some sort of program that legalizes their presence, or a path to citizenship should be made available to them. It is morally unacceptable to create a subclass of “denizens,” permanent or semi-permanent residents without opportunities for citizenship. Creating a permanent or semi-permanent class of denizens amounts to endorsing a category of second-class persons who are permitted to have no input into the laws and policies which regulate their lives.

President Bush publicly favors an alternative that would confer “guest worker” status on illegal immigrants.¹⁶ A guest worker program of the kind Mr. Bush has in mind would make it possible for illegal immigrants to legitimate their presence, but it is not a satisfactory solution to the problem. Insofar as they have already contributed to American society, integrated themselves into the mainstream, established roots, perhaps have children that are citizens, and undergone risks, exploitation, and harm, they are owed more than this. Already established and contributing members of society, the President’s plan would offer them the opportunity to legalize their status by becoming guest workers. But as Michael Walzer says of guest workers,

These guests experience the state as a pervasive and frightening power that shapes their lives and regulates their every move—and never asks for their opinion. Departure is only a formal option; deportation a continuous and practical threat. As a group they constitute a disenfranchised class. They are typically an exploited or oppressed class as well, and they are exploited or oppressed in part because they are disenfranchised, incapable of organizing effectively for self-defense.¹⁷

Those already in the country and contributing to American society should not be required to adopt the status of “guest worker,” unless this is the status that they desire for themselves.

There are good reasons to suppose that few illegal immigrants will find the status of “guest worker” appealing. Guest worker programs in the United States have a record of abuse. A recent *New York Times* article reports that

[t]he abuses take many forms. Guest workers often pay exorbitant fees and are frequently given fewer weeks of work and lower wages than promised. Many employers fail to make good on their commitment to pay transportation costs.¹⁸

Other abuses mentioned in the article include the confiscation of passports and other documents, thus leaving the workers virtually helpless in the hands of their employers. Unable to leave the country and return home, they have little choice but to endure whatever treatment is dished out to them. Those illegal immigrants in the country who have already contributed, and who have run significant risks and experienced harms, and who have already been subjected to abuse and exploitation, should not be rewarded by being subjected to yet another form of abuse and exploitation. For them, a guest worker program is not enough.

It is morally wrong to use other human beings as a mere means to our well-being and then discard them as if they were a useless, burdensome, obsolete or unwanted commodity. In his third formulation of the categorical imperative, Immanuel Kant wrote “Act in such a way that you always treat humanity, whether in your own person or the person of any other, never simply as a means, but always at the same time as an end.”¹⁹ It is especially wrong to treat others as a mere means if they have been subjected to serious risks or undergone substantial harms from which those who propose to treat them as a mere means benefit. Illegal immigrants ought not to be treated as a mere means to enhance the ends of the nation’s business or industry or improve its economic competitiveness. Doing so violates the requirements of deontological ethics by treating them as if they were mere instruments or commodities, and is morally wrong.

Any alternative other than creating a path to citizenship would involve depriving the immigrants of what Martha Nussbaum, following Amartya Sen, calls “central human functional capabilities.” Even a well-regulated guest worker program not subject to the abuses mentioned above would involve such deprivation. The primary capability of which guest workers would be deprived is what Nussbaum refers to as “control over their (political) environment.” She describes this as follows:

Being able to participate effectively in political choices that govern one’s life; having the right of political participation, protections of free speech and associations.²⁰

Without an opportunity for citizenship guest workers would experience impairment of this central human functional capability because they will be afforded little if any opportunity for input into the political decisions that directly affect their lives. At best their influence will be registered indirectly, exercised through groups that represent them or citizens who are willing to take their interests into account in voting and public dialogue. In other words, they will be at the mercy of others, in the position of being seen as, and at risk of being treated as, lesser persons.

Another central human functional capability that will be sacrificed by guest workers is what Nussbaum calls “affiliation.” Specifically, they will not be in a position to develop themselves on the basis of or to benefit from

[h]aving the social bases of self-respect and non-humiliation; being able to be treated as a dignified human being whose worth is equal to that of others. . . . In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.²¹

Guest workers will not enjoy the same benefits or job security as other workers, and they will be subject to numerous federal and state rules and regulations that will preclude them from attaining full, equal recognition of their status from their peers.

We should open a path to citizenship for most of the illegal immigrants already in the country. Once again, Walzer puts the matter well:

Participants in economy and law, they ought to be able to regard themselves as potential or future participants in politics as well. And they must be possessed of those basic civil liberties whose exercise is so much a preparation for voting and office holding. They must be set on the road to citizenship.²²

No other alternative adequately takes into account the contributions, or the cost of making them, that illegal immigrants bring to American society, and all other alternatives leave them in a position to be likely victims of exploitation or abuse. One of the primary benefits of citizenship is protection against exploitation and abuse, and most of the illegal immigrant population has earned such protection. Refusal of the opportunity to obtain citizenship would amount to treating illegal immigrants as a mere means, which violates a moral duty prescribed by deontological ethics, and it would diminish the opportunity of the immigrants to exercise two central human functional capabilities, at least one of which, political participation, is widely held to be a fundamental human right. In light of these considerations, the case in favor of citizenship as the best option seems to be morally compelling.

The argument favoring citizenship is intended to be general and does not aim to critique or promote any particular piece of legislation or policy that the federal government has considered or may have passed or rejected. It should be clear, however, that legislation offering no hope of citizenship, or that opens a path to citizenship contingent upon submission to harsh penalties or heavy financial burdens, is inappropriate. Only a path to citizenship that is realistic and free of harsh treatment is acceptable. This is so because of the contributions already made, and the risks and harms borne, by the illegal immigrants themselves. They should not be subjected to further harm by the imposition of penalties or fines, and the opportunity for citizenship should be realistic and affordable to them.

The argument should be limited by a number of considerations. If a person is reasonably believed to be a threat to society due to criminal activity, or poses

an unacceptable risk to national security, he or she should not be eligible for citizenship, and probably should not be permitted to remain in the country. There may be other concerns that would be relevant to eligibility as well. It is not the case, however, that these kinds of considerations are widely applicable. As Jesus Antonio Rodriguez, an immigrant adviser, said in an interview with *New York Times* reporters, "People do not believe it but we really do come to work. We are not delinquents here. We have to work."²³ The vast majority of illegal immigrants come here in order to work. They seek employment and when they find it work hard, and for obvious reasons try to keep as low a profile as possible. Those engaged in serious criminal activity, or in activities that threaten national security, will almost surely be a small minority. With few exceptions, the illegal immigrants residing in the country should be permitted to remain, and they should be given the opportunity to become citizens.

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NOTES

1. Randal C. Archibold and Julia Preston ("Illegal Migrants Dissect Details of Senate Deal," *New York Times* [May 21, 2007], <http://www.nytimes.com/2007/05/20/us/20immig.html?ei=5070&e>) give the estimate of twelve million. *The Economist*, vol. 383, no. 8530 (May 26–June 1, 2007), p. 27, gives the same estimate of twelve million illegal immigrants at present in the United States.
2. Sam Francis, "Troops on the Border?" www.vdare.com (accessed March 2007). Reprinted in *Illegal Immigration: Opposing Viewpoints*, ed. Margaret Haerens (Westport, Conn.: Greenwood Press), p. 110. Francis uses the words "invasion" and "conquest" to describe the threats posed by immigration.
3. Ali Noorani, "Race, Class, and the Emergence of an Immigrant Rights Movement," *The Fletcher Forum of World Affairs*, vol. 31, no. 1 (Winter 2007), p. 186.
4. Michael Dummett, *On Immigration and Refugees* (London: Routledge, 2001), pp. 49–50.
5. Veit Bader, "The Ethics of Immigration," *Constellations: An International Journal of Critical and Democratic Theory*, vol. 12, no. 3 (September 2005), pp. 341–342.
6. Tamar Jacoby, "Immigration Nation: The Road to Reform," *Foreign Affairs*, vol. 85, no. 6 (November/December 2006), p. 59.
7. Stephen G. Bloom, "The New Pioneers," *The Wilson Quarterly*, vol. 30, no. 3 (Summer 2006), p. 62.
8. Mary Eberstadt, "The Scapegoats Among Us," *Policy Review*, no. 140 ((December 2006–January 2007)), The Hoover Institution, Stanford University, pp. 30–31.

9. Mark Krikorian, "More Guest Workers? Not What We Should Pick," *The Washington Post* (February 25, 2001). Reprinted in Haerens, *Illegal Immigration, Opposing Viewpoints*, pp. 126–129.
10. Dummett, *On Immigration and Refugees*, p. 20.
11. Samuel Scheffler, "Immigration and the Significance of Culture," *Philosophy & Public Affairs*, vol. 35, no. 2 (2007), p. 110.
12. *Ibid.*, p. 106. Scheffler calls this the "conservative impulse," and he sees it, at least in some of its forms, as a legitimate concern.
13. Jacoby, "Immigration Nation," p. 60.
14. Brian Grow, with Adrienne Carter, Roger O. Crockett, and Geri Smith, "Embracing Illegals," *Business Week Online* (July 18, 2005). Reprinted in Haerens, *Illegal Immigration: Opposing Viewpoints*, p. 47.
15. *Ibid.*
16. George W. Bush, "Illegal Immigrant Workers Should be Granted Legal Status," in Haerens, *Illegal Immigration: Opposing Viewpoints*, pp. 153–161.
17. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), p. 59.
18. Steven Greenhouse, "Low Pay and Broken Promises Greet Guest Workers in the U.S.," *New York Times* (February 28, 2007).
19. Immanuel Kant, *Groundwork for the Metaphysics of Morals*, trans. H. J. Paton (New York: Harper & Row, 1965), p. 96.
20. Martha Nussbaum, *Women and Human Development* (Cambridge: Cambridge University Press, 2000), p. 80.
21. *Ibid.*, p. 81.
22. Walzer, *Spheres of Justice*, p. 60.
23. Archibold and Preston, "Illegal Migrants."