

If People Were Movies? Free Speech and Free Association*

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The modern world is characterized by vast movements of money and people across national borders. It is a noteworthy feature of debates around borders and sovereignty since the 1980s that the movement of labor has generally proved much more controversial than the movement of capital. An important early 1990s collection on the ethics of transnational flows of money and people focused on the normative significance, if any, of this distinction in treatment.¹ The introduction to the collection, by Robert Goodin, set out what Goodin called “the requirement of symmetry.”² According to Goodin, symmetry demands that (in the absence of a compelling argument to show otherwise) political thinkers should respond to the movement of capital, in

*Thanks to Toby Handfield, Emilio Mora, Linda Barclay, Bob Goodin, and three anonymous referees for comments and discussion that have improved this paper.

¹Barry and Goodin 1992.

²Goodin 1992.

the form of cross-border financial flows, and the movement of labor, in the same way: the failure of many political theorists to do this cries out for explanation and justification.

I believe that Goodin's concern for symmetry may have more to teach us than this initial exploration suggested. There are further interesting parallels in debates about the normative significance of national borders such that widespread differences in attitudes towards things that are apparently alike are in need of justification. I will argue that there is a case to be made for symmetry in relation to our attitudes towards the movement of cultural goods across national borders and the movement of people. There is an under-acknowledged tension between liberal hostility to restrictions on cross-border flows of knowledge, information, and entertainment and the willingness of many liberals to accept the right of the state to restrict immigration. When China tries to block access to content on various foreign websites or when Iran moves to restrict the sale of Western literature, there is a broad liberal consensus that this is a bad thing.³ Similarly, if a government tried to make foreign movies illegal on the grounds that they are "contrary to national values," liberals would typically object. Yet restrictions on the movement of *people* in order to preserve the character of a national culture are much more widely accepted. Thus, somewhat bizarrely, given his later intellectual trajectory, Brian Barry responded to Goodin, in the collection that they co-edited, by arguing that asymmetry between cross-border flows of people and money was justified by—amongst other things—the disproportionate impact of the former as compared to the latter on the cultural distinctiveness of societies.⁴ The argument that follows may be understood as a response to Barry in support of the force of Goodin's original challenge, by way of pointing out that cross border flows of cultural goods do have the impact on culture that Barry denied was a consequence of movements of capital. The difference in the way

³Boustany 2007; Human Rights Watch 2006; United States Bureau of Democracy, Human Rights, and Labor 2008, p. 17.

⁴Barry 1992, p. 286

these two sorts of movement are treated in contemporary political discourse suggests that “if people were movies,” restrictions on the movement of people around the world might be challenged more often and more powerfully.

Making the case for symmetry requires examining the similarities and differences between immigration and flows of cultural goods. I argue that what is ultimately at stake in arguments about the movement of both people and cultural goods is the appropriate response to the prospect of cultural transformation. Symmetry requires, I suggest, that differences in our response to the “threat” of cultural change depending on its source require justification. Moreover, I argue that both the free movement of cultural goods *and* the free movement of people across borders can be understood as a consequence of commitment to important individual rights that liberals defend within the context of liberal state: freedom of speech and freedom of association. The considerations that bear on the justification, scope, and strength of a right to free speech also bear, for the most part, on the right to free association—and vice versa. We should therefore respond to the different sorts of cross-border flows that fall under each of these rights in the same way. I also consider possible grounds for the existing asymmetries in the treatment of immigration and the movement of cultural goods and argue that they are much less compelling than is generally believed.

Part of the appeal of investigating the demands of symmetry is that this investigation offers the possibility of progress in the debate about immigration without needing to convince those who hold entrenched positions of a whole new set of claims. Instead, we may be able to show that different conclusions follow from beliefs that they already hold, once they fully understand their implications. In what follows, my argument is addressed primarily to those who hold liberal views of some persuasion: liberals should either extend the same concern they do for the freedom of movement of cultural goods to the movement of people or they should reconsider their attitude towards cultural flows. I have chosen to concentrate on the implications of the demands of symmetry for liberal political theory because of the dominant

role played by liberal ideas in contemporary Anglo-American political philosophy and because some of the most interesting recent philosophical debates about immigration have been conducted within a liberal framework. However, the demands of symmetry weigh equally on those who adopt a conservative, socialist, or communitarian approach to politics.

I. Liberalism and Cultural Flows

Cultural change has often involved ideas moving across national borders. No doubt it is sometimes the case that the spark for a cultural transformation originates within a community. However, equally well, it is often the case that cultural change arises as a result of contact with foreign ideas and values.⁵ These ideas and values are transmitted via the movement of artifacts as well as—as I shall discuss further below—the movement of people. In what follows, I will refer to “cultural goods” when discussing the movement of books, films, music, art, fashion, and language around the globe. I could just as well simply refer to “culture,” as long as we kept in mind that culture in this sense is (briefly, at least) independent of the people who created it, and is capable of moving and spreading around the globe. However, in order to avoid the possible ambiguity between the movement of people and the movement of ideas involved in talking only about “culture,” I prefer the terminology of “cultural goods.”

The movement of cultural goods has accelerated massively over the last five decades as a result of the development of modern telecommunications systems. Indeed, much of this movement now occurs via the Internet or by means of other telecommunication systems, including radio and satellite television. However, a significant amount still takes the form of movement of old-fashioned physical “stuff” such as books, DVDs, CDs, clothes, and other

⁵Indeed, the presence of foreign cultural goods within a community may itself be thought to constitute a change in the character of the culture.

goods, the use of which is primarily “cultural”: that is to say, where it is the meaning of the goods rather than their other properties that makes them valuable. The physical movement of cultural goods across national borders has also reached unprecedented heights due to the acceleration of international trade associated with the phenomenon of “globalization.”⁶

Given the role played by foreign ideas in transforming cultures, it is little wonder that the large-scale movement of cultural goods has led to calls for restrictions on the movement of such goods, which liberals have in turn, by and large, been quick to oppose.⁷ One way of understanding liberalism is as a principled openness to the possibility of cultural change. Indeed, if we conceive of liberalism as existing in opposition to conservatism in a political debate or communitarianism in a philosophical debate, then a willingness to risk cultural change may be seen as a central distinguishing feature of liberalism. Liberals reject a “museum” model of culture and insist that individuals should be free to accept or reject whichever cultural influences they see fit.⁸ If one holds that it is improper to try to preserve the “particular character” of a community, restrictions on the flow of cultural influences will be illegitimate.

Opposition to restrictions on contact with foreign ideas also arises out of liberalism’s connection to the Enlightenment and, in particular, the belief that social progress is possible through rational enquiry. If one holds that the best ideas “will out” through open debate and competition between ideas, then one should have nothing to fear from a policy of cultural openness.⁹ The entry of cultural goods will only have an impact on a culture if the values they instantiate are embraced by free individuals and, if they are so embraced, liberals can have little objection, whatever the result.

⁶Footer and Graber 2000; UNESCO 2000, p. 4.

⁷Footer and Graber 2000, pp. 120-126.

⁸Kymlicka 1989, pp. 168–71.

⁹Mill 2003, ch. II; Milton 1963, p. 64.

It also appears that the free movement of these goods is part of what is required by a liberal commitment to free speech, broadly conceived. Certainly, once foreign cultural goods become available within a community, it appears to be an infringement of freedom of speech to penalize those who enjoy them. It is true that what would be restricted by legislation outlawing the *import* of cultural goods is not “speech” in the most immediate sense. However, it does appear to be a restriction of freedom of expression. In many cases, when cultural goods move across borders, it is not so much a matter of these goods being brought in from the outside so much as being imported by minority cultural groups already within the boundaries of the nation. Restricting the flow of such goods, then, would be an infringement of the freedom of speech of those minorities.¹⁰

This “free speech” defense of right of access to foreign ideas has played a central role in liberal denunciations of China’s restriction on its nationals’ access to the Internet over recent years.¹¹ The Chinese government has gone to extraordinary lengths to prevent Chinese citizens accessing information that presents its activities in an unflattering light. In particular, it has blocked access to foreign new sites and to web fora that might allow its citizens to exchange ideas with foreigners.¹² Of course, governments have always restricted the political activities of their citizens, and at one level the activities of the Chinese government simply appear as restrictions on speech. However, the development of electronic means of communication and of global media corporations means that, in many cases, these restrictions are also restrictions on the operations of foreign news services or Internet service providers. Moreover, an important part of the Chinese government’s apparent rationale for their restrictions is that they are targeted at “foreign” ideas and institutions. It is equally accurate, therefore, to describe these restrictions as restrictions on the flow of cultural goods.

¹⁰Of course, where immigrant communities provide an initial market for cultural goods from the countries from which they have migrated this may then make it possible for these goods to reach a wider audience.

¹¹Amnesty International 2006; Yang 2003, p. 472; Tang 2000.

¹²Harwit 2008, pp. 95–100.

Indeed, a number of economic trends over the last two decades, including the expansion of the concept of intellectual property and a shift towards trade in intangible goods, have blurred the distinction between “speech” and cultural goods. As noted above, much trade today consists in what is now called “content”—various forms of “speech,” which are also commodities. A number of international trade agreements and conventions now explicitly protect the free movement of cultural goods.¹³ Thus, a willingness to allow the free movement of cultural goods is also a consequence of a commitment to free trade. This is a right that is associated with economic—rather than political or philosophical—liberalism but is nonetheless worth noting. Goodin’s original argument about symmetry between the movement of labor (people) and capital may have some currency in this context: cultural goods, amongst other things, are a form of capital—they are commodities.

By and large, then, liberals have defended cross-border flows of cultural goods against moves to restrict them. There are, however, at least two possible compelling grounds for restrictions on the movement of such goods, which liberals may accept. First, there may be circumstances in which the import of cultural goods would lead to an imminent threat to public order and safety. For instance, the import of foreign religious materials might lead to religious rioting. Liberal free-speech doctrine already recognizes that the state has the right to restrict freedom of speech where its exercise is likely to constitute a clear and present danger to a liberal public order.¹⁴

Second, there may be cases where imports of foreign cultural goods threaten to “swamp” a culture. The “marketplace of ideas” cannot function without some sort of rough equality of starting point for contestation between competing alternatives.¹⁵ If a small nation is next door to a larger and more prosperous nation then the local culture may have little

¹³Footer and Graber 2000, p. 121; North American Free Trade Agreement 1994, Article 1701; World Trade Organisation, 1994, Article 3.

¹⁴Mill 2003, p. 121.

¹⁵Sparrow & Goodin 2001.

chance of winning the next generation to its own particular values and commitments, regardless of their merits. In such cases, liberals may be willing to allow some restrictions on the entry of foreign cultural goods in order to allow the local culture to compete on a level playing field with foreign imports.

Note, however, that both these grounds for restriction refer to exceptional circumstances and, consequently, liberals should not be entirely comfortable with either of them. Both these justifications invite abuse: dominant social factions will always be inclined to perceive the culture of minorities as a threat and to wish to protect their own way of life against foreign influences. Thus liberals should only accept arguments for restriction on the movement of cultural goods reluctantly and, where possible, only as temporary measures to be put in place until the external circumstances that generate an imminent threat to order or to the operations of marketplace of ideas can be addressed.

II. Liberalism and Immigration

The implications of liberalism for immigration is, of course, an extremely contentious matter. Philosophical liberalism's universalism arguably implies that consistent liberals should be cosmopolitans.¹⁶ Perhaps unsurprisingly, given the rapprochement that has been necessary between liberalism and nationalism in order for liberalism to gain political influence, many, perhaps most, liberals are *not* cosmopolitans but instead limit the scope of liberal political relations to citizens within a particular political community. That is, they defend various forms of "liberal nationalism."¹⁷

Liberal nationalists attempt to reconcile a commitment to individual rights and liberal political institutions with a recognition that nation-states inevitably sustain and draw upon a

¹⁶Bader 1995, p. 214; Bader 2005, p. 337; Carens 1987; Carens 2013, ch. 11; Nett 1971.

¹⁷Bader 2005; Kymlicka 2002, pp. 261–70; Margalit and Raz 1990; Tamir 1995, ch. 6; Whelan 1988, p. 33.

public culture that distinguishes them from other states.¹⁸ The laws and institutions of states derive from and reflect their particular histories and the mores of their citizens.¹⁹ As long as these laws do not infringe the individual rights that liberals believe justice requires, variations in the precise articulation of liberal values are acceptable and a moderate patriotism may even be appropriate.²⁰

There are, I think, two *sorts* of considerations that typically prevent liberal nationalists supporting the free movement of people across borders.²¹

First, as long as the world is divided into different nation-states then it will also be divided into different territories. Control over a territory is constitutive of sovereignty. This control would be greatly weakened, and perhaps undercut entirely, if the state did not have the capacity to police its borders and exclude non-citizens.

This connection between sovereignty and borders supports the right of states to control immigration without doing a great deal to identify the interests that such a right might protect. The least controversial set of interests which might ground restrictions on immigration arise out of individuals' interests in public order. Political communities have a right to control their borders to prevent the entry of people who would threaten the peace and order that their institutions provide. In particular, they are justified in excluding, for instance, non-citizens who are explicitly dedicated to their destruction. Most potential immigrants, though, do not fall into this category. However, in some circumstances, high rates of migration might lead to resentment towards immigrant communities, which in turn might generate social unrest that

¹⁸Kymlicka 1989; Tamir 1995.

¹⁹Miller 2008, p. 375.

²⁰Primoratz 2000, p. 103; Nathanson 1989.

²¹Of course, liberals have offered many different arguments for restrictions on immigration—indeed, many more than could possibly be addressed in one paper. My aim, in this initial discussion, is simply to identify the most fundamental reasons for liberal nationalist suspicion of immigration—I deal with various particular arguments for immigration restrictions below.

might threaten political stability. Concern for the stability of liberal political communities may therefore justify limited restrictions on the free movement of people.²²

The obvious question about this argument for border controls is the extent to which the hostility towards immigrants that generates the threat to stability is itself justified. The mere fact of popular bigotry is a poor ground upon which to restrict important freedoms. Moreover, justifying restrictions on free movement on the basis of the peace and security that governments provide leaves open the question as to why *these particular borders* should be enforced? This first set of arguments against a right to free movement are weak unless some further case can be made for drawing and defending particular borders.

In so far as liberal nationalists allow that liberal institutions are always embedded in particular historical cultures, they also allow that it is proper for citizens to identify with and care about the fate of these cultures.²³ It is this concern for culture that answers the questions above, and provides the second and more secure set of grounds for restrictions on the free movement of people.²⁴ Liberal nationalists defend the right of states to exclude outsiders where necessary to preserve the distinctive values and character of the political community. It is immigrants as bearers of foreign ideas, habits, and values that threaten the character of political communities rather than immigration *per se*; as a consequence, immigration from the country that “originally” established a nation is usually considered less threatening than immigration from nations with different languages and cultures. Just how “thick” a set of values—and which aspects of the character of a polis—it is appropriate to defend is a matter of much controversy within liberal nationalism. A language, a history, a “way of life,” a “set of values,” a set of understandings, and/or a legal tradition are all candidates that have been put forward as what distinguishes one nation from another and justifies excluding non-citizens

²²Perry 1995, pp. 114–5.

²³Kymlicka 1989, pp. 162–78; Margalit and Raz 1990; Tamir 1995, p. 6; Whelan 1988, pp. 31–4.

²⁴Barry 1992, p. 286.

where they might jeopardize these goods. A *liberal* nationalism must also ensure that minorities within the state who may not share these commitments are not persecuted as a result. Nevertheless, when it comes to deciding which people should be admitted to citizenship, liberal nationalists allow that the nation's distinctive "culture"—understood in the broadest possible sense so as to allow the possibility of encompassing each, or all, of the candidate descriptions above—has a legitimate role to play.²⁵

To be fair, there is a minority of liberal political thinkers who admit that liberalism is incompatible with anything other than the most contingent and pragmatically motivated support for immigration restrictions.²⁶ However, as suggested above, it will be difficult to provide even such pragmatic grounds for restrictions on immigration without making reference to the importance of culture.

III. The Case for Symmetry

There is, then, a marked asymmetry in contemporary liberal responses to cross-border movements of people and of cultural goods. In contemporary politics, as well as in liberal political theory, there is a presumption in *favor* of the free movement of cultural goods and a presumption *against* the free movement of people. The question I wish to investigate for the remainder of this paper, in line with Goodin's original problematic, is: Is this difference in attitude warranted? The requirement of symmetry is essentially a demand for intellectual consistency: like things should be treated alike.²⁷ Where an alleged symmetry is not

²⁵I am deliberately adopting as broad an understanding of culture as possible here because the claim that immigration poses a threat to *something* distinctive about the nation is common to a wide range of attempts to reconcile liberalism and nationalism. Thus, for instance, while Perry argues that liberals should deny that a concern for "culture" justifies restrictions on immigration, he *does* allow that defence of state borders may be grounded in a concern for "shared political understandings" (1995, p. 105). Whether it is ultimately appropriate to identify that which borders defend as "culture," or under some narrower description, is an issue in a debate *within* liberal nationalism, which I do not have the space to engage in here. For a recent discussion, see Scheffler 2007.

²⁶Nett 1971, p. 226; Ackerman 1980, pp. 89–95; Carens 1992, p. 25; Carens 2013; Dummet 1992, p.179.

²⁷Goodin 1992, p. 15.

recognized as such, making the case for symmetry requires establishing that there are compelling and relevant similarities between political phenomena. I contend that there are two key similarities between cross-border movement of people and cultural goods that suggest the current asymmetry in their treatment is unjustified.

First, in both immigration and trade, something is moving across national borders that has the potential to transform the local culture. As we have seen, the “threat” to the character of the local political community is the primary source of concern about both sorts of cross-border flows. Unless we can find some other relevant concern about one which does not arise regarding the other, we should therefore respond to both these sources of this threat in the same way.

Second, both the free movement of cultural goods and the free movement of people are defended by liberals within the context of the liberal polis. They are consequences of respecting the core liberal rights—of freedom of speech and freedom of association—of citizens. As I discuss further below, the considerations that bear on the extent and limits of these rights are roughly parallel and refer, for the most part, to the circumstances in which their exercise impinges on the rights of other citizens. Thus it seems as though these rights should stand or fall together when we consider the case of movement across borders.

IV. Can Asymmetry Be Justified?

Of course, in a number of obvious senses cultural goods are *not* people. It may be that the differences between cultural goods and people justify treating their movement across international borders differently.

There are, I believe, a number of plausible grounds for asymmetry in relation to the free movement of cultural goods and of people. None of them, however, are ultimately sufficient to justify the extent of the asymmetry noted above.

(1) An obvious and important difference between free speech and free association, which might justify treating them differently, is that the movement of people across national borders has implications for distributive justice which appear to be lacking in the case of movement of cultural goods. In societies with welfare states, or in conditions of economic scarcity, the resource demands of immigrants may impact directly on other citizens.²⁸ The consequences of immigration for the interests of existing citizens may support a right to exclude non-citizens from entry to the political community.

In considering this line of argument it is useful to distinguish two different distributions that immigration might disturb. The free movement of people may have implications for the distribution of goods *between* communities and/or it might have implications for the distribution of goods *within* nation states.

The argument about the impact of immigration on distribution *between* communities is much less powerful than first appears. To begin with, there is a hidden empirical premise here: that immigration threatens the economic well-being of communities. While the matter is controversial, there is some evidence to suggest that this premise is false.²⁹ Over the course of their lives, immigrants may well generate a net benefit for the communities in which they settle.³⁰ If this is true, the economic consequences of immigration for the societies in which immigrants settle will provide little justification for objecting to immigration.³¹

There is also a more subtle difficulty with making the case for asymmetry via an argument about distributions between nations. The distributional consequences of

²⁸Isbister 2000, p. 633.

²⁹Card 2005, p. 321; Coyle 2005, p. 54.

³⁰Razin and Sadka 2004, p. 714; Borjas 1995, p. 5.

³¹There remains, of course, a question about the distributional consequences of migration for the countries that immigrants *leave*. The “brain drain” of skilled workers from the impoverished South to the wealthy North arguably has serious consequences for the nations these workers leave. However, the argument that immigration should be prevented because of its distributional consequences is usually addressed to fellow citizens within a nation-state and refers to the impact on the country *into* which they are migrating, and it is this claim about distributional impacts with which I am concerned here. It is, however, with noting in passing that flows of cultural goods, for instance books or cultural treasures, out of impoverished “Southern” nations may *also* have deleterious consequences.

immigration will only have *moral* weight if the original distribution they affect was non-arbitrary. However, the moral weight of boundaries within which any such distribution takes place is itself part of what is being contested in the argument about the legitimacy of restrictions on immigration. There is thus a certain amount of circularity involved in citing the distributional consequences of immigration in an argument in defense of the right of states to exclude non-citizens. Indeed, critics of border controls will themselves often cite what they perceive as the injustice of the distribution of life prospects, which the current regime of international borders maintains, in support of an argument *against* immigration restrictions.³² The role played by assumptions about the normative weight of borders in arguments about distribution is also revealed by the fact that distributional consequences are *not* generally held to count against changes in the population of states as a result of births.

The argument that immigration may affect the distribution of goods *within* a nation is more difficult to assess. While immigration may increase the wealth of the community as a whole, it may be less beneficial for the poorest of citizens, who may find themselves in competition with new migrants for employment and other social goods. These citizens, at least, then, may have good reason to wish to restrict immigration. However, whether this translates into a normative grounds to restrict immigration is less clear. In part it will depend upon whether the decline in the welfare of the poorest citizens is an absolute or relative decline. An absolute decline might trigger Rawlsian injunction against policies that are not to the benefit of the worst off, where a merely relative decline should not. If migration does generate a net benefit for the community as a whole then critics of migration on the grounds of its impact on the poorest citizens will also need to explain why these benefits should not be expected to “trickle down” as is typically assumed of economic growth more generally. Moreover, once more, given that the boundaries within which intra-national distributions

³²Carens 1987, p. 258; Carens 2013, p. 226-8, 233-6; Bader 2005, pp. 341, 343–44; Nett 1971, p. 224.

occur (i.e., the borders between nations) themselves appear historically and morally arbitrary, it is far from obvious why we should think that particular distributions *within* nations are worth preserving. And, again, we do not typically hold that the impact of population growth via births to existing citizens on the distribution of goods within the nation is a reason to restrict who is allowed to have children. Why then should these distributions provide grounds for keeping foreigners out?

Of course, it may be that independent—perhaps strictly pragmatic—grounds can be provided for the existence of borders and for defending certain distributions of goods within and between communities.³³ However, cultural flows may also have consequences for both sorts of distributions. There are at least two ways in which these may come about. First, cultural flows may enrich some and impoverish others. For instance, importation of a new fashion in clothing may lead to some businesses flourishing whilst others collapse. Given that many of the largest corporations in the world today are concerned almost entirely with the production and sale of cultural goods, changes in the distribution of such goods may have significant economic consequences.

Second, more subtly, cultural imports may change the social understandings that govern distribution. If a society with a strong tradition of solidarity and social welfare is suddenly flooded with the cultural products of contemporary Hollywood, for instance, this may cause the culture to become more individualistic, which may in turn lead to cuts to social security, with severe consequences for those who rely upon social welfare support. Both these sorts of effects of cultural flows may alter the distribution of goods between nations as well as within them. Restrictions on the flow of cultural goods, as is the case with other trade restrictions, have immediate implications for the distribution of those goods between nations and for wealth more generally. Changes to a national culture are also likely to affect its cultural and

³³Goodin 1988.

economic relationships with other nations and, consequently, international distributions of wealth. Thus in so far as we are concerned about unsettling distributions, both within and between nations, we should be at least as concerned with flows of cultural goods as with flows of people.

(2) As I noted above, the concept of sovereignty seems to include the right to control borders. As I have argued elsewhere, the *complete* absence of borders would make self-governing communities impossible.³⁴ Communities must be able to distinguish between members and non-members in order to engage in processes of collective decision-making. While, in some circumstances, it may be possible for the distinction between members and non-members to be a purely administrative one, in other circumstances, especially when there are good reasons to link citizenship with residence in a geographical territory, maintaining this distinction will require the capacity to exclude others.

However, that the movement of people can pose a threat to communities is not itself enough to justify asymmetry: it would also have to be the case that the movement of cultural goods does not. Yet it is clear that the movement of cultural goods may also pose a threat to the existence of a political community. Religious, secessionist, or revolutionary ideas from abroad may undermine support for local political institutions. These ideas may arrive expressed and embedded in cultural goods as much as in the form of foreign insurrectionists. The movement of cultural goods may also pose a more subtle threat to political communities by eroding the difference between those inside and those outside of national borders. That is, whatever shared understandings and commitments distinguish members of the community from outsiders may fracture or disappear as a result of external influences transmitted via the import of cultural goods. This is most obvious where these shared understandings and

³⁴Sparrow 2003.

commitments are thought of as constituting a “thick” culture consisting of a traditional way of life. Culture, understood in this sense, is very vulnerable to the impacts of foreign film and television, for instance. However, even if we think of political communities as united by a more abstract and formal set of commitments, these commitments may equally as well be eroded by contact with foreign cultural goods. If the culture of a community changes such that there is little distinction between it and its neighbors, this will have significant implications for its security in the long term by undermining members’ identification with it. As the movement of cultural goods may also pose a threat to the security of communities, its treatment in this regard should, *prima facie*, remain symmetrical with the movement of people.

(3) Another possible basis for distinguishing between the movement of cultural goods and the movement of people is that a right to free speech, which supports the movement of cultural goods, is arguably held by citizens against the community whereas it appears that any right to free movement, which would support immigration, must be held by *non-citizens* against the political community. If we conceptualize immigration as those outside the boundaries of the state exercising a right to entry then we must hold that individuals have rights in relation to political communities of which they are *not* members. These rights are presumably held by all persons and establish obligations on all states to respect these rights.

Some may wish to deny the existence of any such universal human rights and insist that rights can only be held by *citizens* and establish obligations on their own states, either because they hold a positivist view of rights or because they are skeptical that the required theoretical foundations for such universal human rights can be provided.³⁵ Liberal states should respect the rights of their citizens to free speech but are not obligated to acknowledge any claims made by citizens of other nations to a right to free movement.

³⁵Shestack 1998, p. 208; Rorty 1993; Walzer 1994.

One pertinent observation here is that denying the existence of rights other than those possessed by citizens by virtue of citizenship involves significant costs for a liberal politics, as it risks leaving individuals at the mercy of their communities' "shared understandings" about rights and freedoms. However, it is true that demonstrating the existence of such "natural" or "universal human" rights represents a formidable theoretical challenge. Fortunately, we do not need to meet this challenge to observe that the supposed asymmetry between a right to free speech and a right to free movement is not as significant for debates about immigration controls as first appears. This purported asymmetry looms large when we think of immigration as involving primarily the exercise of a right to "free movement" by non-citizens. However, immigration can also be understood as the consequence of *citizens* exercising a right to freedom of association. A significant amount of existing immigration results from citizens asking their partners, parents, children, friends, and other loved ones to join them in their communities. The exclusion of non-citizens prevents these citizens from associating with their preferred companions. As long as there are some members of the community who support the entry of outsiders then immigration can be understood as a consequence of their right to freedom of association.³⁶

It is undoubtedly true that there are some circumstances in which this argument from free association will not support the right of outsiders to enter a community. It will not, for instance, if a community is united in its desire to exclude outsiders. However, if the community is not united in this desire then the issue arises as to how to balance the interests of some citizens in living in a community that excludes certain aliens and the interests of other citizens who wish to live in a community with these people. That is to say, the debate about immigration is also an argument about citizens' rights to freedom of association.

³⁶Steiner 2001.

This way of understanding the debate about immigration greatly reduces, if not eliminates, the asymmetry suggested above. We do not need to postulate universal human rights to generate an argument for allowing the movement of people across borders; we only need to observe that in most circumstances this will be a consequence of (some) citizens' rights to associate with those whom they want to. Both the free movement of people and of cultural goods are supported by respect for the rights of existing members of political communities.

(4) Yet another defense of asymmetry between cross-border movements of cultural goods and of people concedes that both are threats to culture, but insists that immigration poses *more* of a threat to culture, either because it has a greater impact or because it involves cultural change being forced on a community “from the outside.”

It is difficult to know how to answer the claim that immigration is more of a threat to culture than the importation of cultural goods if it is intended as an empirical claim about the likely impact of each. It is clear that both can function as agents of cultural transformation. Yet to claim that one is more of a threat than any other would require a relevant metric of comparison and the two are not obviously commensurable. The initial plausibility of this claim arises, I suspect, from the fact that the presence of immigrants within a community is often more obvious than the presence of foreign cultural goods. Immigrants, especially if they are racially distinct, or form distinct geographical communities in which another language is spoken, are sometimes a very visible sign of cultural transformation. The presence and impact of foreign cultural goods may be more subtle.³⁷ As a result, we may be inclined to conclude that immigration is having “more” of an effect on the local culture even though, when we reflect upon it further, we are unable to attribute particular cultural shifts to one source or the

³⁷It is worth noting here that public controversy is not a reliable measure of the extent of cultural change. Indeed, cultural shifts may be more profound precisely when they are not widely remarked upon—as this may indicate a change that is so widespread that it never becomes a matter of controversy.

other or to settle upon a ratio of cultural goods to immigrants that would allow us to assess their relative impacts.

Another, more compelling, reason for identifying immigration as more of a threat to culture is the thought that cultural change that occurs as a result of the import of cultural goods occurs “from the inside,” as it were, whereas cultural change that occurs as a result of immigration represents a change from sources exogenous to the community. Cultural change from outside of the community violates the community’s right to determine its own cultural character, as well as altering its character, and is therefore more threatening than change from within.

Part of the difficulty with this argument is that it trades on the idea, discussed above, that immigration is entirely a matter of those outside exercising a right to enter our community. If we instead see immigration as a result of choices made by (other) members of our community to invite and/or welcome outsiders in, then cultural change as a result of immigration will also reflect the choices of our community. However, more importantly, in so far as cultural goods originate in other nations and in so far as the decisions which lead to their presence in our communities are made by foreigners, cultural change that occurs as a result of the movement of cultural goods also threatens the capacity of communities to determine their own culture. Those decisions about daily life and social practice that shape and constitute culture are made in the context of the existing cultural milieu. If this milieu includes foreign cultural goods then these will inevitably shape the future of the culture. Concern for communities’ right to self-determination will not therefore serve to establish an asymmetry between the movement of people and the movement of cultural goods.

(5) A fifth strategy of defending asymmetry might refer to the costs and benefits of *free* versus *controlled* movements of cultural goods and/or people. For instance, it might be argued that the benefits of free trade, including trade in cultural goods, greatly exceed the benefits of immigration. Alternatively, it might be argued that it is easier to keep people out than it is to

keep out foreign cultural goods, and thus that attempts to regulate immigration are justified where they are not in the case of trade.

There are too many benefits and burdens of each form of cross-border movements to allow definitive evaluation of this mode of argument here. Yet, three pertinent observations go some way towards suggesting that any all-things-considered assessment of costs and benefits need not favor asymmetry, and certainly not asymmetry in favor of more freedom of movement for cultural goods than for people. To begin with, it is clear that immigration greatly enriches the societies that experience it. It promotes economic growth, cultural vitality, and intellectual, artistic, and scientific progress. These benefits weigh heavily on the side of the free movement of people.³⁸ Moreover, the movement of people also has another significant virtue, which is that it satisfies the preferences of the people who move. This is a by-no-means-insignificant argument in favor of free movement of people, which should appeal to liberals especially given their concern to shape political institutions to serve the needs of individuals. Finally, as I have discussed above, the free movement of cultural goods has significant costs as well as benefits. The movement of cultural goods may have distributional consequences as well as pose a threat—and an external threat to boot—to national cultures. These costs, which are often neglected in discussion of the *benefits* of free trade, need to be considered alongside these benefits. Together, these three observations suggest that the assessment of the overall impact of free migration and free trade is likely to involve a similar set of considerations and also that there are significant under-acknowledged benefits to place on the side of the benefits of the free movement of people.

Obviously, the consequences and relative impacts of immigration and flows of cultural goods, and of different policies in relation to these flows are empirical matters. It will therefore not be possible to settle some of the debates alluded to above without empirical

³⁸Hayter 2004.

studies of the sort that are properly the province of political science rather than political philosophy. Moreover, the list of arguments above is not exhaustive. There are undoubtedly other grounds upon which to argue for asymmetry.

However, I hope I have shown that the obvious candidate arguments for asymmetry are less successful than might first be thought and that, as a result, the onus is on defenders of asymmetry to justify the current differential treatment of cross-border movements of cultural goods and of people.

V. Conclusion

Goodin's editorial provocation, in "If people were money," was the suggestion was that, until a convincing case for asymmetry is made, our starting point should be the assumption that people and capital should be equally free—or equally unfree—to move across national borders.³⁹ The results of my investigation are that while various possible justifications for asymmetry exist, none of them are obviously strong enough to support the extent of the asymmetry in treatment of movements of people and cultural goods typical of contemporary liberalism.⁴⁰ Of course, establishing that the current differences in our treatment of these two phenomena are under justified does not settle the question of how we should resolve this inconsistency: this is a task for a much longer empirical—as well as theoretical—investigation of relative impacts of cross border flows of people and of cultural goods. Asking how debates about cross-border movement would look "if people were movies" reveals that

³⁹Goodin 1992, pp. 18–9: "My fundamental argument has been cast... in the form of a consistency claim. I have merely tried to motivate the presumption in favour of symmetry in our policies governing trans-boundary movements. This presumption would hold that, however free or constrained such movement is to be, it ought to be equally free or constrained in both directions and for both money as well as for people. But how robust the presumption proves to be, and free movement of all sorts actually ought to be, from various ethical perspectives, is a matter to which my fellow contributors now turn."

⁴⁰Indeed—while I have not pursued the argument here—a number of these possible asymmetries between migration and cultural flows suggest that we should be *more* willing to restrict the movement of cultural goods across borders than the movement of people.

this investigation is a crucial part of the larger project of determining the ethics of restrictions on migration.

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