

What Is Owed to Naturalized Citizens: A Puzzle for Statists

about Equality of Opportunity

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ABSTRACT

In this thesis, I identify a conflict between the principles of equality of opportunity for desirable positions applied domestically, the state's obligation to offer citizenship to its long-term residents, and the permissibility of not ensuring global equality of opportunity for desirable positions. I argue that these claims form a puzzle that I call a puzzle for statist about equality of opportunity. Different solutions to the puzzle have different implications for what migration policies are morally required and what the states' duties regarding international aid are. I claim that the most plausible solution to this puzzle consists in denying the claim that the state is morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens. I call this solution a cosmopolitan solution to the puzzle. I defend it against what I consider to be its main alternative – the statist solution to the puzzle that consists in denying the state's obligation to ensure even domestic equality of opportunity. I do it by providing an independent justification of the principle of substantive equality of opportunity for professional positions. Finally, I present three alternative solutions to the puzzle: the one that suggests avoiding naturalization; the one that suggests making citizenship conditional on waiving one's entitlement to equal opportunities with other citizens; and the one that denies the state's duties to its future citizens have implications for migration regulations and duties regarding international aid fund allocation. I argue that neither of these alternative solutions is satisfying.

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INTRODUCTION

In this thesis, I present a previously unidentified conflict between the principles of equality of opportunity for desirable positions applied domestically and the state's obligation to offer citizenship to its long-term residents.¹ I argue that it is inconsistent to believe both that (i) the state ought to ensure equality of opportunity among its citizens but not among its citizens and non-citizens and that (ii) there are specific circumstances in which the state is morally required to offer citizenship to non-citizens.² Identifying this conflict has, in my view, interesting implications for how we approach some of the central questions in the ethics of migration. It also helps to bring to light the normative significance of the fact that some citizens in the past were future citizens, i.e., non-citizens who would naturalize in the future.³ I argue that one's status of a future citizen determines, in addition to one's current citizenship or migration status, what one is owed by the state.⁴

I take the central questions in the ethics of migration to be: (1) What do states owe to non-citizen non-residents? (2) Are states permitted to exclude potential immigrants from entering

¹ Throughout the thesis, I use terms "obligation" and "duty," as well as "ought" and "should" interchangeably.

² Unless specified, by equality of opportunity in this thesis I mean equality of opportunity for desirable positions, something that is required by John Rawls's principle of fair equality of opportunity and T.M. Scanlon's principle of substantive equality of opportunity. When I use a term "global equality of opportunity," I mean equality of opportunity for desirable positions at the global level. See John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), pp. 83–90; T. M. Scanlon, *Why Does Inequality Matter?* (Oxford: Oxford University Press, 2018), ch. 4–5.

³ David Miller uses the terms "future citizen" and "citizen in the making" to refer to immigrants on a path to citizenship. I use the term "future citizen" to refer to all people who will one day naturalize even if they are not presently on a path to citizenship. According to my definition, naturalized citizens have always been future citizens. See David Miller, "Immigrants, Nations, and Citizenship," *The Journal of Political Philosophy*, Vol. 16, No. 4 (2008), p. 375; David Miller, *Strangers in Our Midst: The Political Philosophy of Immigration* (Cambridge: Harvard University Press, 2016), p. 137.

⁴ To my knowledge, there has been no work on the moral significance of the status of future citizen, a status of all naturalized citizens in the past. At the same time, the idea that one's future status matters normatively and has implications for how one ought to be treated is not new and it has been extensively discussed in the literature on the moral status of fetuses ("future persons") and of children ("future adults").

their territories? and (3) What rights should non-citizens be granted by the state of their residency?⁵ Those who think that states owe something to non-citizen non-residents as a matter of justice answer negatively the second question and argue for granting non-citizen residents extensive political and economic rights are called cosmopolitans. Those who disagree with them on these questions are typically referred to as liberal nationalists or statist.

Both cosmopolitans and statist share some fundamental liberal convictions, such as that all persons possess equal moral worth. They can also agree on principles of justice, albeit they are likely to disagree about their scope. Statist will typically argue that there is a morally relevant difference between citizens and non-citizens that justifies applying the requirements of justice only at the domestic level. In response to them, cosmopolitans will often argue either that citizens and non-citizens are not necessarily different in those respects or that suggested differences between them are of no sufficient moral importance. This is largely how the debates on the central question of the ethics of migration have been evolving since the 1980s when political philosophers began to pay attention to this topic.

Before I explain how I hope to contribute to these debates, let me draw your attention to another point of agreement between the statist and cosmopolitans. While it is a contested question whether the state has a right to exclude immigrants, there is a wide agreement between both sides in the debate that immigrants who were admitted to the state and were effectively allowed to settle down in their new country of residence, should have a path to citizenship. So, not only cosmopolitans, but also statist tend to oppose the practice of permanent alienage, i.e., of not offering citizenship to foreign long-term residents or, for short, denizens.⁶

⁵ While question (1) is, strictly speaking, a question about global justice and not about migration, I think it is helpful to recognize it as one of the core questions in the ethics of migration because some of the most discussed arguments about the morality of immigration restrictions are based on their implications for global distributive justice, including global equality of opportunity.

⁶ Kieran Oberman's position on this question is a notable exception. He claims that the questions of permissibility of immigration restriction and of permissibility of permanent alienage are not as independent as they are typically assumed to be. If states indeed have a moral right to exclude potential immigrants from entering their territory, they are also morally permitted to

With this much clear, let me present a puzzle about equality of opportunity for naturalized citizens - three claims that, in my view, many statist accept as true and that, as I argue, are not internally consistent:

- (1) The state ought to ensure substantive equality of opportunity among its citizens.
- (2) The state is morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens.
- (3) There are specific circumstances in which the state is morally required to confer citizenship on non-citizens.

If the three claims taken together are indeed inconsistent, then to solve the puzzle, one of them needs to be rejected or, at least, revised.⁷ The cosmopolitan solution is to accept (1) and (3) and to deny (2). Unlike liberal nationalists, cosmopolitans think that the states ought to contribute to or, in some cases, ensure global equality of opportunity, i.e., equality of opportunity between citizens and non-citizens.⁸ To discharge this duty, the states may have to waive immigration restrictions and/or substantially increase their foreign aid budget.⁹ Statists typically

never offer citizenship to those who have been allowed to settle in. For now, it is sufficient to say that many statist, including Michael Walzer and David Miller, have opposed permanent alienage. I return to this question in section 3 of chapter 1. See, Kieran Oberman, "Immigration, Citizenship, and Consent: What is Wrong with Permanent Alienage?" *The Journal of Political Philosophy*, Vol. 25, No. 1 (2017), pp. 91–107; Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality*. (Oxford: Blackwell Publishers, 1983), pp. 56-61; Miller, "Immigrants, Nations, and Citizenship."

⁷ To put it differently, accepting any two claims from the triad implies rejecting the remaining third claim.

⁸ This is so assuming that the states and ultimately persons have a duty to do what justice requires. Among the defenders of global distributive principles and correlative duties of persons and states are Charles Beitz and Simon Caney. See, Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979); Simon Caney, "Cosmopolitan Justice and Equalizing Opportunities," *Metaphilosophy*, Vol.32, No.1/2 (2001), pp.113–134.

⁹ Whether the states actually have to open borders and/or increase their spendings on international aid depends on contingent facts about what it takes to achieve global equality of opportunity for desirable positions. Thus, from the state's duty to ensure global equality of opportunity, it does not necessarily follow that they ought to adopt any specific policy. Still, in a world as it is, different solutions of the puzzle will support different migration and international aid policy. This is, in my view, what makes this puzzle so relevant for the debate on core questions in the ethics of migration.

want to accept all three claims as true. But if I am right that they are inconsistent, then they face a choice between their commitment to the ideal of equal opportunity, principled opposition to permanent alienage, and support for the domestic-only application of the principle of equality of opportunity. Since the three claims of the puzzle are not obviously inconsistent, my first goal is to show that they are. My second goal is to show that there are independent reasons to preserve claims (1) and (3), so it is claim (2) that needs to be modified or rejected. If this is so, then cosmopolitans offer the best, if not the only possible, solution to the puzzle. I discuss alternative or “statist” solutions to the puzzle that consists in modifying or rejecting claims (1) and (3) and conclude that they are not satisfactory. But even if I am wrong about that, still, discovering this puzzle presents a new challenge to statist philosophers and the burden of finding alternatives to a cosmopolitan solution is on them.

To see that the three claims of the puzzle can be inconsistent, consider the following imaginary case. N was born and grew up in one of the poorer countries in the Global South and has become a naturalized citizen of a western liberal democratic state S at age 50. As a new citizen, N is owed by the state S whatever it is that other citizens are being owed. This is implied by the widely accepted principle of equal citizenship that requires, among other things, that the state gives the same weight to the interests of all its citizens.¹⁰ If citizens of this state are owed by S to be guaranteed equal opportunities for desirable professional positions as necessary to give their interests equal weight, then S owes the same equal opportunities for desirable professional positions to N, too. But imagine that N is lacking basic literacy and suffering from health impairments due to malnutrition as a child. I think it is safe to say that N will not be qualified for

¹⁰ More needs to be said in order to substantiate this claim. It may be disputed whether giving the same weight to the interests of two people requires recognizing their equal entitlements, and, more specifically, whether the difference between naturalized citizens and birthright citizens is such, that the former lack whatever it is that the latter have to make a claim to be guaranteed equal substantive opportunities. I discuss this issue in detail in section 3 of chapter 1.

many professional positions that she would otherwise be competent to compete for.¹¹ Moreover, there may be no ways to improve her qualifications broadly understood as characteristics that make one fit for a job. Assuming that equality of opportunity requires not merely procedural fairness, i.e., making hiring or acceptance decisions based on the relevant qualifications of the candidates, but also substantive equality of opportunity, i.e., providing equal access to education and other means of improving one's qualifications, N's opportunities are not equal to those of birthright citizens who have always had access to education, food, and healthcare.

From a statist point of view, prior to naturalization (or, at least, prior to establishing residence), N may have had a humanitarian claim to basic education, food, or healthcare, but not substantive equality of opportunity claim, or, for that matter, any other justice claim on foreign states. After naturalization, her status changed and as a full member of society, she became entitled to claim that S guarantee that she has equal substantive opportunities to other citizens. But, as the example seeks to demonstrate, by this point in N's life there is nothing that can be done to bring N's opportunity for attractive jobs up to the level of her birthright compatriots. This is a case of the state's failure to meet a justice claim of its own citizen. But note that the only way for S to meet this claim would consist in ensuring that N had been provided with education, food, or healthcare at any point of her life when this affected opportunities that she will have after naturalization.

More generally since the same individuals can be citizens and non-citizens of the same state at different periods of their lives, I think that what they are owed by the state at any given moment should be determined not only by their current status but also by their future status. This is so because rights that one is granted and goods that one is provided with partly

¹¹ The last qualification is important. If N had been denied certain resources or rights that it would have been wrong to deny her as a citizen but having been denied them in the past does not make her opportunities worse at the present moment than they would have been otherwise, then it is not wrong for the state to not have provided N with these resources and rights. However, it is hard to find an example of resources or rights access to which does not alter one's future opportunities.

determine what opportunities one will have in the future. Being denied certain rights or access to goods may be consistent with one's current status of a non-citizen, but inconsistent with one's future status of a citizen if the denial makes it impossible to have one's justice claims met in the future. In such cases, I think, it is wrong for states to deny these rights or access to certain goods prior to naturalization. If I am right, then there are at least some non-citizens – future citizens – to whom states owe guarantying substantive opportunities that are equal to those guaranteed to their citizens. This contradicts claim (2) of the puzzle.

The thesis is organized as follows. In Chapter 1, I situate my argument within an already existing debate between cosmopolitans and statist about the scope of equality of opportunity. In section 1, I discuss Joseph Carens's global equality of opportunity argument for open borders. This argument is an example of a distributive argument against the state's right to restrict immigration and it has received much attention from statist political philosophers. In section 2, I discuss Miller's objections to Carens's argument that consist in (i) denying the state's duty to ensure global equality of opportunity and (ii) denying that justice requires global equality of opportunity. In section 3, I restate the puzzle about equality of opportunity for naturalized citizens as an alternative way of making a distributive justice case for the cosmopolitan position in the ethics of migration and discuss the normative commitments that support my case.

In Chapter II, I defend a cosmopolitan solution of the puzzle, i.e. denial of claim (2), by showing that implausibility of denying claim (1). In section 1, I explain what motivates one to consider opportunities for professional positions to be an important metric of justice and I present justification of the principle of procedural fairness. In section 2, I present justification of the principle of substantive equality of opportunity. In section 3, I discuss the implications that principles of equality of opportunity have for both migration policy, including the rights of denizens, and international aid. I further elaborate on why naturalized citizens can have equal opportunities with birthright citizens only if they had been provided with roughly the same substantive opportunities early in their lives.

In chapter III, I address three alternative solutions to the puzzle: first, that states can avoid the duty to ensure substantive equality of opportunity between citizens and non-citizens by not admitting any new citizens; second, the states can demand that all long-term immigrants waive their entitlement to equal opportunities with birthright citizens as a condition for naturalization; and third, that the state's duty to ensure that naturalized citizens had been provided with equal substantive opportunities is cancelled by the impossibility of knowing who among non-citizens are in fact future citizens.

CHAPTER I. SCOPE OF EQUALITY OF OPPORTUNITY

David Miller, one of the most influential liberal nationalists, wrote that “in liberal democracies today, no idea is more powerful than equality of opportunity.”¹² The basic idea of equality of opportunity is that it is unfair and therefore wrong when two candidates who are equally qualified to do the same job have unequal chances of getting it. However, most liberals including Miller think that fairness with respect to opportunities requires something more than that, namely that candidates have also had equal access to the means of improving their qualifications, i.e., qualities that make them fit for the job. Let us call such means developmental opportunities.

I discuss how equality of opportunity should be understood, what implications of its principles are, and why equal opportunity claim is a justice claim in the next chapter where I defend a cosmopolitan solution to the puzzle. There, I will need to argue against denying the state’s moral duty to ensure equality of opportunity as a possible solution to the puzzle. In this chapter, I address a different question. Assuming that something like the basic idea about equality of opportunity is correct, does justice require that opportunities are equalized only between citizens of the same state or between all people? This is a question about the scope of equality of opportunity and not about its nature or justification. I begin with this question in order to illustrate how a puzzle about equality of opportunity for naturalized citizens can be relevant to the ongoing debate on the ethics of migration.

Statists and cosmopolitans differ in their response to this question. The former support the first option and the latter support the second. I discuss their arguments for and against global equality of opportunity in the first two sections of this chapter. In the third section, I restate a puzzle about equality of opportunity and show that it suggests a new way of confronting statists without directly challenging their core normative beliefs. This provides an indirect but also a

¹² Miller, *Strangers in Our Midst*, p. 6.

more dialectically forceful way to defend the cosmopolitan view about the scope of equality of opportunity, as well as about migration restrictions and foreign aid allocation as means of achieving it.

Before I move to presenting the cosmopolitan position on the scope of equality of opportunity, let me present the following assumptions. First, I assume that not all people are co-citizens, or, in other words, there are some people who are non-citizens in relation to at least one existent state in the world. Since the question is essentially about the justifiability of excluding non-citizens from the scope of the application of equality of opportunity, the question would be irrelevant if there were no non-citizens. Second, I assume that nation-states are in the best position to ensure equality of opportunity and that we may expect states to be responsible for doing that.¹³ This assumption makes explicit why the question about the scope of equality of opportunity is so tightly connected to the question about the state's obligations to citizens and non-citizens. At least under the current regime of the division of the world into nation-states, it seems that of all possible agents it is up to the states to ensure equality of opportunity within the justified limits of the principle's application. Third, there is global inequality of opportunities for desirable positions, and opening borders and increasing international aid funding would help to bring about equality in that domain. I make this assumption largely to avoid having to discuss non-normative questions about the effectiveness of certain policies with respect to achieving global equality of opportunity.

¹³ It seems plausible that all agents have some duties with respect to justice. In the case of individuals, their duty may consist in creating and upholding just institutions or in donating money to charities that improve opportunities of the worst-off. This assumption does not exclude a possibility that states as primary bearers of the duty to bring about equality of opportunity may have a derivative duty to create different institutions that would be effective in bringing about justice. Still, it would be up to the states to create these institutions if they are indeed primarily responsible for global equality of opportunity.

1. The Cosmopolitan Position

Cosmopolitans argue that immigration restrictions limit people's freedom of movement internationally.¹⁴ Assuming that all people are owed justification when their freedoms are limited and that it is wrong to limit freedoms without justification, it is wrong to limit people's freedom to move internationally without justification. So, the burden is on statist to show either that no important freedom is limited by migration restrictions or that limiting this freedom is justifiable. To strengthen the case for open borders, cosmopolitans often supplement the right-based argument with a distributive argument that connects lifting immigration restrictions with advancing people's morally important interests beyond respecting their rights. Distributive arguments for open borders follow this basic scheme:

- P1. Distributive justice requires that some advantage is distributed in a certain way at the global level.
- P2. Lifting immigration restrictions ensures/is necessary to ensure that some advantage is distributed at the global level in a way that is required by distributive justice.
- C. Distributive justice requires lifting immigration restrictions.¹⁵

To fill the scheme, cosmopolitans need to find a particular principle of distributive justice that holds at the global level and show that achieving the distributive ideal in question requires opening borders. Joseph Carens has offered the most famous and influential version of this argument. Here is my reconstruction of Carens's equality of opportunity argument for open borders:

- P1. Distributive justice requires equality of opportunity between all persons.

¹⁴ See, for example, Kieran Oberman, "Immigration as a Human Right," in Sarah Fine and Lea Ypi eds. *Migration in Political Theory. The Ethics of Movement and Membership* (Oxford: Oxford University Press, 2016), pp. 32–56.

¹⁵ This scheme of distributive argument for open borders draws on Daniel Sharp's reconstruction of the argument. See Daniel Sharp, "Relational Equality and Immigration," *Ethics*, Vol. 132, No. 3 (2022), p. 646. Sharp uses a term "egalitarian justice" where I use a term "distributive justice" to stress the idea that the scheme of the argument allows filling in with a broad variety of principles of distributive justice that are not necessarily egalitarian.

P2. A necessary condition of equality of opportunity is the ability to move freely to seek opportunities where they are.

C. In pursuit of equality of opportunity states ought to open their borders.¹⁶

By equality of opportunity, Carens understands a principle according to which

“Access to social positions should be determined by an individual’s actual talents and effort and not limited on the basis of birth-related characteristics such as class, race, or gender that are not relevant to the capacity to perform well in the position”¹⁷

Statists – defenders of the state’s right to control borders and exclude potential migrants – can challenge the argument in at least three ways. First, they can argue that the states may have a moral obligation to restrict migration if they have other morally weighty goals in addition to that of ensuring equality of opportunity and if opening borders would be incompatible with pursuing these goals. But this is not so much a challenge to the argument as it is its qualification.

Distributive arguments establish *a prima facie* reason to adopt certain migration policies under certain circumstances. Few would deny that on the balance of reasons, states can be justified in restricting migration, especially temporarily. But the same can be true about any other policy required by some considerations of justice and incompatible with some other considerations. What the argument establishes is that absent these other reasons, it would be wrong for the states not to open their borders.

Second, statists may deny the first premise. Some argue that distributive justice does not require equality of opportunity, others argue that distributive justice does not require equality of opportunity between all moral equals but only between persons who stand in a particular relationship with each other, e.g., co-nationals.¹⁸ I return to the topic of general objections to the

¹⁶ Joseph H. Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013), pp. 227-228.

¹⁷ Ibid., p. 227.

¹⁸ See, for example, Ryan Pevnick, *Immigration and Constraints of Justice: Between Open Borders and Absolute Sovereignty* (New York: Cambridge University Press, 2011), pp. 117-130.

ideal of equality of opportunity in the next chapter and I discuss Miller's argument against the moral importance of equality of opportunity between non-citizens in the next subsection.

Third, one can deny the implicit premise of the distributive argument that the states are responsible for ensuring what is required by distributive justice at the global level. I return to this objection in the next section. Finally, one could deny premise P2 and argue that even without freedom of movement internationally, people can have equal opportunities. Depending on how one understands equality of opportunity this objection might be plausible but given the level of global inequality and how opportunities differ territorially, it is almost undeniable that opening borders would improve opportunities of many people.¹⁹

For the purpose of this work, I do not need to settle the question of whether these objections to Carens's argument for open borders are ultimately successful. But it is worth exploring further what motivates statist who, like cosmopolitans, are often committed to the ideal of equality of opportunity, to resist what looks like a logical conclusion that opportunities of all people should be equal and that immigration restrictions need to be lifted in pursuit of this goal. Understanding statist's core normative commitments can be particularly helpful in constructing a stronger argument in defense of open borders. For this purpose, in the next section, I focus on Miller's objections to distributive arguments that exemplify the second and the third of the four strategies I have outlined. The puzzle for statist about equality of opportunity that I introduce in section 3 offers a way of bypassing Miller-style objections and

¹⁹ In this thesis, I have assumed that migration policies and provision of foreign aid contribute to global equality of opportunity. However, it is often argued that while opening borders would improve opportunities of relatively educated citizens of developing countries, opportunities of the worst-off who "lack the knowledge, skills, and resources necessary to undertake the risks of migrating" would not be affected. Here, it is worth mentioning that even if improving opportunities of the worst-off is more important than improving opportunities of all those who have worse opportunities than some other people, doing the latter must be of some moral importance. So, this observation does not contradict a claim that opening borders would improve opportunities of many people. See, Sarah Song, *Immigration and Democracy* (Oxford: Oxford University Press, 2018), p. 90.

shows a way to support a case for global equality of opportunity on the basis of statist's own normative commitments.

2. The Statist Position

In his book *Strangers in Our Midst*, David Miller presents an argument for the exclusively domestic application of the principles of equality of opportunity in response to Carens's distributive argument for open borders. Miller's goal there is not so much to make a positive case for the state's right to control immigration as to make negative a case against open borders, i.e., against the idea that "movement across state boundaries should as a matter of principle be unrestricted."²⁰ If something like the principle of global equality of opportunity is right and opening borders contributes to realizing this principle, there is a *prima facie* reason for opening borders. This is the conclusion that Miller seeks to avoid.

Like Carens, Miller understands equality of opportunity as equality of opportunity for desirable positions:

"A person's opportunity to obtain education, employment, and other valued positions should depend only on their talent, motivation, and choice, and not on factors such as their family background or their gender that have no intrinsic relevance to the position being sought"²¹

If the principle of global equality of opportunity was correct, then, according to Miller, the society in which one was raised would be another factor of "no intrinsic relevance" that should not influence one's opportunities to obtain education or desired jobs.²² In specific circumstances, guarantying this would require states to lift migration restrictions and, presumably, provide non-citizens with access to education and other developmental opportunities.

²⁰ Miller, *Strangers in Our Midst*, p. 38.

²¹ Ibid., p. 45.

²² Ibid.

Miller's argument against global equality of opportunity is essentially that inequality in opportunities between people is objectionable under two conditions and that these conditions do not hold at the global level, among non-citizens. First, the level of persons' opportunities should largely be determined by the actions/policy of some other agent. Second, the agent in question owes treating these persons justly where treating them justly includes not allowing significant inequality between them.²³ So, if my opportunities and your opportunities have not been largely determined or influenced by a single agent that owes treating both you and me justly, then it does not matter if we have equal or unequal opportunities. In other words, unless someone wrongly caused or allowed us to have unequal opportunities, it is not objectionable that we have unequal opportunities. Miller notes that equality of opportunity is only a "regulative ideal" and that no state can achieve it. So, allowing some inequality of opportunity can be consistent with the duty of just treatment, if, presumably, there are no available ways of mitigating it.

In the global context, according to Miller, these two conditions do not hold. First, a foreign state's policy has less effect on opportunities of non-citizen non-residents because their opportunities will be mostly shaped by the decisions made domestically. Second, states do not treat non-citizens unjustly by allowing inequality in opportunities between them and their own citizens. This is so because "there is no single agent responsible for creating opportunities, but instead a multiplicity of states."²⁴ This can be interpreted as a claim that in a world where there are many independent states, states do not, strictly speaking, treat non-citizens in any way that can be characterized as just or unjust.²⁵

²³ Ibid.

²⁴ Ibid.

²⁵ The point here is not that states can never treat non-citizens unjustly. This would be wrong because there are some things that all people are owed in virtue of their moral status and not their relationship to the state, e.g., having their fundamental rights respected. Statists including Miller, do not deny that. The point is that the relationship between the state and non-citizens is such that the question of justice does not arise with respect to the state's policy's effects on non-citizens opportunities.

Let us evaluate this. Locally made decisions regarding the allocation of public resources or regulation of education will have a significant influence over the opportunities of people most directly affected by them. Why would that be relevant? For example, the fact that one's family upbringing can affect one's opportunities to a greater extent than any state policy aimed to ensure equality of opportunity is not a reason to release the state from an obligation to ensure equality of opportunity domestically to the extent that it is possible. Rather, it is a reason to try and undo the influence of being raised in a particular family. Similarly, the fact that states have more power to shape the opportunities of their citizens than those of non-citizens is not a reason to release them from an obligation to ensure global equality of opportunity to the extent that it is possible if, of course, it is a matter of justice that there is global equality of opportunity. Rather, it is a reason to seek new ways for states to influence opportunities for non-citizen non-residents.

Moreover, we know that states could do a lot to change the opportunities of non-citizens from the fact that states have a significant influence over the opportunities of their citizens who reside abroad. For example, there is a network of French educational institutions that includes 552 schools in 138 countries.²⁶ This educational system is largely subsidized by the state, so French citizens residing outside France have access to schools that may be superior to the ones available in the country of their residence. While non-French nationals can sometimes enroll in these schools, they usually have to pay higher fees and they have no access to scholarships and fee waivers. One way in which France could contribute to the global equality of opportunity would be to give equal access to education in these schools to citizens and non-citizens.

The first condition allows different interoperation in light of Miller's assumption that there should be some common metric of opportunities that allows comparing opportunities between

²⁶ URL= < <https://www.aefe.fr/aefe/operateur-du-ministere-de-leurope-et-des-affaires-etrangeres/systeme-educatif-francais> >

individuals for the principle of equality of opportunity to apply.²⁷ If such a metric is absent, it is impossible to estimate whether there is equality of opportunity or not. In the global context, people have different sets of opportunities that reflect the difference in what is valued in their societies. This makes a comparison between these sets of opportunities difficult if not impossible. But what is normatively important here is that the diversity of metrics of justice is itself a product of the national self-determination that consists in, among other things, a nation's right to choose what activities should be prioritized and made available to its citizens.²⁸ So, opportunities that citizens have are not only largely determined by the state's policy, but, to the extent that they should be determined by any state's policy, they ought to be determined by their own state's policy.

There are two ways to challenge the first condition under this normative interpretation. First, one can question the presumed conceptual link between the nation's right to self-determination and the idea that states should not determine opportunities for non-citizens. Second, one can argue against the normative relevance of the nation's right to self-determination. In this thesis, I do not pursue either one of these strategies. Instead, I hope to bypass this issue altogether and explain how it is possible to defend global equality of opportunity without denying this condition.

Let us consider the second condition. According to Miller, the reason why it is wrong to allow significant inequality in opportunities between some people is not because inequality in opportunities is itself bad or wrong and, therefore, it is wrong to allow it, but because by allowing it, the state fails to treat these people justly. To put it differently, the state's obligation to not allow significant inequality in opportunity between its citizens derives from the state's

²⁷ Miller, *Strangers in Our Midst*, p. 45.

²⁸ On this interpretation on the assumption, see Eszter Kollar, "Global equality of opportunity and self-determination in the context of immigration," *Critical Review of International Social and Political Philosophy*, Vol. 20., No. 6 (2017), pp. 729-730.

obligation to treat them justly. Since the state does not treat non-citizens with respect to their opportunities in any way that could be qualified as just or not, there is no reason for a state to ensure global equality of opportunity.

One way to challenge this claim is to argue that the state's obligation to ensure equality of opportunity even among its citizens has nothing to do with its obligation to treat them justly. To do that, one would need to provide an alternative justification of equality of opportunity and show that it supports the case for global equality of opportunity. Then, depending on what makes equality of opportunity matter morally, it could be arbitrary to restrict the state's duty to ensure it to its citizens.

Note that this will amount to denying that what there is special about the relationship of citizens to their state is relevant for determining the scope of the state's duties to ensure equality of opportunity. While this strategy can be successful, it goes directly against some of the core intuitions that motivate liberal nationalists to stand their ground. It is also worth noting that many ordinary people seem to share these intuitions.

In this section, I have presented Miller's argument for the domestic only application of the principle of equality of opportunity. To challenge the two conditions that he claims make inequality of opportunity morally objectionable and not hold at the global level would require either arguing against the nation's right to self-determination altogether or against its relevance for deciding whose opportunities are to be promoted and for what, or against the connection between the state's obligation to treat its citizens justly in ways that differ from what is required to treat non-citizens justly and equality of opportunity. For what it is worth, each argumentative strategy may prove successful. However, a distributive argument for open borders can be vindicated differently, in a way that does not require challenging any of these commitments. This requires showing that the statist idea that the state ought to ensure equality of opportunity among its citizens but not among its citizens and non-citizens contradicts some other principles

of justice that statist accept and that cannot plausibly be rejected. I pursue this strategy in the next section where I introduce a puzzle for statist about equality of opportunity.

3. A Puzzle For Statists About Equality of Opportunity

Assuming that what grounds the state's obligation to ensure equality of opportunity for desirable positions domestically is an obligation to treat its citizens justly, while an obligation to treat non-citizens justly does not require ensuring equality of opportunity between them and non-citizens, and that it would be in some ways bad or wrong for foreign states to play an important role in shaping opportunities of non-citizens because doing so risks undermining foreign citizens' right to determine themselves what opportunities are to be advanced, is it still possible to make a distributive argument for global equality of opportunity and, as by implication, for open borders and increased international aid? To put it differently, is there a version of a distributive argument that can rest on the aforementioned statist assumptions? I think that there is. To demonstrate this, let me restate a puzzle for statist about equality of opportunity. One of its solutions provides a version of a distributive argument compatible with statist normative commitments.

- (1) The state ought to ensure substantive equality of opportunity among its citizens.
- (2) The state is morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens.
- (3) There are specific circumstances in which the state is morally required to confer citizenship on non-citizens.

It should be clear from the discussion of Miller's argument in the previous section, that there are statist who do as a matter of fact accept proposition (1). I take it that those who support global equality of opportunity, i.e. equality of opportunity between all people, *a fortiori* support equality of opportunity among co-citizens and believe that the states ought to ensure it. Accepting (1) as a premise of an argument would not be a controversial step for either statist or cosmopolitans.

Proposition (3) states, in different terms, that it is wrong for states to allow permanent alienage, i.e., not offering any path to citizenship to long-term foreign residents.²⁹ This implies that states that allow non-citizens to become long-term residents have an obligation to offer at least some non-citizens a path to citizenship.³⁰ There is a substantial disagreement in the literature on why this is the case and why being a long-term resident of a state gives one a right to claim citizenship. Carens, for example, thinks that this is because having spent a sufficiently long time in a foreign country, one builds enough social connections to effectively become a full member of society. Granting citizenship to long-term residents is then a legal recognition of their actual status within society.³¹ Michael Walzer who believes that citizens are morally permitted to “make membership as exclusive as they like,” also claims that they cannot “rule over the people with whom they share the territory.”³² The idea here is that it is wrong to deny full citizenship to some members of society because this allows tyranny of other members of society who can exercise illegitimate power over non-citizen long-term residents. Citizens, according to Walzer, are free to decide who should be admitted, but all those who are admitted ought to be admitted as equals, which requires granting them citizenship.³³

²⁹ To be precise, claim (3) is neutral with regard to circumstances in which the state owes offering a path to citizenship to non-citizens. Long-term residency is often taken to be a necessary if not a sufficient condition that non-citizens are to meet in order to claim citizenship. But the argument would hold even if different conditions of citizenship were morally justified. What matters is that the states do not have a full discretion in offering citizenship in all cases.

³⁰ It is difficult to define citizenship as anything more concrete than a title and a bundle of rights. This is so because many of the rights that have traditionally been associated with citizenship, such as a right to vote, work without authorization or claim benefits, can in principle be decoupled from the status of citizen. Still, two kinds of rights seem to stand apart: a right against deportation, i.e., against forced removal from the territory of the state and a right to run for all public offices known as passive suffrage. Among statist and cosmopolitans there seems to be a consensus about passive suffrage at least with regard to national security public sector jobs. See, Carens, *Ethics of Migration*, pp. 106-108; Sarah Song, “The Significance of Territorial Presence and the Rights of Immigrants,” in Sarah Fine and Lea Ypi eds. *Migration in Political Theory. The Ethics of Movement and Membership* (Oxford: Oxford University Press, 2016), p. 245.

³¹ Carens, *Ethics of Migration*, pp. 149-151.

³² Walzer, *Spheres of Justice*, p. 62.

³³ On different grounds for non-optional reasons for offering citizenship. See Adam B. Cox and Adam Hosei, “What Does Equality for Immigrants Require?,” *NYU School of Law, Public Law Research Paper No. 11-67*, (2013). Helder De Schutter and Lea Ypi make an interesting argument

I take it that the default view is that (1), (2), and (3) are logically independent and that accepting one of them does not commit one to accept any other. In the previous two sections, I have demonstrated how the debate between statist and cosmopolitans over (2) can proceed without invoking (1) or (3). The disagreement about the scope of equality of opportunity has been presented as a disagreement about the state's obligations to non-citizens. However, if the three claims of the puzzle are not consistent and there are independent reasons to accept (1) and (3), then it follows that (2) is wrong. Here is one potential solution to this puzzle, which I will call the cosmopolitan solution:

- P1. The state ought to ensure substantive equality of opportunity among its citizens.
- P2. There are specific circumstances in which the state is morally required to confer citizenship on non-citizens.
- C. The state is not morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens.

Conclusion C can be reformulated as a positive claim that at least among some non-citizens and citizens, the state is morally required to ensure substantive equality of opportunity. If the conclusion is correct then the statist are wrong to believe either that global equality of opportunity for desirable positions is of no moral importance or that states have no obligation to ensure it.

Presented as it is, the premises of the argument do not obviously support the conclusion. To show that they are, let me add premise P3, which is already contained in premise P1:

- P3. It is impossible to ensure substantive equality of opportunity among citizens unless they had all been provided with roughly equally good developmental opportunities early in their lives.

in favor of mandatory citizenship and abolishing the category of long-term resident. See Helder De Schutter and Lea Ypi, "The British Academy Brian Barry Prize Essay: Mandatory Citizenship for Immigrants." *British Journal of Political Science*, Vol. 45, No. 1 (2015), pp. 235–291.

I claim that P3 is implicitly contained in P1 because it is merely an explanation of what it takes for a state to ensure substantive equality of opportunity among any group of people.

If a state admits new citizens through naturalization, then not all current citizens of a state have always been its citizens: naturalized citizens used to be citizens of some other state, or they were stateless persons. In the next chapter, I substantiate a claim that naturalized citizens can have equal opportunities with birthright citizens only if they had been provided with roughly the same substantive opportunities early in their lives, which should include the period of their lives when they were non-citizens of the state of their current citizenship. Since this is the only way for the state to ensure equality of opportunity among all its current citizens, and the state is not merely permitted but required to ensure it, it is not permissible for the state not to ensure equality of opportunity among its citizens and at least some non-citizens — that is, its future naturalized citizens. As it is impossible to know which non-citizens are future citizens and which are not, the state ought to ensure equality of opportunity among all non-citizens and its citizens.

The argument shows that by accepting the obligation to ensure equality of opportunity only among all its current citizens – an obligation that statist do not deny – the state that accepts new citizens through naturalization cannot avoid the obligation of ensuring equality of opportunity globally.

If this line of argument is correct, then the same considerations that support domestic equality of opportunity for desirable positions ultimately support global equality of opportunity. This is so because, unlike the traditional Carens-style distributive argument, this one neither relies on the equal moral status of all persons nor the interconnectedness of citizens of all countries in a globalized world to justify the moral importance of guarantying that all people have equal opportunities for desirable positions. If states ought to treat all their citizens justly and this, as Miller claims, requires ensuring equality of opportunity, then this applies to naturalized citizens as well. Note that no difficulty with the allocation of responsibility arises for this argument, since the states' obligations are not towards all people, but only towards their

future citizens. Moreover, whether or not equality in opportunities between citizens and non-citizens matters morally is of no relevance since non-citizens whose opportunities ought to be brought to the level of opportunities of citizens will be their co-citizens in the future. Thus, neither one of the objections that Miller presents to Carens's argument undermines this version of the distributive argument, a cosmopolitan solution to the puzzle.

In this chapter, I have asked the question if justice requires that opportunities are equalized only between citizens of the same state or between all people. If it requires equalizing opportunities between all people, then, as Carens's distributive argument shows, there is *a prima facie* reason for states to open borders and increase international aid. The fact that an answer to this question has such broad implications for the ethics of migration and global justice explains, among other things, why this question is of such importance.

Having presented the distributive argument in section 1, I considered Miller's counterarguments in section 2. His objections are representative of both mainstream statist strategy of undermining cosmopolitan arguments and widely shared intuitions about the moral importance of the citizen's relationship to the state. I have suggested that a dialectically stronger defense of global equality of opportunity and, consequently, open borders and greater international aid fund allocation, should not challenge statist's core normative commitments directly and that it should instead support cosmopolitan conclusions on the basis of statist own commitments. In order to do that, I formulated a puzzle for statist about equality of opportunity for naturalized citizens. It aims to show that the statist's own beliefs in the impermissibility of permanent alienage and in the state's obligation to ensure equality of opportunity for desirable positions among citizens are incompatible with the claim that it is permissible for states not to ensure equality of opportunity between citizens and non-citizens. The puzzle can be solved by denying or modifying one of three claims that it is composed of. To that end, I introduced and discussed a cosmopolitan solution to the puzzle, a modified distributive argument that denies the permissibility of not ensuring equality of opportunity.

Note that in this chapter my goal has been to answer a question about the scope of equality of opportunity for desirable positions while assuming that something like the basic idea of equality of opportunity is correct and that ensuring equality of opportunity among any individuals requires ensuring that they had all been provided with roughly equally good developmental opportunities early in their life. But I have not substantiated either one of these assumptions. As such, the conclusion of the chapter is only a conditional that if P1, P2, and P3, then C. In this thesis, I do not discuss further P2, a claim about impermissibility of alienage that I take to be sufficiently uncontroversially true. In the next chapter, I discuss how equality of opportunity should be understood, what implications of its principles are, and why equal opportunity claim is a justice. If I am successful in that task, then I can defend a categorical statement that the state is not morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens.

CHAPTER II. THE NATURE OF EQUALITY OF OPPORTUNITY

In the previous chapter, I have asked a question about the scope of equality of opportunity without explaining the content of the principle of equality of opportunity, presenting its requirement and justification. I have defined it as an idea that (i) it is wrong when two candidates who are equally qualified to do the same job have unequal chances of getting it and (ii) that candidates should have also had equal access to the means of improving their qualifications, i.e., qualities that make them fit for the job. The first part expresses the requirement of procedural fairness and the second – the requirement of substantive equality of opportunity. While this definition of equality of opportunity should be enough to present the current debate on its scope between statist and cosmopolitans and show how else this question can be approached in light of the inconsistency between the principles that statist support, more needs to be said about the nature of equality of opportunity to defend the cosmopolitan solution of the puzzle. This so because the puzzle can also be solved by denying claim (1) that the states ought to ensure substantive equality of opportunity among its citizens. I will call it a statist solution to the puzzle No 1. This is how it can be presented in a premise-conclusion form:

- P1. The state is morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens.
- P2. There are specific circumstances in which the state is morally required to confer citizenship on non-citizens.
- P3. It is impossible to ensure substantive equality of opportunity among citizens without ensuring substantive equality of opportunity among some non-citizens (future citizens) and its citizens.
- C. The state is permitted to not ensure substantive equality of opportunity among its citizens.

The main idea here is that since there is no moral requirement for the state to ensure equality of opportunity among citizens and non-citizens, but it would be required to do so in order to ensure equality of opportunity between all its citizens, i.e., between its birthright and naturalized citizens, states that accept new citizens are permitted to not ensure equality of opportunity even domestically.³⁴ This solution will appeal to those who think that if a distributive principle requires that states incur even a *prima facie* obligation to ensure global equality of opportunity, then this principle cannot be correct. To them, a cosmopolitan solution of the puzzle would be a *reductio ad absurdum* argument against the principle of equality of opportunity.

Philosophers have noticed other counterintuitive if not unacceptable implications of the principle of equality of opportunity that raise the question if this principle, as appealing as it may seem, is a genuine principle of justice. For example, if adults can have equal opportunities only if they had been provided with equal education as children, then parents ought not to engage with their children in activities that result in conferring on them additional skills or knowledge. Assuming that not all parents can provide their children with an equal level of such skills and knowledge, those who do it, will upset the required educational equality between children needed to ensure equality in opportunities between adults. At the same time, many people think that both parents and children have an important interest in spending time together in a way that they see fit whether it results in conferring extra knowledge and skills or not, and that the kind of self-monitoring needed to respect the principles of equality of opportunity would go against this interest. So, there seems to be a conflict between the requirements of parental duties towards their children and the requirements of equality of opportunity.³⁵ Others have argued that

³⁴ Another solution to the puzzle consists in denying the state's obligation to confer citizenship to non-citizens in any circumstances. I discuss this solution as a statist solution to the puzzle No 2 in the next chapter.

³⁵ I use this line of argument only as an example and I do not claim this conclusion to be fully supported by the premises. See on this question, Harry Brighouse and Adam Swift, *Family Values: the Ethics of Parent-Child Relationships* (Princeton: Princeton University Press, 2014), pp. 127-132.

ensuring equality of opportunity would require wasteful and inefficient allocation of resources or that it would be impossible to implement it due to the impossibility of discerning between legitimate factors that influence one's opportunities, e.g., natural talents and effort on Rawlsian account, and illegitimate factors, e.g., circumstances of birth, societal prejudices.³⁶

All these considerations provide an indirect support for a statist solution to the puzzle No 1 as they show additional theoretical gains in rejecting the principle of equality of opportunity. While I cannot provide a comprehensive response to these objections, I want to explain what motivates one to support equality of opportunity in spite of them. In what follows, I explain what supports the requirements of procedural fairness and substantive equality of opportunity and what they consist in. I argue that in the world as it is, it is plausible to see professional positions as an important metric of justice even when they do not come with any additional advantages. Finally, I substantiate a claim made in section 3 of the previous chapter, namely that naturalized citizens can have equal opportunities with birthright citizens only if they had been provided with roughly the same substantive opportunities early in their lives.

1. Importance of Professional Positions and Procedural Fairness

When it is impossible to equally distribute some advantage (A) among all those equally entitled to it (e.g., scarce medication), or when unequal distribution of A (e.g., income) is justified because it is, for example, in the interest of the worst off, those who are left behind can make a complaint about inequality.³⁷ In such cases, providing all those who are equally entitled to A with

³⁶ See on the former, Clare Chambers, "Each Outcome is Another Opportunity: Problems with the Moment of Equal Opportunity," *Politics, Philosophy & Economics*, Vol. 8, No. 4 (2009), p. 383; on the latter, see Joseph Fishkin, *Bottlenecks: A New Theory of Equal Opportunity* (New York: Oxford University Press, 2014), pp. 56-65.

³⁷ For example, Rawls's principle of fair equality of opportunity, which is an instance of a principle of substantive equality of opportunity, complements the Difference principle that says that social and economic inequalities are to be arranged so that they are both to the greatest expected benefit of the least advantaged. The Difference principle, thus, sets the conditions for justified inequality and the principle of fair equality of opportunity ensures pure procedural justice of the unequal distributive outcome. See Rawls, *A Theory of Justice*, pp. 87-89; Samuel Freeman, *Rawls* (New York: Routledge, 2007), pp. 125-136.

an equal opportunity for A can function as A's substitute.³⁸ Those who have been denied an A that they are entitled to, cannot justifiably complain about inequality because they have had the same chance of getting A as other equally entitled candidates, including those who have got it. In what normatively matters – opportunities for A rather than A itself – both those who have got A and who have not, are equal. Given the actual scarcity of many important resources and an independent justification for inequality-generating institutions, requirement of equality of opportunity becomes an essential condition for reconciliation of outcome inequality with equality in entitlement. This, in my view, motivates many egalitarians to endorse some version of the principle of equality of opportunity.³⁹

But all this is not enough to defend the cosmopolitan solution to the puzzle that rests on a much more specified and, for that reason, controversial version of equality of opportunity. First, the A in question are professional positions, rather than overall welfare or resources. Second, the equally entitled candidates are understood not as candidates who are presently equally qualified to do the job that they compete for, but as candidates who would be presently equally qualified to do the same job if they had been provided with the same developmental opportunities, i.e., means of improving their qualifications. This explains why the requirement of procedural fairness should be complemented with the requirement of substantive equality of opportunity. Third, ensuring substantive equality of opportunity requires ensuring that candidates had been provided with developmental opportunities often prior to their participation in some competitive selection process. In other words, a version of equality of opportunity that is assumed in the

³⁸ Advantages can be defined in terms of opportunity, e.g., as opportunity for welfare. This does not change the main point: if it is impossible to provide everyone with an equal opportunity for welfare, everyone should be provided with an equal opportunity for opportunity for welfare. See Gopal Sreenivasan, "Equality, opportunity, ambiguity," *Politics, Philosophy & Economics*, Vol. 13, No. 1 (2014), pp. 82-92.

³⁹ At the same time, one can say that the principle of equality of opportunity is not an egalitarian principle at all, but, in T.M. Scanlon's words "a myth, promulgated in order to make unacceptable inequalities seem acceptable." This may be true about the idea of meritocracy used to justify status quo, but this is not true about equality of opportunity properly understood. See Scanlon, *Why Does Inequality Matter?*, p. 40.

puzzle should rule out a possibility of equalizing opportunities of candidates who had significantly unequal developmental opportunities in the past at any present moment and for any competition.⁴⁰ If a very different version of equality of opportunity was correct, not only would the puzzle not support a modified distributive argument for open borders and increased international aid, but the alleged inconsistency between the statist's claims would be in doubt.

Let me begin with the question why professional positions are a kind of A that is relevant for the discussion of equality of opportunity. First, different professional positions come with different levels of reward, prestige, and stability. Suppose that there are independent moral reasons that justify both the existence of surgeons and making a position of surgeon better rewarded, more prestigious than a position of nurse. Suppose some people are prevented from the competition for a job of a surgeon for morally arbitrary reasons i.e., without there being any justifying difference between them and people who are not excluded from the competition. Or suppose that some people have worse chances of getting the job than some other equally qualified candidates, or that they have had worse opportunities to develop their abilities to do well in this competition. In these cases, some people are ultimately prevented from competing for money, prestige or stability that are either kinds of A in themselves or constituents of wellbeing or something else that is A. If these people are as entitled to A as those who can participate in a competition, then they are justified in complaining about inequality in access to A.

Thomas Scanlon's analysis of equality of opportunity relies on this kind of explanation of why opportunities for jobs are of moral importance.⁴¹ On his view, if all desirable positions came

⁴⁰ In some cases, it may be possible to bring the level of opportunities of one candidate up to the level of opportunities of another candidate to ensure equality of opportunity for a desirable position between them at the present moment. The point is that it should not always be possible to do so. This, in turn, explains why ensuring equality of opportunity between the candidates now sometimes requires ensuring that they had been provided with roughly equally good developmental opportunities in the past.

⁴¹ Ibid., pp. 41-42.

with the same level of A such as income, protection for risk, and status, requirements of procedural fairness and substantive equality of opportunity would not need to be applied. But there is an alternative explanation of why they are important, the one that presents competitive professional positions as a kind of A in itself.

In his book *Bottlenecks*, Joseph Fishkin has emphasized the connection between opportunity for desirable professional positions and the values of freedom and self-realization.⁴² If one's professional position is not only a source of income, stability, and prestige but also one of the primary ways of realizing oneself, then requirements of equality of opportunity should apply in the hiring process for all positions and not just positions that come with higher rewards of any kind.

To see why the “broader” justification of equality of opportunity is more plausible, Fishkin invites us to imagine a society where people lack freedom of occupational choice: each must perform the job of one of their parents.⁴³ In this society, all jobs come with the same total level of A and, therefore, everyone is equal in all morally important ways. No morally significant kind of inequality is generated by the difference in professional positions, and - at least as far as Scanlon's “narrow” defences of equality of opportunity is concerned - nobody can have good reasons to complain about their inability to get different training and be hired for another job. But if there are no reasonable complaints, there is no need to provide justification that would consist in showing that the conditions of procedural fairness and substantive equality were met. To many, this conclusion is counterintuitive. It seems wrong that people cannot compete for the position of their choice.

It would be difficult to explain what is wrong in Fishkin's imaginary society if the only reason why it was a matter of justice whether people had, as a matter of justice, a right to equal opportunities to compete for desired jobs was only because different jobs came with a different

⁴² See Fishkin, *Bottlenecks*.

⁴³ Ibid., p. 12.

level of A. This view ignores the fact that one's occupation is not only a source of income, stability, and prestige but also one of the primary ways of realizing oneself.⁴⁴ It is impossible to shape one's life according to one's personal goals and aspirations without having sufficient choice when it comes to one's career path. And, to the extent to which self-realization matters, two different jobs are not interchangeable, even if they are equivalent in terms of their external rewards.

It is worth noting, however, that the connection between one's career and an opportunity for self-realization is not a necessary one. It is possible to imagine a society where people work a limited number of hours performing job tasks that they do not necessarily find rewarding or contributing to their self-realisation, but that need to be performed to ensure that everyone has access to education, healthcare, housing etc. If people are left with enough time and resources to realize themselves through some non-employment based productive activities and if there is no competition for participating in such activities, then an opportunity for self-realisation can be completely decoupled from an opportunity to be selected for a desired job. Then, perhaps, equality of opportunity for professional positions would not be a matter of justice. Still, in a world as it is, having a fulfilling job of one's choice does seem to provide a unique opportunity to realize oneself. As long as this is the case, equality of opportunity for professional positions should matter morally whether it applies to positions that come with higher income or prestige or merely a positions of one's choice.

Now that I have showed why it might be important that people have equal opportunities for professional positions and why these opportunities cannot be fully substituted with opportunities for other advantages, let us move the question about the requirements that need to be met to ensure this normative ideal.

⁴⁴ See also Rawls, *A Theory of Justice*, p. 84.

The requirement of procedural fairness is the requirement that decisions to hire for positions of A be based on grounds that are rationally related to the position in question.⁴⁵ Those who are no different in those ways should have no different chances of being hired. Here is why this is important. First, selecting candidates on the basis of characteristics unrelated to the job in question is likely to serve the interests of beneficiaries worse than selecting candidates on the basis of related characteristics.⁴⁶ For example, if a surgeon is selected, among other factors, on the basis of how they look, their patients are likely to be provided with worse healthcare than if the candidate's looks have not been taken into account during the hiring process.⁴⁷ Second, even when the beneficiaries are not badly affected by the arbitrary choice not to consider some otherwise equally qualified candidates (e.g., if all candidates are equally qualified), the left out candidates can make a complaint against objectionable and unequal treatment by those who make hiring decisions.⁴⁸

Three points about ensuring procedural fairness. First, it is possible to successfully implement procedural fairness at individual hiring and selection processes. A candidate who was once wrongly denied an opportunity to compete for a desirable position due to the unfair procedure, can have equal opportunities in that sense for a different position.⁴⁹ Second, qualities that are rationally related to a desirable position can be any qualities that allow one to fulfill a

⁴⁵ Scanlon, *Why Does Inequality Matter?*, p. 42.

⁴⁶ If the unrelated characteristics in question are also associated with the members of a discriminated group, then taking them into account is additionally wrong to the extent that it contributes further to wrongful discrimination of this group.

⁴⁷ This shows that not only candidates considered for the jobs can have a claim in favor of equality of opportunity, but, in principle, all those who are likely to be affected by the hiring decision. See Niko Kolodny, *The Pecking Order: Social Hierarchy as a Philosophical Problem* (forthcoming), p. 315.

⁴⁸ More needs to be said about why arbitrary exclusion of a candidate from the competition is a form of unequal treatment and why unequal treatment is wrong. A simple explanation is that since equal cases ought to be treated equally, it is wrong to treat differently, i.e., exclude, some candidates who are equal in all relevant aspects with other candidates who are not excluded. Kolodny criticizes this explanation and offer a more sophisticated alternative. See Kolodny, *The Pecking Order*, pp. 323-324.

⁴⁹ See Chambers, "Each Outcome is Another Opportunity," p. 379.

professional role in an efficient way given what the institution's purpose is and how it is organized. What is important here is that not only one's acquired skills but also one's innate characteristics can make one a better candidate for a given role. For example, in a racialized society, for some children it might be crucially important to have an opportunity of meeting with a person of color as their school counselor. In this case, taking a candidate's race into account during a hiring process would not be a violation of the requirement of procedural fairness.⁵⁰ Third, since institutional organization determines what qualities make a candidate fit for a job, procedural fairness may require changes in the structure of the job so that more candidates who would want to do this job are able to do it. Niko Kolodny illustrates this idea with an example of bakery. If among those who want to work at a bakery, there are people who cannot lift heavy bags and lifting heavy bags is part of the job requirements, then procedural fairness may require that bakeries provide special equipment that allow everyone lifting heavy bags.⁵¹

Unless the conditions of procedural fairness are satisfied, some qualified candidates are not going to be considered for a position that they ought to be considered for. If professional positions are a kind of A, then they will be arbitrarily denied an opportunity for A that they are morally entitled to, and this is wrong. In reality, violation of procedural fairness is often accompanied by wrongful discrimination of candidates from underrepresented demographic groups, and it leads to an inefficient allocation of resources. All this supports a claim that states have an obligation to ensure procedural fairness where this is possible. However, this is not enough to support the cosmopolitan solution to the puzzle. Since it is possible to ensure that all citizens have equal formal opportunities, i.e., that none of them is subjected to procedural unfairness, without ensuring that they all had formal opportunities in the past, naturalized citizens can be equal with birthright citizens in that respect. Therefore, a more demanding

⁵⁰ See Scanlon, *Why Does Inequality Matter?*, pp. 48-49

⁵¹ Kolodny, *The Pecking Order*, p. 316.

requirement of equality of opportunity – substantive equality of opportunity - needs to be defended in order to support the cosmopolitan solution to the puzzle.

2. Substantive Equality of Opportunity

Substantive equality of opportunity is the requirement that all candidates be first placed in roughly equally good conditions to develop their talents and willingness to use them so that if they are not selected for the desired position, they cannot complain that they never had a real shot.⁵²

The reason why the requirement of procedural fairness is not enough for justice is that it allows effectively ignoring some people's entitlements to A. For example, it allows that, as long as they can perform their tasks well, all successful candidates selected for competitive positions come from the wealthiest families that could afford to provide their children with additional training. The condition of substantive opportunity addresses this problem. As Scanlon puts it, all should have sufficient opportunities to develop knowledge and skills, in order for there to be no "wrong involved in the fact that the complainant did not have the necessary qualifications or other means to do better in this process."⁵³

A state can ensure the substantive equality of opportunity by providing equal developmental opportunities, such as education, to its citizens. Ideally, there should be no difference in opportunities for desirable positions between two candidates unless it reflects a difference in their natural talents or efforts. Provision of free public education is one of major ways to mitigate the influence of illegitimate factors, such as parents' educational background.⁵⁴

⁵² See Scanlon, *Why Does Inequality Matter?*, p. 62; Rawls, *A Theory of Justice*, p. 73.

⁵³ Ibid., p. 42.

⁵⁴ On more demanding luck egalitarian versions of substantive equality of opportunity, candidate's opportunities should not reflect difference in their natural talents or capacity for effort since these are determined by the brute luck. For the purpose of my work, the difference between luck egalitarian and Rawls's/Scanlon's conception of substantive equality of opportunity

While education is the most discussed developmental opportunity, it is not the only one, and to see this, consider the following example offered by Bernard Williams.⁵⁵ In a certain society it is very desirable to be a warrior. In the past, only children from wealthy families were allowed to compete for this position. But this practice violated the requirement of procedural fairness – socio-economic position of a candidate's family has nothing to do with how well one can perform duties of a warrior - so the rule has been changed and now everyone can compete for this position. Yet still only children from few wealthy families are selected because children from all other families are too undernourished to perform well in physical performance tests that are a part of the selection process. Even though the candidates are now selected based on relevant characteristics for the position of a warrior, few would think that the conditions of equality of opportunity have been met as children from poor families have no chance to be selected. By not being well nourished, they have not been placed in sufficiently good conditions to acquire relevant “qualifications” to do well in a selection process. The condition of substantive equality has not been met in this case, which means that no good justification can be presented in response to the claim against inequality that can be pressed by the unselected candidates.

As this example shows, adequate education is not the only substantive opportunity. Relevant professional experience, skills, or acquired physical characteristics, all of which can make one a more competitive candidate for the desired position, are also substantive opportunities. Note that, similarly to the case of primary education, whether you were well-nourished in childhood will profoundly affect your opportunities as an adult. If the long-lasting effects of being undernourished in the past, and particularly in childhood, make it impossible for you to satisfy justifiable requirements for the desired position, there may be no way to improve your chances of being selected.

is not important. On luck egalitarian version of equality of opportunity, see Fishkin, *Bottlenecks*, pp. 35-38;

⁵⁵ See Bernard Williams, “The Ideal of Equality,” in Robert E. Goodin and Philip Pettit eds. *Contemporary Political Philosophy. An Anthology*. 2nd ed. (Malden: Blackwell Publishing, 2006), p. 459.

By changing the structure of a job, different qualifications become relevant for choosing the right candidate. This might help some candidates to successfully compete for the desired jobs that they would otherwise not be qualified for because some of the qualifications that they did not have, ceased to be relevant. But note that restructurations of jobs can be very inefficient, i.e., the purpose of the institution will be served worse as its result, and that there are limits regarding what can be done to make jobs available to candidates who lack certain qualifications.⁵⁶ It is perhaps impossible to restructure a job of a teacher in a way that would allow a person who has had no access to primary education and who, for that reason, is illiterate, to be hired for this job. Moreover, reorganizing a job in a way that makes more people qualified for it, changes its nature, and it may make this job less attractive for some candidates than it would be otherwise. Consider again a case of a malnourished candidate for a position of a warrior. If the position is changed in such a way that physical strength is no longer required, then, it is likely to be a different job, not the one that the candidate originally aspired for. It seems that this candidate's original complaint was about not having been provided with what was needed to become a successful candidate for a job and not about a job not having been organized in a way that would makes them a potentially successful candidate. This is why, reorganization of jobs is not a fully satisfactory response to a claim for equal substantive opportunity for a desirable professional position.

Alternatively, candidates who cannot compete for a job because they did not have equally good developmental opportunities with other candidates had can be compensated for their lack of opportunity. But if self-realization depends on access to certain jobs, the compensation cannot be full. All this suggests that at least some substantive opportunities need to be provided by a certain age to have the desired effect on an individual's opportunities.

⁵⁶ The objection of inefficiency applies to an alternative solution of the problem that consists in adopting a policy of affirmative action. Beneficiaries of the institutions are likely to be served worse than they could be otherwise if less qualified candidates are selected. This would not be the case if all candidates entitled to be considered for a desired job had first been provided with equal substantive opportunities.

Unlike the requirement of procedural fairness that can be satisfied in any individual hiring or selecting process, the requirement of substantive equality of opportunity cannot be satisfied unless certain conditions in the past had been met. This is so because there are some substantive opportunities that all candidates should have been provided with in the past if they are to have equal opportunities for a desired position in the present. Such conditions as adequate nutrition, basic literacy and, for many, sufficiently good health are necessary for getting any special training later in one's life. If that is the case and the state's obligation to ensure equality of opportunity includes ensuring substantive equality of opportunity, then the state's obligation is to ensure that all its citizens had been provided with equally good developmental opportunities, including its naturalized citizens. This explains why the states – as the cosmopolitan solution to the puzzle suggests – have an obligation to provide its future citizens with the same developmental opportunities as its citizens. Unless they do it, there will be objectionable inequality in substantive opportunities between birthright and naturalized citizens that may be impossible to fully correct. In the next section, I discuss what implications the state's obligation to provide all its citizens with equal substantive opportunities have on the state's duty to adopt certain migration policy and on the duty to allocate fund on international aid.

3. Global Equality of Opportunity

If goods like adequate healthcare and basic education need to be guaranteed early in life for the sake of equal opportunities, then a state ought to ensure that they have been provided to all its citizens, including citizens who were not its citizens in the past. A state can only do so by making them available all over the world and not only within its territory. While the reason to do it is grounded in the state's obligation to its citizens, or, to be precise, its naturalized citizens, it translates into an obligation of global justice to all people because it is impossible to distinguish among non-citizens those who will naturalize in the future and those who will not.

The opportunities of adult birthright citizens are shaped not only by the quality of education that they were provided with but also by their past work experience. If non-citizens are not

allowed to reside and work in a state in which they will one day naturalize, then they will not be able to gain equally valuable professional experience as birthright citizens, which will negatively impact their future opportunities. To see this more clearly, let me introduce a pair of cases:⁵⁷

Birthright Lawyer

Elle is a birthright citizen of France. After receiving a law degree in her home country, she was selected for a prestigious internship for recent graduates that did not pay very well but gave her valuable professional experience. A year later she was hired for a much better paying job. Ten years later, Elle became a partner at a law firm.

Immigrant Lawyer

Warner is a birthright citizen of Canada. After receiving a law degree in his home country, he decided to apply for an internship for recent graduates in France. No internship offered enough money to satisfy the requirements for a work visa, so the firms that would have hired Warner if he had had work authorization had to choose another candidate. Warner stayed in Canada, where he found a position that did not pay very well, and which did not provide opportunities to develop professionally. Five years later, Warner moved to France to reunite with his spouse who is a French national. Warner became a naturalized French citizen five years after that. By that time, he could not get an internship for recent graduates or a job that had a path to a partnership in a law firm. Unlike Elle, though they are both French citizens, Warner will never become a partner at a French law firm.

Suppose that Elle and Warner were equally strong candidates for the desired internships in France after graduation. Had they been competing for the same position at that moment, each would have had roughly the same chance of being hired. A year later, Elle had a better chance to

⁵⁷ The pair of cases is inspired by Clare Chambers's imaginary case, introduced to support the argument that it is inconsistent with the principle of equal substantive opportunity not to equalize candidates' opportunities to be selected for the desired position throughout their lives, while doing so is implausible. See Chambers, "Each Outcome is Another Opportunity."

get the desired position than Warner thanks to the professional experience that she gained as an intern. Still, Warner was a competitive, albeit not the strongest, candidate for the same position. But ten years later, Elle and Warner could not realistically compete against each other for the same position: Warner did not have any relevant experience to be hired for a senior position in a law firm.

The pair of cases represent a particularly powerful illustration of Clare Chambers's claim that, "each outcome is another opportunity."⁵⁸ In other words, hiring and admissions decisions shape candidates' future opportunities to be hired or selected for other positions. As a result, two candidates who may have had similarly good opportunities at the start of their careers can end up having very different opportunities later in life because one of them was luckier or marginally better qualified for getting the first job, which improved their prospects of getting the next one.

If past professional experience constitutes a kind of substantive opportunity, then it is wrong for the state to restrict the freedom of movement for non-citizens and to limit their access to the job market. This is because some non-citizens are future citizens, and these restrictions will negatively affect their opportunities after naturalization.

Let me now rehearse the cosmopolitan solution of the argument. The state ought to ensure that all its current citizens had been provided with roughly equally good substantive opportunities early in their lives. If not all current citizens have always been citizens, then, I argued, a state was required to provide at least some non-citizens—its future citizens—with roughly equally good substantive opportunities, so that they would have equal opportunities with birthright citizens after naturalization. This includes not only the provision of education and healthcare but also lifting any immigration restrictions that prevent future citizens from acquiring relevant professional experience in the country of their future citizenship. Since it is impossible

⁵⁸ Ibid., p. 396.

to know which non-citizens are future citizens and which are not, the state, I concluded, ought to ensure equality of opportunity among all non-citizens and its citizens. This contradicts the statist claim that it is permissible for the state not to ensure equality of opportunity among non-citizens and its citizens.

CHAPTER III. ALTERNATIVE SOLUTIONS TO THE PUZZLE

In the previous chapter, I defended the proposed cosmopolitan solution of the puzzle against its alternative that I have called the statist solution to the puzzle No 1. I have provided an independent justification of the claim (1) that the state ought to ensure substantive equality of opportunity among its citizens. If this claim cannot plausibly be denied, which I showed that by providing justification of principle of equality of opportunity for professional positions, then the statist solution to the puzzle No 1 cannot be right. But there are other solutions to the puzzle that have no cosmopolitan implications. I discuss them briefly in this chapter.

First, the puzzle can be effectively solved by adding the following claim:

- (4) The states are not permitted to admit non-citizens that will have a claim to citizenship in the future.

Call it the statist solution to the puzzle No 2. This solution does not consist in denying the logical relationship between the claims of the puzzle or plausibility of its cosmopolitan solution. Instead, it indicates a way for states to avoid the circumstances in which they would have an obligation to non-citizens by ensuring that there are no future citizens.

Second, it can be denied that inequality in opportunities between birthright citizens and naturalized citizens is wrong in light of the principle of equal citizenship. This is so because immigrants have accepted the terms of their membership in a political community, which may include waiving their entitlement to equal opportunities with birthright citizens. Non-citizens had a choice not to immigrate in the first place or to immigrate to another country. If so, their decision to immigrate to a particular country should signal their consent to be possibly less competitive candidates for desired positions in a new society. Call this the Consent Solution.

Third, since cosmopolitan solution establishes, strictly speaking, that future citizens should be provided with equal substantive opportunities, but not all non-citizens are future citizens, one can argue that there is not an indirect duty for a state to change the immigration policy of

increase international aid for all non-citizens. The proponents of this solution argue that the opposite is true: since it is impossible to distinguish future citizens from non-future citizens among all non-citizens, the state is not merely excused but justified in not providing substantive opportunities to future citizens. Call this Only Future Citizens Solution.

1. The Statist Solution to the Puzzle No 2

It is true that if a state does not allow naturalization, it can escape the obligation to ensure global equality of opportunity and lift immigration restrictions. The question is whether the states are morally permitted to introduce policy of no naturalization. From the discussion in section 3 of chapter 1, we know that both statist and cosmopolitans typically oppose permanent alienage, i.e., the practice of not offering citizenship to long-term foreign residents. If the arguments against permanent alienage are correct, then the states are not morally permitted to stop offering a path to citizenship to long-term foreign residents in order to avoid having a category of future citizens.

An alternative way to achieve the same goal is to never admit non-citizens who will become long-term residents in the future.⁵⁹ But there are implausible implications of the view that liberal democracies are permitted to stop admitting non-citizens. First, it is generally agreed that states are morally required to admit some non-citizens such as refugees. There is significant disagreement as to what it means to be a refugee and whether a state has an obligation to admit all refugees. But for my argument, it is important that statist often agree that there are some refugees that a state ought to admit. For example, Walzer claims that a state ought to admit people who became refugees because of that state's action.⁶⁰ Similarly, Miller concedes that at least "particular claimants," i.e., non-citizens who have claims to reparation or claims of desert, may be owed the right to immigrate, at least when this is the only way to rectify the past damage

⁵⁹ A similar strategy would consist in admitting only those who would not have lesser opportunities on the job market than birthright citizens. The following discussion applies to this strategy just as it applies to the strategy of not admitting any foreigners.

⁶⁰ Walzer, *Spheres of Justice*, p. 49.

or provide “the conditions for a comfortable life” to those who deserve them.⁶¹ After a certain period of time, refugees, like other immigrants, acquire sufficiently strong social ties in the receiving society, which makes them entitled to be offered citizenship.⁶²

Second, statist typically support not closed borders, but the state’s discretion to decide who to admit and on what terms.⁶³ If, however, not admitting any immigrants is the only way for the state to permissibly avoid the obligation to ensure global equality of opportunity, then the state must abandon this discretionary power and instead adopt the policy of closed borders. I imagine that this policy would be inefficient and go against important interests of citizens.

2. The Consent Solution

If the states are allowed to make citizenship conditional on consenting to waive one’s entitlement to equal substantive opportunities with birth right citizens, the states will have no obligation to adopt any policy that seeks to improve opportunities of future citizens.

To fully respond to this objection, I would have to present a theory of consent, which establishes what one can and cannot consent to and under what conditions one’s consent is nullified. For example, it is generally agreed that one cannot consent to become slave and it is at least doubtful that one can consent to be killed absent of special considerations. Some think that duress or coercion make one’s consent void and that only voluntary consent is morally binding. If you think that equality of opportunity among all citizens is required by the principle of equal citizenship and that citizens who are not provided with equal opportunities which other citizens are provided with are second-class citizens, then the question is whether one can consent to be a

⁶¹ Miller, *Strangers in Our Midst*, pp. 113–116.

⁶² My objection to this solution rests on an assumption that there are refugees. In a world where there are no refugees or any other group of non-citizens that have a justice claim to be admitted to the territory of foreign state and be granted a right to reside, the statist solution of the puzzle No 2 might apply. Notice, however, that in this world, there is likely to be no significant inequality in opportunities. So, the states might not have an obligation to improve opportunities of non-citizens or only future citizens simply because opportunities of all people will be roughly equal.

⁶³ Ibid., pp. 56-58.

second class citizen. I suppose that for many immigrants being second-class citizens would be preferable to not being citizens or residents at all. Still, my intuition is that immigrants' consent to this status cannot make it permissible for the state to not treat them as full citizens with the same rights and entitlements that are guaranteed to birthright citizens. Otherwise, I do not see why it would be impermissible for the state to ask naturalized citizens to consent to waive other rights and entitlements, such as the right to vote and hold public offices or the right to education or healthcare.

If I am wrong and in principle one can consent to being a second-class citizen, I am not sure if the conditions for consent are always met. Consider the case of refugees. Unlike voluntary immigrants, refugees do not have an option of not immigrating to another state. In this case, the state admits people who must be admitted unconditionally on the basis of their fear of persecution. While it could be morally permissible to deny admission and citizenship to voluntary immigrants if they do not consent to the proposed terms, it would be wrong to make admission of refugees conditional on their consent to the terms. This is so because refugees are under duress and they have no option but to consent to whatever conditions they are offered, which, in turn, makes their consent morally void.

I have shown that there are some non-citizens who will become naturalized citizens without consenting to waive any rights or entitlements that come with citizenship. This is sufficient to refute the Consent Solution because it is impossible to know which non-citizens will first become refugees and then become citizens. The only way for the state to avoid admitting non-consenting migrants is to not admit any refugees or never offer refugees citizenship or accept refugees on the condition that they consent to waive some of their rights. As I have already mentioned, neither of these options is plausible.

3. The Only Future Citizens Solution

This solution rests on two distinct claims. First, the cosmopolitan solution to the puzzle does not establish an obligation to provide all non-citizens with substantive opportunities but

only future citizens. Second, the impossibility to know which non-citizens are future citizens gives justification for the state not to provide any non-citizens with substantive opportunities. I accept the first claim, but I deny that it implies the second.

I do not think that it is a problem that the reason to provide all non-citizens with equal opportunities is derivative of a reason to provide future citizens with equal opportunities and of the fact that it is impossible to know which non-citizens are future citizens. While I do not show that there is an independent reason to ensure global equality of opportunity, it is still an implication of the argument. Moreover, it would be impossible to establish such independent reason in light of the statist's own normative commitments that I accept to be true to make a dialectically stronger argument for open borders and increased international aid compared with traditional cosmopolitan distributive arguments. It is an advantage of this argument that it appeals only to the state's obligations to its citizens, which are not questioned by statist, and to the conditions of fulfilling them. If it was possible to know in advance which non-citizens are future citizens, then these conditions would be different, and the cosmopolitan solution would not have the same implication.

It is also worth noting that there are identifiable non-citizens who are very likely to be future citizens: permanent or long-term residents with a path to citizenship and, perhaps, family members of citizens and non-citizens with work authorization.⁶⁴ The same objection cannot be invoked to justify not providing equal substantive opportunities to the likely future citizens because doing so does not require benefitting a larger group. Moreover, likely future citizens can

⁶⁴ Following Miller, who argues for granting many rights of citizenship to a "citizen in the making," which typically includes those with permanent residence with a path to citizenship, David Owen suggests treating "permanent residents in the making," i.e. habitual long-term residents who do not yet have the status of permanent resident, similarly. See Miller, "Immigrants, Nations, and Citizenship," p. 375; David Owen, "Citizenship and the marginalities of migrants," *Critical Review of International Social and Political Philosophy*, Vol. 16, No. 3 (2013), pp. 336–338. If the Only Future Citizens Objection is correct, I would argue for extending this status to non-citizen non-residents who are likely to immigrate in the future.

be asked to declare if they plan to apply for naturalization in the future.⁶⁵ Those who plan to do this should be provided with rights and opportunities that are necessary to have equal opportunities with birthright citizens after naturalization.

Turning to the second claim, I take it to be based on an implicit assumption that when one has a special obligation to a concrete person or a group of people and it is only possible to fulfil this obligation by benefiting at a higher cost a larger group of people of which they are members, one is justified in not benefiting this large group of people. I am not sure that this assumption is true, but it seems plausible that if the costs of benefiting a larger group are high enough, one may be justified in not fulfilling one's obligation to those whom it is owed. But stated this way, this is no longer a challenge to my argument in particular: excessive costs may make it justifiable to not implement domestic policies required by the principles of justice. Note, however, that it is not clear if providing basic healthcare and education on the global level is excessively costly for at least some liberal democracies. Moreover, liberalizing immigration policy can involve no costs at all. It seems that even if this objection supports sparing some countries of an obligation to ensure global equality of opportunity, it does not spare all countries.

Even if no single state can fulfill its duties to naturalized citizens at a cost of ensuring that every child has been provided with healthcare and education, the cosmopolitan solution of the puzzle supports the claim that states have a duty to collectivize in order to ensure global equality of opportunity. There could be a different agent that would be better placed to provide all children with basic healthcare and education, and, if needed, offset the costs of creating a global and open job market. If individual nation-states cannot coordinately create the conditions that

⁶⁵ Legal historian Hiroshi Motomura describes the status of “intending citizen” that was granted to residents who were eligible to apply for US citizenship after they satisfy the requirement of continuous residence and who declared their intent to do so. This status allowed even recent immigrants to vote and enjoy most other benefits of citizenship. See Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States*, (New York: Oxford University Press, 2006), pp. 151–167.

make it possible for all people who leave one political community and join another community to become its full and equal member, then they may have a derivative duty to collectivize.

CONCLUSION

In this thesis, I have identified a conflict between the principles of equality of opportunity for desirable positions applied domestically, the state's obligation to offer citizenship to its long-term residents, and permissibility of not ensuring global equality of opportunity for desirable positions. I have argued that these claims form a puzzle that I call a puzzle for statist about equality of opportunity and that the most plausible solution to this puzzle consists in denying the claim that the state is morally permitted to not ensure substantive equality of opportunity among non-citizens and its citizens. I call this solution a cosmopolitan solution to the puzzle that, at the same time, can be understood as a modified distributive argument for open borders and increased international aid fund allocation. I have introduced the cosmopolitan-statist debate about the scope of equality of opportunity and showed the relevance of the puzzle for this debate in Chapter 1. I have defended the cosmopolitan solution to the puzzle against what I consider to be its main alternative – the statist solution to the puzzle No 1 that consists in denying the state's obligation to ensure even domestic equality of opportunity – in Chapter 2. I have done this by providing an independent justification of the principle of substantive equality of opportunity for professional positions. In Chapter 3, I have presented three more alternative solutions to the puzzle: the one that suggests avoiding naturalization; the one that suggests making citizenship conditional on waiving one's entitlement to equal opportunities with other citizens; and the one that denies that the state's duties to its future citizens have implications for migration regulations and duties regarding international aid fund allocation. Since neither of these alternative solutions proved satisfactory, I take it that I have achieved the goal of defending the cosmopolitan solution of the puzzle. But even if I have not been successful in that and different solutions are all things considered more plausible, still identifying puzzle makes a contributes to the debate. It is a new challenge that statist need to address to defend the

domestic only application of the principle of the substantive equality of opportunity for professional positions.

BIBLIOGRAPHY

Rufaida Al Hashmi, “Historical Injustice in Immigration Policy,” *Political Studies*, (December, 2021), pp. 1-16.

Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979).

Harry Brighouse and Adam Swift, *Family Values: the Ethics of Parent-Child Relationships* (Princeton: Princeton University Press, 2014).

Simon Caney, “Cosmopolitan Justice and Equalizing Opportunities,” *Metaphilosophy*, Vol.32, No.1/2 (2001), pp.113–134.

Joseph H. Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013).

Clare Chambers, “Each Outcome is Another Opportunity: Problems with the Moment of Equal Opportunity.” *Politics, Philosophy & Economics*, Vol. 8, No. 4 (2009), pp. 374-400.

Adam B. Cox and Adam Hosei, “What Does Equality for Immigrants Require?,” *NYU School of Law, Public Law Research Paper No. 11-67*, (2013).

Helder De Schutter and Lea Ypi, “The British Academy Brian Barry Prize Essay: Mandatory Citizenship for Immigrants.” *British Journal of Political Science*, Vol. 45, No. 1 (2015), pp. 235–291.

Joseph Fishkin, *Bottlenecks: A New Theory of Equal Opportunity* (New York: Oxford University Press, 2014).

Samuel Freeman, *Rawls* (New York: Routledge, 2007).

Eszter Kollar, “Global equality of opportunity and self-determination in the context of immigration,” *Critical Review of International Social and Political Philosophy*, Vol. 20, No. 6 (2017), pp. 726-735.

Niko Kolodny, *The Pecking Order: Social Hierarchy as a Philosophical Problem* (forthcoming).

- David Miller, "Immigrants, Nations, and Citizenship," *The Journal of Political Philosophy*, Vol. 16, No. 4 (2008), pp. 371–390.
- David Miller, *Strangers in Our Midst: The Political Philosophy of Immigration* (Cambridge: Harvard University Press, 2016).
- Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States*, (New York: Oxford University Press, 2006).
- Kieran Oberman, "Immigration as a Human Right," in Sarah Fine and Lea Ypi eds. *Migration in Political Theory. The Ethics of Movement and Membership* (Oxford: Oxford University Press, 2016), pp. 32–56.
- Kieran Oberman, "Immigration, Citizenship, and Consent: What is Wrong with Permanent Alienage?" *The Journal of Political Philosophy*, Vol. 25, No. 1 (2017), pp. 91–107.
- David Owen, "Citizenship and the marginalities of migrants," *Critical Review of International Social and Political Philosophy*, Vol. 16, No. 3 (2013), pp. 326–343.
- Ryan Pevnick, *Immigration and Constraints of Justice: Between Open Borders and Absolute Sovereignty* (New York: Cambridge University Press, 2011).
- John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971).
- T. M. Scanlon, *Why Does Inequality Matter?* (Oxford: Oxford University Press, 2018).
- Daniel Sharp, "Relational Equality and Immigration," *Ethics*, Vol. 132, No. 3 (2022), pp. 644–679.
- Sarah Song, "The Significance of Territorial Presence and the Rights of Immigrants," in Sarah Fine and Lea Ypi eds. *Migration in Political Theory. The Ethics of Movement and Membership* (Oxford: Oxford University Press, 2016), pp. 225–248.
- Sarah Song, *Immigration and Democracy* (Oxford: Oxford University Press, 2018).
- Gopal Sreenivasan, "Equality, opportunity, ambiguity," *Politics, Philosophy & Economics*, Vol. 13, No. 1 (2014), pp. 82–92.
- Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality*. (Oxford: Blackwell Publishers, 1983).

Bernard Williams, "The Ideal of Equality." In *Contemporary Political Philosophy. An Anthology*. 2nd ed., edited by Robert E. Goodin and Philip Pettit. Malden: Blackwell Publishing, 2006.