The Ethics of Migrant Welfare

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International migration poses a dilemma for capitalist welfare states. This paper considers the ethical dimensions of that dilemma. It begins by addressing two questions associated with the provision of social rights for migrants: first, the extent to which differential forms of social citizenship may be associated with processes of civic stratification; second, the ambiguous nature of the economic, social and cultural rights components of the international human rights framework. It then proceeds to discuss, on the one hand, existing attempts to classify or taxonomise different kinds of immigration/incorporation and welfare regime and, on the other, the different ways in which migrants may be socially constructed. Building on this analysis the paper develops an alternative taxonomy that is concerned with the different ethical premises from which the social rights of migrants may be constructed or justified. The paper concludes by applying the ideal of 'Migration without Borders' as a means to critique existing constructions of social rights.

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The human species is a migrant species. In the course of its history, through processes of dispersal, settlement, invasion and conquest, it has become both diverse and divided. Its diversity is reflected in minor genetic variations but, more fundamentally, in extensive socially constituted cultural and ethnic differences. Such differences have been implicated in social divisions that can manifest themselves in exploitation and violence between peoples and groups, but which can also be subsumed or reconstituted through migration. Because human beings are vulnerable and interdependent creatures they are also capable of solidarity with one another, especially within distinctively defined peoples and groups. Such solidarities have laid the foundations of the rights and responsibilities that human beings have asserted against one another within the communities, the cities and the nations they have built. They have lately

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informed declarations of wider forms of 'human rights' (Turner 2006), albeit that these have so far been in some respects primarily symbolic.

In those parts of the world in which capitalist development has occurred, such rights and responsibilities have in practice been embodied in a particular form of citizenship which has—to varying degrees—provided civil liberties and the rule of law; democracy and political enfranchisement; and, most recently, rights to social welfare provision (Marshall 1950). However, the forces unleashed by capitalist development have also fuelled processes of economic globalisation, geopolitical instabilities, and global social inequality with which new and evolving processes of global human migration are associated (e.g. Castles & Miller 2009).

The movements of migrant labour or of refugees across national borders manifest the consequences of changing human needs and circumstances, but they pose a peculiar dilemma for the capitalist welfare state. Should migrants enjoy the same social rights as indigenous citizens? There is a fundamental tension—dubbed the 'liberal paradox' (Hollifeld 1992)—between individual freedom of movement on the one hand and the principles of national sovereignty on the other. It is claimed that the welfare state 'requires boundaries because it establishes a principle of distributive justice that departs from the distributive principles of the free market' (Freeman 1986, p. 52). But this in turn reflects a deeper ethical question. The nation-states of the world are artefacts of successive waves of migration and often arbitrarily drawn boundaries. Contrasting the different approaches to social welfare provision in the United States as opposed to Europe, Alesina and Glaeser (2004) have drawn attention to the greater ethnic diversity to be found in the United States compared to the relative ethnic homogeneity of most European countries; a variation resulting from differing historical migration patterns. Such diversity, they suggest, is inimical to the degree of solidarity that is necessary to sustain the relatively higher levels of social provision to be found throughout much of Europe. The argument has been embellished by others (Dench *et al*. 2006; Goodhart 2006). However, it has also been refuted, for example, by Banting and Kymlicka (2006; see also Moore 2008). Perhaps, however, the strongest argument of principle against this suggestion is to be found in the classic work of Richard Titmuss (1970). Titmuss defended the role of the welfare state as the mechanism by which, in a complex and competitive world, it remains possible for human beings to care for and to give, not just to intimates and neighbours, but, through the redistributive mechanisms of the state, to 'distant strangers'.[1]

The combination of global inequality and the arbitrariness of national boundaries makes it practically difficult to realise the social rights of migrants as distant strangers. But they also lay down an ethical challenge that has been partially met or largely avoided in various ways by different countries. Helen

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1. The penultimate chapter in Titmuss's classic book *The Gift Relationship* (1970) is entitled 'Who is my Stranger?' The moral implication relates to the responsibilities we may collectively assume for other human beings.

Bolderson (2011) has suggested that this ethical challenge may best be met by ensuring equality of treatment for all migrants. Drawing on Walzer (1983), she proposes separating the question of justice in the 'sphere' of social rights from that of justice in the 'sphere' of migration rights. However, the ethical dilemmas created within the sphere of immigration law are not so much resolved as set aside. The purpose of this paper is to reflect on the obstacles to the accommodation of equal social rights for migrants that will survive so long as humanity continues to construct and maintain notions of sovereignty based on national borders.

The paper is therefore primarily a 'think piece'. It discusses the meaning and provenance of 'social rights' before critically examining past attempts to classify the various approaches to the above-mentioned ethical challenge. It concludes by presenting its own taxonomy of the different ways in which the social rights of migrants are ethically conceptualised and critiquing those conceptualisations through the lens of a different ideal: the concept of 'Migration without Borders' (MwB).

The Scope of 'Social Rights'

Substantive social rights are rights of citizenship granted through domestic social legislation by national legislatures: they include rights to employment and social security; to health and social care; to education and training; to housing and environmental protection. Reference has already been made to the foundational work of T. H. Marshall, who argued that the arrival of the capitalist welfare state amounted to the culmination of the development of citizenship, bringing together civil, political and social rights. It was a development that portended a broad equality of status between citizens that would supersede divisions of class:

> What matters is that there is a general enrichment of the concrete substance of civilised life, a reduction of risk and insecurity, an equalisation between the more and the less fortunate . . . Equalisation is not so much between classes as between individuals within a population which is now treated for this purpose as though it were one class. (Marshall 1950, p. 33)

This ambition raised two problems. First, even if class divisions within society were to melt away (as they have not) the extension of citizenship rights was likely to foster new forms of civic stratification within the population (as indeed they have done). Second, affording rights to individuals as members of a fixed and supposedly homogeneous population ignored not only the question of how the composition of that population could change through migration but also the diversity of that population in terms of cultural differences.[2] I shall address these issues in turn.

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2. Also, critically, in terms of gender differences as discussed, for example, by Langan and Ostner (1991), Lewis (1992), O'Connor (1993), Orloff (1993) and Sainsbury (1994).

Civic Stratification

In practice, the development of social rights has been constrained, not only because of resource considerations but also because they have remained systemically subordinate to civil and political rights (Dean 2002). Substantive social rights are dependent on political processes for their enactment and on frameworks governed by civil law for their administration and enforcement. Welfare state capitalism, in its various manifestations, entailed a mixed economy of welfare in which the new state-mediated 'needs nexus' (Room 1979, p. 59) coexisted uneasily with the market-mediated cash nexus. A concern of Titmuss (1955) had been that far from ensuring universal provision, the welfare state ushered in new social divisions: between the relatively fortunate whose welfare needs were met through fiscal and occupational welfare and the less fortunate whose needs were met by state welfare.

David Lockwood went further than this, arguing that 'the structuring of life chances and social identities is the direct result of the institutionalisation of citizenship under conditions of social and economic inequality' (1996, p. 532). His argument was that the tension between state and market was managed by 'the fine-tuning of social rights' (1996, p. 535). The result is a process he termed 'civic stratification'. In Lockwood's formulation stratification rested, on the one hand, upon the extent to which citizenship rights had been allowed to develop and, on the other, the nature of the *civic gain* which citizens could obtain—or the relative *civic deficit* they might suffer—depending on their social status. Lydia Morris (2002, 2006) has since developed this framework, addressing the extent to which social rights—especially the rights afforded to migrants—have expanded or contracted at different times and under different regimes, while also elaborating a distinction between *civic exclusion* and *civic inclusion*. Morris suggests that the granting and withholding of social rights becomes 'a valuable tool in the management of population and society' (2006, p. 54).

It was ever thus. Anti-racist critics of the capitalist welfare state point out that the development of citizenship rights has been implicated in the ideological construction and defence of 'the nation' (Craig 2008; Miles & Phizacklea 1984; Williams 1989). In his study of race and racism in Britain, Solomos (2003), for example, has illustrated how for more than a century the history of immigration control had been driven by a desire to prevent immigrants from becoming a charge on public funds: that is, to deny them social rights. The denial of social rights amounts, in the language adopted by Lockwood and Morris, to 'civic exclusion'. Throughout the 'developed' world migrants may find they are at a disadvantage when it comes to claiming their social rights or that they are accorded limited social rights on terms less generous than those enjoyed by indigenous citizens (e.g. Morissens & Sainsbury 2005). This might be said to amount to a form of 'civic deficit'. Alternatively, migrants, though they may be formally entitled to equal social rights, may find such rights in practice to be substantively limited or conditional (e.g. Brubaker 1992). This amounts to a thin and purely procedural form of 'civic inclusion'. Only if migrants are entitled to

substantive and accessible social rights would it become possible for them to share in the experience of 'civic gain'. Social rights of citizenship are likely, therefore, to have inherent limitations as far as migrants are concerned.

The Socio-cultural Component of Human Rights

Paradoxically, perhaps, it is citizenship rights, whose origins can be traced back millennia to the ancient Athenian city-state, that provided the foundations upon which modern global conceptions of human rights have been constructed (Clarke 1996). And it is within the human rights framework that more universally conceived notions of social rights are to be found. The human rights instruments of the modern era, including and particularly the 1948 Universal Declaration of Human Rights (UDHR), incorporate the same distinction that Marshall drew between classic civil and political rights and a new generation of rights that emerged in the twentieth century. The UDHR characterises these new rights somewhat more broadly than Marshall as 'economic, social and cultural rights' (though the term 'social rights', as used by Marshall, is widely applied as shorthand for this broader conception). Economic, social and cultural rights are declared to be equal in standing and interdependent with civil and political rights. They relate to the means by which human beings obtain their livelihood and the ways in which people are enabled to participate in human society.

   Such rights are supposedly extended to all human beings, including refugees (by the 1951 UN Convention Relating to the Status of Refugees and its additional 1967 Protocol) and migrant labour (by the 1990 International Convention on the Protection of All Migrant Workers and Members of Their Families, albeit that a great many nation-states have still to ratify this). Because it is nation-states that must respect, promote or fulfil such rights there is a sense in which the social rights of refugees and migrant workers are negotiated or negated at the point where human rights and citizenship rights discourses collide. Nonetheless, the economic, social and cultural rights component of the UDHR and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) remains important. It specifies not only economic and social rights to 'work', social security, protection of family, adequate living standards, physical and mental health, and education (all of which, broadly speaking are covered by Marshall's definition of social rights) but also 'cultural' rights. This and other human rights instruments assert cultural rights as an element of collective or group rights to self-determination (Kymlicka 1995), but the identification of cultural rights as specific individual human rights is to be found 'almost as a remnant category' (Eide 2001, p. 289) in Article 27 of the UDHR and Article 15 of the ICESCR. Specifically, they provide for the right to take part in cultural life and the right to enjoy the benefits of scientific progress and its applications.[3]

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3. They additionally provide a basis for intellectual property rights by asserting the right to the protection of the moral and material interests an individual might have in any scientific, literary or artistic work.

Cultural rights are concerned with participation, identity and knowledge. Migrants may be inferred to have a right to participate in the life of the society to which they have migrated, to take part in creative activities and to share in the benefits of technological progress enjoyed by that society, whether this relates, for example, to the availability of advanced medical treatment, or more generally to standards of housing and daily living. But migrants also have the right to preserve their own language, religion and customs. In so far as states parties are committed to defending such rights, it is incumbent upon them to develop policies to promote good community or 'race'-relations. Cultural rights also have implications for the nature and extent of the education to which migrants are entitled and their access to learning.

The denial of cultural rights amounts to cultural rejection. Migrants may find that, though they are free to preserve their own culture, it is difficult for them to participate in the life of the society at large and they must live in communities leading 'parallel lives' to those of indigenous communities (Cantle 2001; Platt 2002). This amounts to cultural isolation. Alternatively, migrants, though they are legally entitled both to equal participation and to observe their own cultural practices, may in practice find such participation or observance, though tolerated, is not wholly welcome or not easily achieved. Formal civic inclusion may not lead to cultural inclusion but to mere cultural tolerance. Only if migrants are entitled unconditionally to participate while preserving or developing their cultural identities and if their learning needs are fully and appropriately met might it become possible for them to experience cultural inclusion.

The Welfare of Migrants

The previous section of this paper focused on the different ways in which social rights may be conceived and applied (or withheld) in relation to migrants. This section will focus more on different kinds of policy regime and different kinds of migrant.

Types of Immigration/Welfare Policy Regime

Different nations have been shaped differently by history and tradition and this is reflected in the manner in which different countries attend to the welfare of migrants. The best-known typology of immigration regimes is provided by Castles and Miller (2009 and previous editions; see also Williams 1995), who identify four model regimes. The first is the 'imperial' model: this refers to countries such as Britain that used to be imperial powers but in the post-colonial era have received migrants from their former colonies. In Britain's case, this kind of migration provided a source of cheap labour in the post-Second World War period, but successive attempts have been made since the 1960s to restrict such migration.

The second model is the 'folk' or 'ethnic' model: this refers to countries like Germany in which citizenship is restricted to the indigenous ethnic group and migrant labour is admitted as 'guest workers', with limited rights. The third model is the 'republican' model: this refers to countries like France in which citizenship is theoretically open to migrants who join the political community and adopt the national culture. The fourth model is the 'multicultural' model: this refers to countries such as Sweden and Canada which are more explicitly open to migrants from diverse cultures. This is a typology of ideal-types which do not necessarily accurately describe any particular immigration regime but provide a basis for understanding differences between regimes. Actual regimes are likely to be hybrid in nature and to combine features of more than one model. The United States, for example, is said to combine features of at least three models, though, arguably, it represents a distinctive regime in its own right, since it is an example of a quintessentially 'modern' country whose population has been substantially constituted through an extended period of open immigration.

There has been a variety of other attempts to classify immigration regimes or 'incorporation regimes', but as Freeman has put it:

> Although one may find idiosyncratic incorporation mechanisms in particular countries, these cannot be labelled national models because they do not represent self-conscious, deliberate choices so much as the unintended consequences of subsystem frameworks that are weakly, if at all coordinated. Attempts to stipulate more general and abstract typologies of incorporation regimes that produce cells into which particular states may more or less easily fit oversimplify an extremely messy reality. (Freeman 2004, p. 946)

Beneath the messy reality, however, we may discern competing principles—expressed and implied—that have informed the different approaches adopted by capitalist welfare states to the social rights of migrants. Freeman finds it 'puzzling' (2004, p. 955) that welfare states should accord any social rights to migrants when they are not citizens. However, when confronting Hollifield's 'liberal paradox' (see above), principles of justice have on some occasions trumped national policy priorities, while on other occasions migrants have been allowed access to welfare provision out of sheer pragmatism (because it is easier than excluding them from access or than making separate provision for them). Does welfare regime theory, as opposed to immigration/incorporation regime theory, help to explain this?

Classic welfare regime theory (Esping-Andersen 1990, but see also Titmuss 1974) has tended to distinguish three types of capitalist welfare state regime:

- residual or liberal welfare regime, characteristic of the anglophone countries;
- the corporatist or conservative regime, characteristic of Continental mainland Western European countries; and
- the social-democratic regimes, characteristic of the Nordic countries.

Once again this has always been a typology of ideal-types which do not necessarily accurately describe any particular welfare regime, but which capture the underlying logic that informs certain key variations in social policy approaches. Diane Sainsbury (1996) has attempted to explore the relationship between welfare regimes and immigration policy regimes, focusing on the United States as an example of a liberal regime, Germany as an example of a conservative regime and Sweden as an example of a social-democratic regime. She argues that in terms of social rights provision the liberal and social-democratic regimes are both inclusive, albeit in different ways. The liberal regime affords social rights to migrants primarily on the basis of need: that is to say through strictly selective means-tested provision. The social-democratic regime affords social rights to migrants primarily on the basis of citizenship: that is to say by admitting migrants to universal rights of citizenship. The conservative regime, by contrast, is exclusionary, primarily because social rights are granted through social insurance arrangements that privilege core workers and their families and from which migrants are excluded. This kind of modelling is heuristically helpful, but it inevitably—like incorporation regime theory—entails oversimplification.

For example, though Britain is generally regarded as a liberal welfare regime, recent provision for the social rights of migrants has become increasingly restrictive and can hardly be described as 'inclusive' (Bloch 2008; Bloch & Schuster 2002; Craig 2008). Similarly, social-democratic welfare regimes such as Denmark have recently sought to restrict the social rights of migrants (Goul-Andersen 2007). Germany and France are both described as conservative welfare regimes, but adopt quite different approaches to migrants: the former being described by Brubaker (1992) as 'ethno-cultural' and the latter as 'civic-territorial' in approach. The problem appears to be not simply that ideal-type models are not an exact fit for reality. We should not necessarily expect them to be. There are issues of ethical principle that welfare regime theory does not address.

For my own part, I tend to favour a slightly different conceptual approach to the classification of welfare regimes (Dean 1999, p. 166; 2006, p. 22): an approach premised on different kinds of moral justification for social welfare provision. This approach suggests four rather than three ideal-type welfare regimes and may better explain different approaches to the welfare of migrants:

- First, I suggest, there is a regime model based on a moral-authoritarian justification that is hostile to migrants and is reminiscent of the Poor Laws: this favours minimum welfare provision.

- Second, there is a regime model based on a social-conservative justification that is capable of compassion for migrants, but does not recognise their right to belong: this favours protective (albeit measured) welfare provision.

- Third, there is a regime model based on a form of social liberalism, which (perhaps reluctantly) concedes the rights of migrants but expects them to play

a part in society if they are to enjoy such rights: this favours conditional welfare provision.

- Finally, there is a regime model based on a social-democratic justification that is capable of welcoming migrants and including them as citizens: this favours universal welfare provision.

It is not suggested that any of these ideal-types precisely describe any actually existing immigration-welfare regime, but they do define the different kinds of justification upon which policy makers draw and which may be combined—sometimes in confusing and contradictory ways—in the approaches that policy makers adopt.

Types of Migrant

Migration occurs for a variety of reasons and migrants have widely differing motives and biographies. In the course of human history individuals and peoples have migrated around the globe in search of a better life: to seek better living conditions or to escape from adversity. Rich people find it easier to migrate than poor people. There has long been a powerful global elite whose members may live wherever in the world they choose, but also a class of well-heeled and ambitious individuals—the merchants, adventurers and imperial administrators of old or the entrepreneurs, celebrities and 'proficians' (Standing 2002, p. 76) of the current era—who can move at will in search of global opportunity. Excepting such privileged migrants, however, migration has generally been driven by necessity or desperation as people take flight from starvation, poverty or war. Often it is younger, fitter and better educated people who migrate, though this will not necessarily ensure that they accomplish a better life. In the past some major population movements, such as those associated with the slave trade, were achieved by coercion, and the legacy of these movements lives on. In the contemporary capitalist world, there are now, broadly speaking, three categories of migrant: workers, dependants and refugees.[4] Workers migrate when capital has need of labour: characteristically, of labour that is particularly cheap, or labour that is especially skilled. Workers may migrate with their families or, should workers settle, dependent members of their families may seek to join them. People displaced by war or by persecution in their own country may seek refuge or asylum in another. Some migrants may have complex combinations of reasons for moving from one country to another and some may do so clandestinely or illegally. Every migrant has a story to tell.

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4. I am mindful that there are in some parts of the world other kinds of migrant, including non-territorial, nomadic and Roma peoples, on the one hand, and intra-territorial rural–urban migrants on the other. Elements of the discussion in this paper are also critically relevant to them. I am grateful to Lorenza Antonucci for this point.

The countries that receive migrants will regard them in different ways. In part this will reflect the migrants' purpose and will be context dependent. At particular moments in history countries may have need of migrant labour. At other times migrant labour and the dependants of migrant workers may be regarded as an avoidable burden on public funds and social services. Refugees from notoriously oppressive or unpopular political regimes may be made welcome, but others may be regarded as less deserving. Illegal entrants are especially likely to be regarded with suspicion. At another level, however, different immigration-welfare regimes can be expected—socially and ideologically—to 'construct' the migrant in different ways.

Returning to Sainsbury's (1996) study, she draws out the three established principles by which the foundations of a person's entitlement may be legally constituted, reflecting three different ways in which a person might be thought to belong within a particular society (see also Grieco 2002; Sivanandan 1989). The first is *jus soli*. This principle establishes that a person has rights on the basis of where she is born: one belongs in the land of one's birth. The second principle is *jus sanguinis*, which establishes that a person has rights on the basis of her lineage or descent: one belongs with the people with whom one shares the ties of common blood. The third principle is *jus domicilii*, which establishes that a person has rights on the basis of where she is resident and has chosen to live: one belongs where one is permanently domiciled.

The principle of *jus soli* is clearly inimical to migration and constitutes the migrant in perpetuity as an 'alien'. The principle of *jus sanguinis* is similarly inimical to migration (though it may, for example, play an important role in sustaining the solidarity of far-flung ethnic diasporas). But it is capable of modification since it may in certain circumstances be possible—as within the republican tradition—for a migrant to join a virtual or metaphorical sisterhood/ brotherhood, without the necessity for a blood tie (by way of an oath, for example). In the absence of this last possibility, however, the migrant can only ever be constituted as a 'guest'. The principle of *jus domicilii* is plainly the most consonant with migration, but it is ambiguous. It attenuates the distinction between residence and citizenship, but it can nonetheless constitute the migrant in different ways. On the one hand, she may be constituted as a 'settler': an alien who has made her home in a foreign place, but who has established her right to do so by dint of having paid her way, proved her independence or, perhaps, having provided some formal contractual undertaking.[5] On the other, the migrant may be constituted as a new and fully *inter*dependent 'member' of the society in which she has made her home.

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5. There is a distinction to be made between the kind of demonstration of solidarity that is necessary for a migrant to establish citizenship within the republican tradition (see above) and the contractual undertaking necessary to do so within the liberal tradition that applies within settler societies. Both may require symbolic acts (involving ceremonies or oaths), but the meaning, I suggest, is different.

The Ethics of Migrant Welfare

The premise of this paper is that there is a fundamental ethical dimension underpinning the provision of social rights for migrants in capitalist welfare states.

An important attempt to address this has been provided by Ruhs and Chang (2004; see also Sales 2007, pp. 217−18). The object of Ruhs and Chang's analysis is to offer a normative framework for temporary migrant worker programmes. In order to illustrate the space within which moderate and practicable policies should be devised, they construct a taxonomic framework that defines four 'extreme' ethical positions. The taxonomy is constructed around two continua or dimensions. One dimension is based on a distinction relating to the 'degree of consequentialism in moral theories' and contrasts consequentialist with rights-based approaches. The consequentialist approach is concerned with the consequences of migration, while the rights-based approach is concerned with the respective rights of migrants and nationals. The other dimension is based on a distinction relating to the 'moral standing of noncitizens' and contrasts cosmopolitanism with nationalism. The cosmopolitan position holds that migrants have almost full or equal standing with nationals, while the nationalist position holds that migrants have no or minimal standing.

The four ethical positions of Ruhs and Chang, therefore, are:

- consequentialist nationalism, which prioritises the interests of the nation-state (in terms of whether it gains or loses from labour migration);
- rights-based nationalism, which prioritises the citizenship rights of nationals;
- consequentialist cosmopolitanism, which prioritises the global interest in terms of the functioning of free labour markets; and
- rights-based cosmopolitanism, which in essence regards the social rights of migrants as universal human rights.

Ruhs and Chang assume that in the real world none of these positions are wholly tenable, but argue that explicit and consistent compromises need to be found. Because it has primarily a normative rather than an analytical objective the taxonomy is doing a different job to any of the typologies or taxonomies that I have discussed above. Nonetheless the ethical dimensions that it brings to the discussion are important.

Whereas Ruhs and Chang focus on a continuum between consequentialist and rights-based (or 'deontological') approaches, I would suggest we focus on a distinction that may be drawn between 'contractarian versus solidaristic' conceptions of citizenship rights (Dean 1999). Our specific concern is with how different constructions of citizenship accommodate themselves to migrants. What here is called the *contractarian* approach to citizenship is at least partly consequentialist (or, perhaps more precisely, utilitarian) in that it is based primarily within the liberal tradition and constructs the citizen as an autonomous

individual subject who notionally contracts with the state to accept certain duties in return for certain kinds of guarantee. It is an approach that accommodates rights, though it tends to favour formal or procedural rights. The *solidaristic* approach is based at least partly within the republican tradition and constructs the citizen as a vulnerable and interdependent subject who seeks through the state the benefits of collective protection. It is an approach that favours more substantive forms of rights.

Whereas Ruhs and Chang focus on a 'cosmopolitanism versus nationalism' dimension, we are concerned for the moment to model the policies adopted by capitalist nation-states and I would therefore suggest that we focus on a distinction between 'ethically open' as opposed to 'morally restrictive' notions of social rights. Ethically open notions are more inclined to acknowledge the social rights of migrants in relation to the wider human rights framework, whereas morally restrictive notions are inclined to acknowledge social rights in a more parochial moral context. Though they are intimately connected, there is a philosophical distinction that may be drawn between ethics and morality. Ethics are concerned with cognitive *ethos*, with values, principles and what can be systemically deduced to be *right*. Morals are concerned with cultural *mores*, with norms, customs and what may be commonly deemed to be *good*. In this context, restrictive conceptions of the rights of migrants are not necessarily amoral, but they are not ethically conceived in the sense I have just defined. The ethical issues entailed in the contest between relatively open versus relatively closed migration have recently been well explored by Fitzpatrick (2008, pp. 203−17).

Using these two alternative dimensions as diagrammatic axes it is possible to construct Figure 1, in which I articulate the various models or ideal-types discussed above within the compass of a single taxonomy. Each quadrant of the diagram relates to one of the 'justification-based' welfare regime models outlined above and each encapsulates the moral logic by which the social rights of migrants are constructed:

- The *moral-authoritarian* construction in the bottom left quadrant is consistent with an inclination to keep migrants out of the country concerned, unless their presence will be materially advantageous. Migrants are effectively excluded from citizenship. They are marginalised from cultural life. They are accorded such welfare entitlements as may be minimally necessary to comply with international legal obligations. They are regarded as aliens or intruders.

- The *social-conservative* construction in the bottom right quadrant is consistent with an inclination to keep migrants separate from the established citizenry. Migrants are not treated in the same way as citizens, though it may sometimes be possible for them to establish that they belong and to become citizens. Otherwise, migrants' lives remain culturally distinct. They receive as much welfare provision as is necessary for their protection, but it is likely to be 'second-best' provision. They are regarded as guests or transients.
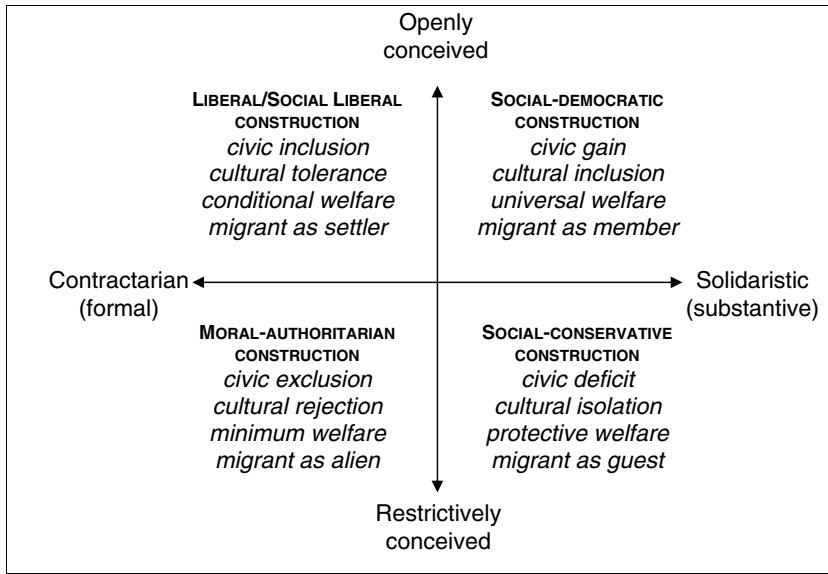
Figure 1 The social rights of migrants: a taxonomy.

- The *liberal* construction in the top left quadrant is consistent with an inclination to allow the free movement of migrants into the country concerned, provided they will be good citizens. Migrants can become good citizens by contributing economically and remaining self-sufficient. It is not necessarily expected that they should participate in cultural life, but their own privately observed cultural practices will be respected. Welfare provision for migrants will characteristically be conditional—upon a test of means and/or of good intent or behaviour. They are regarded as permanent settlers.

- The *social-democratic* construction in the top right quadrant is consistent with an inclination to welcome migrants, once admitted, as a potential asset to the country, in a cultural as much as an economic sense. Migrants can enjoy the advantages of citizenship. They can be included in cultural life. They can generally access universal welfare provision on the same basis as other citizens, despite some risk that such provision may be paternalistic in nature or else poorly suited to migrants' particular needs. They are regarded as new members of the society in which they have come to make their home.

This is not intended to serve as a meta-taxonomy that incorporates or supersedes the other typologies I have referred to. It is intended to bring an additional dimension to our understanding of the social rights of migrants. Freeman (2004), though he eschews 'general and abstract typologies' (see above), nonetheless identifies four 'loosely connected syndromes'. His four

'syndromes' appear, indeed, loosely to connect with the four constructions of social rights identified in Figure 1. The syndrome he equates with Spain, Portugal and Greece loosely connects with the moral-authoritarian construction inasmuch as it comes 'perilously close to a *de facto* policy of differential exclusion', and is associated with restrictive citizenship policies, liberal political economies and no policies on assimilation or multiculturalism. The syndrome he equates with Germany, Austria and Switzerland loosely connects with the social-conservative construction, and is associated with openness to labour migration and co-ordinated market economies, but which are reluctant to accept permanent settlement and have at times resisted assimilation and multiculturalist policies. The syndrome he equates with the United States, Canada and Australia loosely connects with the liberal construction, and is associated with open immigration and citizenship practices, liberal political economies and '*laissez-faire* or formal' multiculturalism. The syndrome he equates with Sweden and the Netherlands loosely connects with the social-democratic construction, and is associated with moderately open immigration and citizenship practices, co-ordinated market economies and formal settlement policies which embrace multiculturalism, albeit, Freeman claims, 'uneasily' (2004, p. 961).

Though Freeman's 'syndromes' resonate with my taxonomy, both are framed for heuristic rather than predictive purposes. As stated above, actual immigration and welfare regimes are invariably complex and to some extent hybrid in nature, reflecting different historical circumstances and substantive preoccupations. My object has been to explore the different logics and principles by which the social rights of migrants may be constructed. My focus has been on three key dimensions associated respectively with citizenship, culture and welfare that together constitute the migrant as either an alien or a guest (cf. Sassen 1999) in restrictive regimes, or as a settler or a member in more open regimes. In practice, policy makers vacillate between these constructions. As globally generated pressures fluctuate, so too does the manner in which policy makers respond. There is a growing body of literature that describes such responses, including, for example, special issues of some social policy journals (e.g. *Critical Social Policy*, Vol. 22, no. 3; *Social Policy and Administration*, Vol. 39, no. 6). There are parts of the world, such as the Asia-Pacific region, where the complexities of migration patterns and policy responses have received comparatively little attention, but where a trend towards the feminisation of migration is emerging on the on hand while, on the other, there are stark distinctions between open and restrictive approaches to skilled and unskilled migrant labour respectively (see Castles & Miller 2009, chap. 6). It is important to elaborate on the ways in which the emerging responses of particular countries or welfare regimes may be interpreted in relation to the model I have presented, but this paper is not the place to do so. It has a different purpose.

Conclusion: Resolving the Border Problem

A recent report for UNESCO has suggested that:

> The 'Migration Without Borders' (MwB) scenario—sometimes called 'open borders'—is increasingly being discussed among academics, NGOs and policy-makers while receiving support from different horizons, including neo-classical economists as well as social movements on the left. In a globalized world in which migratory flows seem to escape states' attempts to regulation, it represents a challenging idea and fosters a critical rethinking of current migration policies and practices. (Pecoud & de Guchteneire 2005, p. 1)

The authors conclude that MwB, while ethically defensible, does not represent a simple solution. It could, on the one hand, provide symmetry to the international human rights framework which includes an explicit right to emigration under Article 13 of the UDHR (that is, a right to leave a country, including one's own) but no corresponding right to immigration (that is to enter any other country). It could, on the other, provide a more coherent foundation upon which to meet the challenges posed by global migration patterns. It would provide the necessary foundation on which to achieve equality of social rights for migrants (cf. Bolderson, 2011). However, it presents several challenges to existing moral constructions of the social rights of migrants.

First, MwB would require the evolution of some form of transnational, post-national or global citizenship (Dwyer 2004, chap. 10; Falk 1994; Fine 2009; Held 1995). Global citizenship would be more cosmopolitan and probably 'deeper' (Clarke 1996) in nature than the kind of citizenship discussed above. It may be noted that there is a campaign for the establishment of a United Nations Parliamentary Assembly (see <http://en.unpacampaign.org>), which may or may not constitute a first step towards some new architecture for global governance, based on global citizenship. Second, MwB would require an altogether firmer foundation for the understanding of cultural rights (Kymlicka 1995). What is important here is that culture should not be reified as something to be preserved unchanged, but accepted as the dynamic product of human lives and human interactivity. Multicultural societies are societies in which cultural differences are recognised and respected, but in which cultural identities are made and remade (Phillips 2007). Third, MwB would require a new approach to welfare rights. The argument may be summarised thus: 'it is not that we ought to limit welfare rights to recent migrants but that we should radically redefine welfare rights for *everyone* in developed countries' (Fitzpatrick 2008; see also Carens 1992). Alternatively, the late Peter Townsend had suggested that a global or international welfare state is possible (Townsend 2002, 2007).

The purpose I had in mind for the taxonomy outlined above is to conceptualise the obstacles to migrant welfare and to achieving the kind of ethical resolution portended by the MwB proposal. MwB poses a threat to the four existing constructions of the social rights of migrants:

- The threat it poses to the *moral-authoritarian* construction is that 'aliens' would compete with natives for scarce resources.

- The threat it poses to the *social-conservative* construction is that too many 'guests' would place strains on social solidarity and the social order.

- The threat it poses to the *liberal* construction is that unproductive 'settlers' might drag down economic competitiveness.

- The threat it poses to the *social-democratic* construction it that the diversity of new 'members'' needs might challenge the principles of universality on which social provision is founded.

These are the threats—whether real or imagined—by which policy makers are constrained, and unless or until MwB becomes achievable such a taxonomy provides a framework with which to understand and critique the ways in which established welfare states treat migrants and the manner in which welfare states are failing to give full expression to the ethical responsibilities we owe to 'distant strangers'.

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